

The Facets of the Enlightenment Movement from a Libertarian Perspective: Destroying the Myth of Rousseau as the ‘Compassionate Progressive’

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Abstract: This paper pretends to explain the origins of the French Revolution, in particular in regards to its connection with the main proponents of the French Enlightenment. It argues that the Enlightenment movement was rather heterogeneous, shaped by many different thinkers with often incompatible views. The merits of Jean Jacques Rousseau in regards to conservation and education are described, while equivalently criticizing his rather collectivist ideas and his disputable views on women. It is argued that even if during the main period of the Enlightenment movement, liberal thinkers such as Montesquieu, Turgot, Lafayette and Condorcet had defined political theories based on individual freedom and competition, they were possibly “too far ahead of times” to significantly shape the French Revolution. Independently from the positive aspects of the Enlightenment movement, the actual French Revolution was often collectivist and nationalist and led to a violent phase - the ‘Reign of Terror’. Thus, this analysis allows us to understand the complexity and diversity of the Enlightenment movement and its relation to the actual French Revolution. Consequently, the revolution’s collectivist, nationalist and violent phase must be seen critically, also showing us that the implementation of democratic processes can bear risks, as the ‘majority rule’ can differ quite significantly to the concept of the ‘Rule of Law’.

Keywords: Democracy, monarchy, Private Property Order, Turgot, Lafayette, Condorcet, Rousseau, human rights, liberalism, French revolution, enlightenment, anarcho-capitalism.

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As Facetas do Movimento Iluminista Advindas de uma Perspectiva Libertária: Destruindo o mito de Rousseau como o “progressivo compassivo”

Resumo: Este artigo pretende explicar as origens da Revolução Francesa, em especial, no que diz respeito a sua conexão com os principais proponentes do Iluminismo francês. Argumenta-se que o movimento iluminista era bem heterogêneo, composto por vários pensadores diferentes, com visões, muitas vezes, incompatíveis. Os méritos de Jean Jacques Rousseau, em relação à conservação e educação, são descritos, enquanto que, de maneira equivalente, criticam suas ideias bem coletivistas e suas visões discutíveis sobre as mulheres. É argumentado que, mesmo durante o principal período do movimento iluminista, pensadores liberais, como Montesquieu, Turgot, Lafayette e Condorcet, definiram teorias políticas baseadas na liberdade e concorrência individuais. Eles estavam possivelmente “bem à frente no tempo”, para moldar, significativamente, a Revolução Francesa. Além dos aspectos positivos do movimento iluminista, a verdadeira Revolução Francesa era, muitas vezes, coletivista e nacionalista, e levou a uma fase violenta – o “Reino de Terror”. Assim, a análise nos permite entender a complexidade e diversidade do movimento iluminista e sua relação com a verdadeira Revolução Francesa. Consequentemente, a fase coletivista, nacionalista e violenta da revolução deve ser vista de forma crítica, também nos mostrando que a implementação de processos democráticos pode assumir riscos, já que a “regra da maioria” pode diferir significativamente do conceito de “Estado de Direito”.

Palavras-chave: Democracia, monarquia, Ordem de Propriedade Privada, Turgot, Lafayette, Condorcet, Rousseau, direitos humanos, liberalismo, Revolução Francesa, iluminismo, anarco-capitalismo.

Las facetas del movimiento de la iluminación desde una perspectiva libertaria: destruyendo el mito de Rousseau como el “progresivo compasivo”

Resumen: Este artículo pretende explicar los orígenes de la Revolución Francesa, en particular en lo que respecta a su conexión con los principales defensores de la Ilustración francesa. Sostiene que el movimiento de la Ilustración fue bastante heterogéneo, conformado por muchos pensadores diferentes con puntos de vista a menudo incompatibles. Se describen los méritos de Jean Jacques Rousseau en lo que respecta a la conservación y la educación, al tiempo que critica de manera equivalente sus ideas más bien colectivistas y sus opiniones discutibles sobre las mujeres. Se argumenta incluso que si bien durante el período principal del movimiento de la Ilustración, los pensadores liberales como Montesquieu, Turgot, Lafayette y Condorcet habían definido las teorías políticas basadas en la libertad y la competencia individual, posiblemente estaban “demasiado adelantados” como para dar forma de manera significativa a la Revolución Francesa. Además de los aspectos positivos del movimiento de la Ilustración, la verdadera revolución francesa fue más bien colectivista y nacionalista y condujo a una fase violenta: el “Reino del Terror”. Por lo tanto, este análisis nos permite comprender la complejidad y diversidad del movimiento de la Ilustración y su relación con la verdadera revolución francesa. En consecuencia, la fase colectivista, nacionalista y violenta de la revolución debe ser vista de una manera crítica, y que también nos muestre que la implementación de los procesos democráticos puede conllevar riesgos, ya que la “regla de la mayoría” puede diferir bastante y de manera significativa al concepto de “Estado de Derecho”.

Palabras clave: Democracia, monarquía, Turgot, Condorcet, Rousseau, derechos humanos, liberalismo, revolución francesa, ilustración, anarco-capitalismo.

Introduction and Scope of the Research

Even at present, at the beginning of the 21st century and after innumerable corresponding academic papers, very different interpretations on the origins, development and results of the French revolution can be found. Just like in the case of most historical events related to political or sociological changes, the individual conclusions and interpretations of the papers' corresponding authors can vary quite significantly. However, in recent academic discussions, two aspects can be detected quite often:

1. On the one hand, even in the 21st century, there is an admiration of the French writer Jean-Jacques Rousseau by many Europeans who consider themselves as belonging to the 'progressive, ecologic left'.
2. On the other hand, within the rather conservative and paleo-libertarian spectrum, there are several known thinkers who generally criticize the Enlightenment movement for having 'defended ideas which ultimately led to a pagan, nationalist, collectivist and violent revolution'.

In this paper, we pretend to question both of these interpretations.

Therefore, we will start with the detection of ideological differences between the major proponents of the Enlightenment movement, comparing some of the main ideas of the French writer Jean-Jacques Rousseau (1712–1778) with the convictions of other French thinkers such as Montesquieu, Lafayette, and Turgot. We will compare the concept of 'the ideal state', of free trade and liberty defined by rather liberal figures such as Turgot with the corresponding concepts of Rousseau to see if one can really speak about "one common political theory of the Enlightenment movement".

As stated, Rousseau is often seen as one of the most admirable figures within the enlightenment movement, in particular by politicians, philosophers or generally by citizens who would possibly define themselves as 'the progressive ecologic left'. We will try to evaluate whether Rousseau truly deserves such admiration by this particular group. Thus, we will look at the 'ideal role of women in society' as defined by Rousseau and compare it with the corresponding concept of the French Antoine Marquis de Condorcet who lived in the same period.

To provide a holistic overview of the latest research on the analysed topic and to properly elaborate on our research objective, a corresponding literature review was seen as crucial. The evaluated literature shall help us to properly distinguish between the different politico-economic and philosophical concepts of the main thinkers within the Enlightenment movement. Thus, we will analyze the significant socio-political events of the 18th century French Enlightenment with literature focusing on human rights, monarchies and democracies in general, as well as on the French Revolution in particular. Moreover, we will consider knowledge acquired from literature on anarcho-capitalism, including works of La Boétie, de Molinari, Rothbard and Hoppe, as well as papers of (other) Austrian School thinkers such as F. A. von Hayek

and Ludwig von Mises. We will evaluate the English edition of de Molinari's *The Production of Security* (1977), as well as Hoppe's 'Fallacies of the Public Goods Theory and the Production of Security' (1989) and his *Demokratie: Der Gott, der keiner ist. Monarchie, Demokratie und natürliche Ordnung* (2003), and *On the Impossibility of Limited Government and the Prospects for a Second American Revolution* (2008). Among many other papers and books, we evaluated *Thinking about the French Revolution* by Boaz (2011), *Reflexiones sobre la Revolución en Francia* by Burke (2010) as well as *The French Revolution and Napoleon* by Dwyer and Mcphee (2002). Special attention is particularly paid to great liberal minds of the mentioned time period, such as Anne Robert Jacques Turgot (1727-1781). We will also refer to Finnis's *Natural law and natural rights* (2011), and Robert George's *In Defense of Natural Law* (1999). By mainly using deduction within a causal study, we want to provide a descriptive analysis supported by secondary literature.

1. Essential Facts on the French Revolution

The French Revolution, which officially began in May 1789, was a period of far-reaching social and political changes, which led to the overthrow of the French monarchy. While it initially helped to establish a republic, it also caused violent periods of political turmoil, and ultimately led to a dictatorship under Napoleon. (Dwyer, 2002)

Prior to that, demands for social and political change had already been formulated by the proponents of the Enlightenment, which contributed to the convocation of the Estates General, in May 1789. Under the Old Regime, the 'Estates General' had been a legislative and consultative assembly of the different classes, with separate assemblies for each of the three estates (clergy, nobility and commoners), which were called and dismissed by the king. In June of 1789, members of the Third Estate proclaimed the 'Tennis Court Oath' vowing "not to separate, and to reassemble wherever circumstances require, until the constitution of the kingdom is established", and in July, occurred the Storming of the Bastille. Two key events caused by the revolution were the abolition of feudalism in France in August 1789, which marked the collapse of old traditional rights, privileges and restrictions, and the passage of the 'Declaration of the Rights of Man and of the Citizen'. The following years were dominated by tensions between various assemblies and fights between the so-called 'progressives' and the conservatives. In 1792, a republic was proclaimed and King Louis XVI was executed in 1793 (Boaz, 2011).

The French Revolution led to significant social and political changes in France and its colonies, as it overthrew the monarchy with the aim to establish a republic. Initially inspired by liberal and radical ideas, the revolution clearly changed the course of modern history, triggering the global decline of absolute monarchies while replacing them with the concepts of 'a republic' and 'democracy'. However, even if the initial intentions of many great thinkers, in particular of those who represented the Enlightenment movement, were peaceful, the revolution then also led to violent periods of political turmoil (Dwyer, 2002). Most of the revolutionaries had no experience or skills necessary to govern a State, and as the system they built had no roots among the traditions of the people, it could only be maintained and

defended by violent repression. Violence was used, peasants revolted against the nobles and landlords, and many 'anti-revolutionaries' were murdered. The process ultimately ended up in a dictatorship under Napoleon. On the other hand, it did manage to overthrow the absolute monarchy, and initiated the further emergence of the middle class/ bourgeoisie as well as the right to vote and free speech. The power of the aristocracy and the Catholic Church was intended to be replaced by a system and culture of civil rights ('natural rights, enshrined in law') (ALTHUSSER, 1972). The Declaration of the Rights of Man and Citizen led to the abolition of slavery in French overseas colonies. Thus, for many historians, in particular those who consider themselves as "progressives", the French Revolution has been positive and crucial in creating and shaping the modern world. Alexis de Tocqueville had argued that the Revolution was a manifestation of a more prosperous middle class which had become conscious of its social importance. The French Revolution was justified by several liberals and libertarians, such as Thomas Paine, Thomas Jefferson, and Ludwig von Mises. Thomas Jefferson defended uncritically the French Revolution, down to its bloodiest atrocities.

However, the conservative Anglo-Irish statesman, political theorist and philosopher Edmund Burke (1730-1797) argued that the Revolution was the product of a few conspiratorial individuals who brainwashed the masses into subverting the old order. In his 'Reflections on the Revolution in France', Burke stated that the revolution was destroying the foundations of a good society, and its traditional institutions of state and society and he condemned "the persecution of the Catholic Church" which had resulted from the revolution (BURKE, 2010).

Ultimately, at the beginning of the 20th century, WWI led to the transformation of the entire western world of monarchical rule and sovereign kings towards democratic republican rules and sovereign people. However, by looking back to the late 18th century, it is often argued that this transformation from monarchies to democracies had initially already begun with the French Revolution, which, in turn, is seen as heavily shaped by the Enlightenment movement. In this regard, we must take a closer look at the Enlightenment, which throughout the second half of the 18th century stressed the power of human reason to discern truth. When evaluating the impact of "the" 'Age of Enlightenment' on the French Revolution, one must keep in mind, that it was preceded by the scientific revolution and that the works of several non-French philosophers, such as Locke, Spinoza, Hume, Kant, and Adam Smith had also shaped its evolution (ALTHUSSER, 1972). Political philosophy, as the study of topics such as politics, liberty, justice, rights and the enforcement of laws, often focuses on responding to questions such as: 'what makes a government legitimate, what rights should be protected by the State,?' and 'what duties do citizens owe to their legitimate government'? Based on these questions we pretend to evaluate, differentiate and explain the different concepts of the mentioned thinkers (lat: 'bene docet, qui bene distinguit'). The main question which drives the author of this paper is: "Which form of a State is required to assure a long-term maximization of human rights and individual liberty?" How much State is necessary to avoid a 'modern feudalism' in which an individual's financial situation depends more on one's own family tree than on one's ambitions and entrepreneurial creativity? On the other hand, at what stage does the State become too big and influential – initially only appearing to be a "progressive" (interventionist) welfare state democracy, while potentially ending up in a totalitarian autocracy?

1.2. The Causes of the Revolution: was it about Moral Values or the Economic Crisis?

Historians have come up with very different explanations for the cause of the French revolution. Different events and factors within the *Ancien Régime* were seen as potential reasons for the revolution. The French economy had suffered from instability during the years preceding the Revolution. The obvious social and economic inequality, and heavy taxation of the lower classes are often seen as a major aspect. The mentioned inefficient tax system - the *ferme générale* - was strongly rejected by the lower classes. Moreover, the significant expenditures on numerous large wars hampered the financial situation of the country. The attempt to challenge British naval and commercial power in the Seven Years' War was a costly disaster (1756-1763). In 1774, Louis XVI ascended to the throne during a difficult financial crisis in which the state faced a significant budget deficit, being close to bankruptcy. The country's extremely regressive tax system forced the lower classes to a heavy burden, while for the nobility and clergy several tax exemptions existed. France had Economic mismanagement by King Louis XVI which was partially aggravated by environmental factors, leading to agricultural crisis have all been seen as the basis for the revolution. However, also the radically new political ideas of the emerging Enlightenment movement are seen as "ideological seeds" of the revolution (BOAZ, 2011).

The phenomena of radical changes of political systems occurred in various points in time in different countries. And the consequent discussions about "the main cause" for each of these 'regime changes' have been going on for years and decades, mostly without coming to one clear conclusion. The causes of the 'Russian Revolution' in 1917, which dismantled the Tsarist autocracy had surely several different causes than the rise of the German Nazi party NSDAP and the consequent change from the Weimar Republic to the so-called 3rd Reich. Also the peaceful Portuguese 'Revolution of the Carnations' which caused the overthrow of the dictator António de Oliveira Salazar in Portugal was different to the end of the former Soviet Union and its Warsaw Pact and the following reunification of Germany, in 1990. All of these events had several, often quite different, causes. However, the author of this paper argues that all of these dramatic revolutions/ regime changes were (initially) supported by a significant part of the corresponding local population because the main proponents of these changes combined a general 'ideology' with the concrete prospect for the population of a materialistically better future. In other words, a theoretical background is helpful and potentially essential for all major political movements. However, the author of this paper argues that ultimately, the vast majority of society has only supported radical political changes if they expected concrete, financial benefits for themselves. The phrase "it's the economy, stupid!" by the former US-President Bill Clinton might sound too simple, or rather disappointing, but from our point of view, it has generally proven to be true. Consequently, the acting of the proponents of Enlightenment was certainly helpful to initiate the French Revolution. However, we argue that without the previously mentioned economic/ financial aspects, namely the economic mismanagement by King Louis XVI and the tax system, which exploited the lower classes, the French Revolution would not have been possible - at least not at that early stage within the 18th century (HOPPE, 2003).

2. The French Revolution: A Struggle for Freedom or Nationalist Collectivism?

The term 'liberalism', as the belief in freedom and human rights, is historically often associated with thinkers related to the 18th century, like John Locke and Montesquieu. Thus, the development of liberalism strongly continued throughout the 18th century with the burgeoning Enlightenment ideals, which questioned old traditions and influenced several European monarchies throughout the 18th century. In the United States, the 1776 Declaration of Independence founded a republic on liberal principles with a declaration which stated that "all men are created equal and endowed by their creator with certain unalienable rights, among these life, liberty, and the pursuit of happiness", similar to John Locke's term of "life, liberty, and property". Only a few years later, the French Revolution overthrew the hereditary aristocracy, with the slogan "liberty, equality, fraternity" and proclaimed to grant 'universal male suffrage'. Moreover, the 'Declaration of the Rights of Man and of the Citizen', which was first codified in 1789 in France, is a historically crucial document, which emphasised on both liberalism and human rights. This process ultimately caused the fall of the French Ancien Régime, and led to a dramatic decrease of support for absolute monarchy and established religions. However, if the intellectual progress of the Enlightenment, which questioned old traditions about societies and governments, was crucial for the rise of the revolutionary movement, it must also be seen as one of the origins of the Reign of Terror, which resulted from the revolution. The Enlightenment movement was quite heterogeneous, as thinkers with very different mind-sets were considered as its proponents. Several of the philosophes of the French Enlightenment could be considered as 'progressive' in a liberal sense, advocating the reform of the French system of government towards a more constitutional and liberal definition. Consequently, we must clearly differ between the (rather collectivist and often violent) final results of the French Revolution on the one hand, and the 'good intentions' of several (liberal) proponents of the Enlightenment on the other hand. The concepts of Rousseau significantly varied from those of Montesquieu, Turgot, Lafayette and Antoine Marquis de Condorcet (See Figure 1), to whom we will refer at a later stage of this paper. While Rousseau ultimately defended a rather collectivist approach, in particular Turgot can be considered as one of the most relevant ambassadors of liberalism.



Figure 1. From left to right: Montesquieu, Turgot, Condorcet, Lafayette

Source: Images extracted from the Wikipedia collection, just to serve as an illustrative complement.

2.1. The Main Proponents of a Liberal French Enlightenment Movement

Montesquieu (1689-1755) was a French judge and political philosopher, famous for his definition of a theory of separation of powers, which can be found in his work 'The Spirit of the Laws' (1748). Montesquieu argued that the administrative powers, which are the executive, the legislative, and the judicial, should be separate from and dependent upon each other. This radically new concept pretended to eliminate the 'three Estates structure' of the French Monarchy: the clergy, the aristocracy, and the people. Montesquieu argues that each Power should only exercise its own functions, and he also advocated a major reform of slavery as stated in his 'The Spirit of the Laws'. He emphasized on the importance of the right to a fair trial, the presumption of innocence and the proportionality in the severity of punishment. Overall, this new concept of separated administrative powers stood in opposition to the feudalistic structures in France.

Also Lafayette (1757-1834), a French aristocrat and military officer who commanded American troops in the American Revolutionary War, was a key figure in the French Revolution of 1789. Lafayette believed in the concept of a constitutional monarchy, arguing that both, traditional and revolutionary ideals, could be properly combined by having a democratic 'National Assembly' working with a monarch. Regarding potential government structures for France he was strongly influenced by the US-American form of government, for example by supporting a bicameral legislature. Lafayette used liberal philosophy to justify the armed overthrow of what he considered as tyrannical rule. In July 1789, Lafayette presented a draft of the "Declaration of the Rights of Man and of the Citizen" to the Assembly, written by himself in consultation with Thomas Jefferson. He also advocated the end of slavery, proposing that slaves must not be owned, but should rather work as free tenants.

Another great mind of the 18th century, and possibly one of the most relevant French liberals in the decades before the French revolution was Anne-Robert-Jacques Turgot (1727-1781). In the opinion of US-American economist and philosopher Murray N. Rothbard, Turgot was one of the greatest economists of all time. Turgot served with distinction under Louis XVI as Minister of the Navy and as Finance Minister and attempted to put into practice his free market ideas (GORDON, 2011). He defended free trade, developed an early version of the subjective theory of value and did pioneering work on the importance of the entrepreneur in the economic process (ROTHBARD M. N., 1999). Another great liberal mind, of whom Turgot can be seen as his mentor, was Antoine Marquis de Condorcet. Condorcet (1743–1794) was a French philosopher and mathematician who supported a liberal economy, free and equal public instruction, a constitutional government, as well as equal rights for women and people of all races. Condorcet's republicanism envisioned a society with enlightened citizens in a democratic system.

Our list of liberal French minds within the Enlightenment movement could certainly be extended. However, we wanted to better explain the thoughts of Montesquieu, Turgot, Lafayette and Condorcet to highlight only four of the main ambassadors of liberal thought to prove that the collectivist and often nationalist notion of the later French Revolution cannot be correlated to the general Enlightenment movement as such.

2.2. The Revolution: Thirst for Freedom, Mixed with Collectivism & Nationalism

The class nature of the French revolution is often seen as a fundamental aspect in understanding human social evolution itself. This aspect, in combination with the egalitarian values introduced by the revolution, was also used by those promoting a classless and co-operative model for society, which ultimately led to the concept of “socialism”. Therefore, there are also several liberals and libertarians like Gustave de Molinari and Ralph Raico (1996) who opposed the French revolution. Compared to the American Revolution, the French Revolution must be seen as quite disappointing to libertarians, but compared to the Russian Revolution, its long-term effects were rather positive. The Declaration of the Rights of Man, issued a month after the fall of the Bastille, enunciated libertarian principles similar to those stated in the Declaration of Independence:

1. *Men are born and remain free and equal in rights....*
2. *The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression....*
4. *Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights....*
17. *Property is an inviolable and sacred right.*

But it also had a strong nationalist and collectivist approach, such as:

3. *The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation....*
6. *Law is the expression of the general will.*

Thus, on the other hand, several proponents of the Enlightenment movement spread the seeds for collectivist ideas. In this regard, we also need to understand the impact of Rousseau on Robespierre (1758–1794) who became one of the most influential figures associated with the French Revolution and the Reign of Terror. Rousseau influenced Robespierre, who adopted the Social Contract theory of government as well as Rousseau’s ethical and political philosophies. Robespierre defended price controls on basic food commodities, and played an important role in arranging the execution of political opponents. His extreme measures to control political activities in France made Robespierre to even support the arrest of the more moderate Danton, who was then accused of corruption and executed in April 1794.

2.3. Excursus: The Impact of Liberal French Thinkers: The Struggle for Individual Freedom from the 16th to the 19th Century in France

As we know, the French Enlightenment movement was shaped by French philosophers, economists and other great minds, who generally criticised the absolute monarchy, while emphasising on the power of human reason to discern truth. However, many of them, such as Rousseau, can hardly be considered as classical liberals. On the other hand, even if it is true

that several great Enlightenment figures had rather conservative, nationalist or interventionist/“pre-socialist” ideas, it is also true that France has been the home of many brilliant liberal minds – before, during and after the French Revolution.

Already in the 16th century, long before the Enlightenment movement, an important French thinker questioned the need of any form of statism: The French writer Estienne de La Boétie (1530 –1563) already insisted on criticizing any forms of tyranny, becoming one of the earliest advocates of civil disobedience and nonviolent resistance, being in favour of disobedience to rulers. La Boétie’s concentration on abstract reasoning and on the universal rights of the individual might better be characterized as foreseeing the political thinking of the 18th century. As J.W. Allen writes, Boétie’s *‘Discourse’* was an “essay on the natural liberty, equality and fraternity of man.” This essay “gave a general support to the Huguenot pamphleteers by its insistence that natural law and natural rights justified forcible resistance to tyrannous government.” To La Boétie the central problem of political theory was: “why do people consent to their own enslavement?” Thus, La Boétie tried to detect the reasons for why people have generally preferred to obey the commands of the government. Almost forgotten in the 17th and early 18th century, Boétie’s *‘Discourse’* gained significant awareness during the Enlightenment, also being printed as a supplement to Montaigne’s essays, and was even reprinted twice in the midst of the French Revolution.

Later, in the herein mainly discussed 18th century, the French economist Jean-Baptiste Say (1767 –1832) argued in favour of competition, free trade, and lifting restraints on business, saying that “*there is no security of property, where a despotic authority can possess itself of the property of another man against his consent.*” Say understood and criticized the shortcomings of governmental services in terms of the security and organization of society in general. J.B. Say was followed by Charles Comte (1782–1837) a French lawyer, journalist and political writer married to Say’s daughter, who concluded that “*..what must never be lost sight of is that a public functionary, in his capacity as functionary, produces absolutely nothing; that, on the contrary, he exists only on the products of the industrious class; and that he can consume nothing that has not been taken from the producers.*” The best-known of this group of these liberal French thinkers is possibly Claude-Frédéric Bastiat (1801-1850), who further developed the economic concept of opportunity cost, being a strong advocate of classical liberalism, and favouring free trade while providing a basis for libertarian capitalism and the Austrian School. Bastiat argued that governmental coercion could only be legitimate if it served “*to guarantee security of person, liberty, and property rights, to cause justice to reign over all.*” Thus, Bastiat’s writing can be seen as an intellectual bridge between the ideas of the pre-Austrian economists, such as Say, Cantillon, Turgot, and Quesnay, and the Austrian tradition of Carl Menger and his students.

In addition, we may also mention the most relevant French liberal mind, at the late 19th and early 20th century, Gustave de Molinari. Molinari (1819 -1912) was a political economist and classical liberal theorist, associated with French laissez-faire economist Frédéric Bastiat. In 1849, in his essay ‘The Production of Security’ Gustave de Molinari stated that “in all cases, for all commodities that serve to provide for the tangible or intangible need of the consumer, it is in the consumer’s best interest that labor and trade remain free, because the freedom of labor

and trade have as their necessary and permanent result the maximum reduction of price.” Molinari concluded that no government should reserve the right to prevent other market participants from going into competition with it, nor force consumers to only be allowed to ask its government for any commodity or service – even if it is about security and justice. Apart from his moral refusal towards public institutions and any form of state coercion, Molinari also considered public entities to be economically inefficient (DE MOLINARI, 1977).

3. Enlightenment, Rousseau and the Women

Throughout the past decades, several – and in particular feminist - historians have criticised the French Revolution for having been a “male revolution”. It is argued that women were rather not in the focus of the initial revolution and their rights were not seen as the priority. Women were not granted the same human rights, neither the same freedom nor equality.

Even for many proponents of the Enlightenment movement, women’s rights were not a priority, as we can see in the case of Jean-Jacques Rousseau. Rousseau was not the only philosopher of these days who commented on the gender issue from a perspective that nowadays might not only seem conservative, but rather reactionary, sexist and misogynist. While analysing perspectives of historic figures on cultural and sociological aspects, one must certainly always see these actions in the historic context. However, even when looking at Rousseau’s ‘non-revolutionary’ approach on women’s rights within the historic context, there were already several thinkers with much more courageous, far-sighted concepts, which one would nowadays consider as progressive and “women-friendly.” As early as 1673, Poulain de la Barre called for legal equality between men and women in his pamphlet “*De l’égalité des deux sexes*”. Like Descartes, de la Barre also believed in the separation of mind and body, rejecting grounds of inferiority that stemmed from the woman’s physical weakness. Women, in his opinion, are capable of reasoning just as well as men, and all other assumptions would be based on prejudice. The liberal Antoine Marquis de Condorcet argued in a tradition of de la Barres. Condorcet formed with his views a counterweight to Rousseau. This weight was obviously not heavy enough. Rousseau’s statements were much more widespread and had a decisive influence on bourgeois society. In this paper, the two different opinions of Rousseau and Condorcet are presented and compared. The focus is on the fact that both of these rather different views do fit into the general image of the Enlightenment movement. Therefore, their theses on gender relations are herein considered in the context of social theory and also considering the personal notion of anthropology of these two authors.

3.1. Jean-Jacques Rousseau’s Life & the Evolution of his Theoretical Concept

Jean-Jacques Rousseau clearly influenced the French Revolution with his political philosophy and his social contract theory. Rousseau was born on June 28, 1712 in Geneva, Switzerland. Since 1536, Geneva had been a Huguenot republic and the seat of Calvinism and at the time of Rousseau’s birth it was a city-state and a Protestant associate of the Swiss Confederacy. His childhood was unhappy, his mother died nine days after his birth, and he

grew up as a half-orphan. His political philosophy not only influenced the intellectual and philosophical Enlightenment movement, but it is also considered to have had an impact on the French Revolution and the development of modern political and educational thought. His masterpieces ‘Discourse on Inequality’ as well as ‘The Social Contract’ (See Figure 2) are still considered to be crucial milestones in modern political and social thought. (ROUSSEAU, 1762)

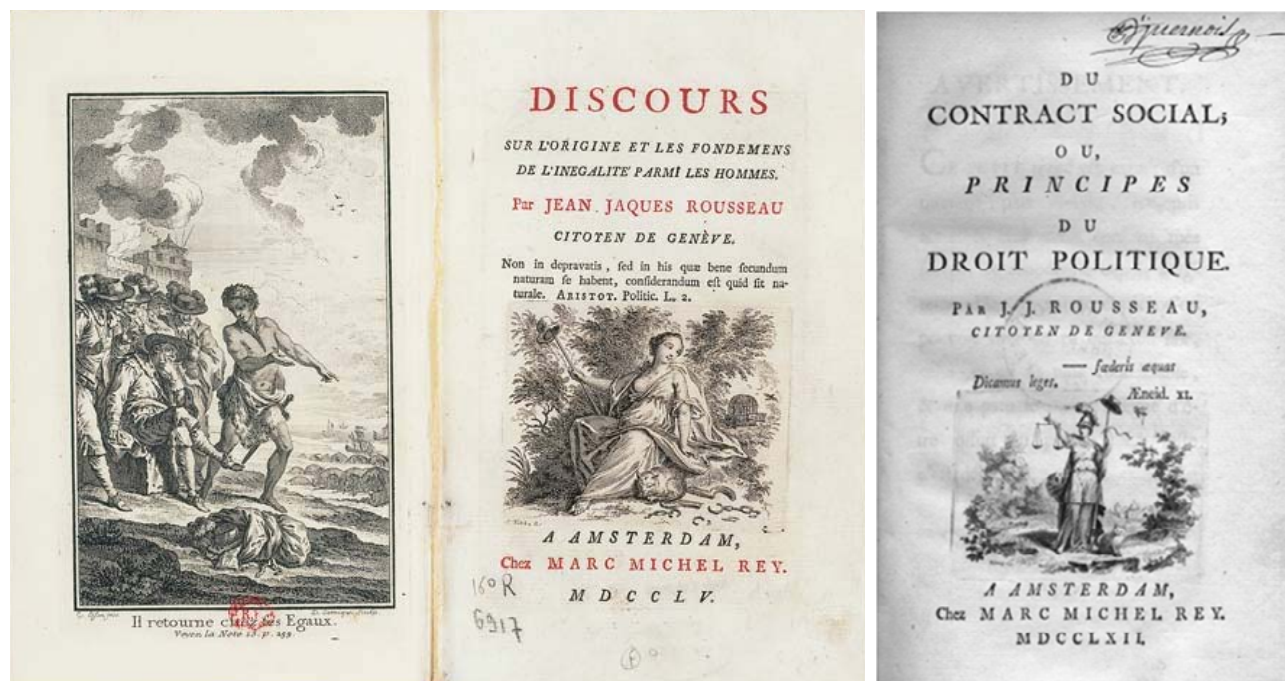


Figure 2. Left: Frontispiece and title page of an edition of Rousseau’s ‘Discourse on Inequality’ (1754). Right: ‘On the Social Contract; or, Principles of Political Rights’: Title page of the first octavo edition.

Source: Images extracted from the Wikipedia collection, just to serve as an illustrative complement.

At the age of 16, Rousseau met Madame de Warens in Savoy, who brought him to Catholicism and later became his patron and lover. In 1741, he separated from her to go to Paris. He emerged during this time as a political philosopher, writer and music theorist. In 1745, he met Thérèse le Vasseur, whom he married in 1768 and with whom, according to most historic sources, he had five children. Although he wrote about child-centred learning, in his personal life, he had little regard for his own children. Rousseau wrote in his ‘Confessions’ that he persuaded Thérèse to give each of his new-borns to a foundling hospital. In 1750, Rousseau won the Prize of the Academy in Dijon, where he had submitted a paper on “whether the restoration of the sciences and arts had contributed to the purification of morals.” In this writing, in which Rousseau answered the question with “no”, lies the basic idea of his later socio-theoretical considerations. In 1754, Rousseau reconverted to Calvinism and regained his Genevan citizenship. In 1755, Rousseau wrote “Discourse on the Origin and Basis of Inequality Among Men”; and in 1761, he published his sentimental romance novel “La nouvelle Heloise” which was important for the development of pre-romanticism and romanticism in fiction. In 1762, he completed the manuscripts of “Emile or On Education” and “Of the Social Contract, Principles of Political Right “. Because of the latter two works, an arrest warrant was issued

against Rousseau; the censorship and the archbishop prohibited “Emile” and the “Contrat social”. From 1762, Rousseau stayed in exile in Switzerland and England. In 1770, he returned to Paris and lived there alone and withdrawn. In 1778, Rousseau died in Ermonville. In 1781/82, the “Confessions” were published, which, because of their ruthless openness, attracted great attention and had a significant influence on the later literary form of autobiographies.

The most important work in which Rousseau presented his idea of the “correct” form of society is “The Social Contract (*Contrat Social*) or The Principles of State Law”. The first sentence of the first chapter reads: “*Man is born free, but everywhere he is in chains*”. Rousseau tries to resolve this contradiction by designing the principles of his “social contract”. He believed that everything was ultimately down to politics, and that, every people would have been what “the nature” of its government had made of it.

3.2. The Social Contract: Is the “*Volonté Générale*” the ‘Will of All’?

Rousseau believed that “man” is naturally good and free; only the society has corrupted him and made him a slave. This assumption leads Rousseau to consider the “old virtue” (goodness) and the “original right” (freedom) as the basis for his social theory. Consequently, he strongly criticised the “unnatural, unfree” and “non-good” situation of “man” in the middle of the eighteenth century. A solution shall therefore be found that counteracts the imminent downfall of humanity. This solution is, according to Rousseau, the “social contract” (MELZER A., 1983):

“How do you find a form of society that defends and protects with its whole common force each member of society and his property, yet a society in which each one only obeys himself and remains as free as before? This is the main question for which the social contract shall provide the solution”.

Consequently, Rousseau suggested that: “collectively, each one of us puts his person and all his power under the supreme direction of the universal will, and we accept each member as an inseparable part of the whole.” To be more precise, Rousseau suggested that the individual persons are to be seen as an entire body, namely “the state” or “the republic”. This total body represents the union of all voters, of all citizens. There shall be a Head of State, who puts “the will of the people” into action. (KELLY, 1995)

According to Rousseau, the “general will” is not the same as the will of all: the general will “works only for the general good”. The “will of all” (“*volonté générale*”) can therefore only represent the common ground, the “basic common will” of all citizens (MELZER, 1983).

Rousseau believed that “between the weak and the strong, it is the freedom that oppresses and the law that liberates.” Thus, mankind would need an economic and social order that protects the weak from the strong. Crucial to Rousseau’s concept of society is his appreciation of a democratic form of government, and the underlying positive anthropology: Rousseau believed that “man” is good by nature: “...there is no naturally corrupted heart. There is not a single defect of which we could not find out how and where it came from”. This opinion of Rousseau is clearly in opposition to several other philosophers such as Hobbes. Hobbes assumed that *man* is bad, as explained in his “Leviathan”. Contrary to Hobbes, Rousseau

believed that corruption, wickedness, and the decay of virtue and morality are only the result of external circumstances (such as the dangerous progress of science, and a greater division of labour). For man to be as good as he really is in the natural state, he must not, be corrupted by the influence of society. (MASTERS, 1978)

Rousseau considered a hypothetical State of Nature as a normative guide. Also today's general concept of environmentalism can partially be traced back to Rousseau thought. Rousseau's "noble savage" stands in opposition to the concept of 'man of culture', as he believed that the savage stage was not the first stage of human development, but the third stage. Contrary to the more optimistic view of other Enlightenment figures, Rousseau stated that progress had been a threat to the well-being of humanity, thus such progress must be counteracted by the cultivation of civic morality and duty. Rousseau did not believe that the people should exercise sovereignty via a representative assembly (in a big state), while he clearly preferred republican governments of (small) city-states.

Robespierre and Saint-Just, who regarded themselves as principled egalitarian republicans, said they had been inspired by Rousseau. Robespierre based many of his views on Rousseau, also stating that freedom and desires of individuals shall not threaten the 'common good', and that his concept of 'the collective will of the people' derived from Rousseau's concept of a 'General Will'. Moreover, revolutionaries were also inspired by Rousseau to introduce Deism as the new official civil religion of France. Even the German writers Goethe, Schiller, and Herder confirmed that Rousseau partially inspired them (DEVLETOGLOU, 1963).

Criticism to Rousseau: According to Jacques Barzun, Voltaire was annoyed and even outraged by several of the ideas of Rousseau. Voltaire's reading of the second discourse was that Rousseau would like people to "walk on all fours", referring to his concept of "noble savage". Also Frederic Bastiat harshly criticized Rousseau in several of his works, most notably in "The Law". Bastiat argued that Rousseau ignored natural forms of social order which evolved spontaneously. Bastiat stated that humanity itself is capable of creating a complex socioeconomic order superior to an arbitrary interventionist vision of philosophers and politicians. Bastiat argued that Rousseau contradicted himself concerning human nature; because if nature was truly "sufficiently invincible to regain its empire", it would not need philosophers to direct it back to a natural state. Rousseau also argued that government shall nullify private property. In an essay on a proposed constitution for Corsica, Rousseau said that: *"In a word, I want the property of the State to be as great and powerful, and that of the citizens as small and weak, as possible.... With private property being so weak and so dependent, the Government will need to use very little force, and will lead the people, so to speak, with a movement of the finger"*.

We believe that several aspects highlighted by Rousseau, such as the importance and preservation of nature, were correct. Also parts of his concepts on education (at least those foreseen for male students) were crucial and 'ahead of the times'. However, his general vision was often used to pave the way for collectivist movements, and even by intending to properly interpret Rousseau's ideas within its historic context, these can certainly not be considered as 'liberal'.

3.3. Rousseau on Women

To detect the purpose of ‘men’ and ‘women’ we want to initially analyse Rousseau’s concept of education, which also explains his differing vision and suggested treatment of male and female students.

We must also keep in mind that in his original French writings, Rousseau used the French word/expression “l’homme” referring to “mankind”. However, “l’homme” also simply means “man”. It is often difficult to differentiate in his writings between “man” and “mankind” in order to know if women “are actually included or excluded in his references to” l’homme “.

Through education, ‘man’ must be “forced to achieve happiness.” In “Emile or On Education”, Rousseau explains how this should be done. In this educational novel, Rousseau is the educator of the fictitious male Emile, who is supposed to become a perfect citizen, free-thinking and good in nature. Rousseau stated several “measures” which should be taken to make Emile become an enlightened, free man (BLOOM, 1979). Emile shall grow up in the countryside, rather than in the city, as the city represents destruction, whereas in the countryside, a child gets the necessary environment and strength that it needs. Emile should become a rational, rational-thinking citizen. He should make reasonable decisions and in his (political) life, passions, emotions and irrational sensibilities are irrelevant. (ROUSSEAU, 1762). Emile focuses on the use of his mind to solve the problem. Several of today’s most influential alternative schooling systems in the western world are based on Rousseau’s philosophy presented in “Emile or On Education”. Schooling systems such as the Froebel schooling methods, as well as Montessori, Freinet and Pestalozzi schools included Rousseau’s concepts. However, critiques argue that due to Rousseau’s rational approach, morality is missing, as his focus on reason causes a “moral deficit”. Moreover, most of this educational concept is meant for boys and young men, whereas women are foreseen to ‘fill this moral gap’, highlighting that there are specific characteristics and social functions foreseen for women. (GUÉHNNO, 1969)

Based on quotes from his “Emile”, we try to detect how Rousseau imagines the “specific nature of women” (ROUSSEAU, 1762). We will focus less on the education of girls, but rather on his general manifestations and his explanations of typical female characteristics.

On the one hand, the woman is, just like the man, a human being. “In everything that is not directly related to gender, the woman is “like man”, that is: she has the same organs, the same needs and the same abilities.” However, with needs and abilities only those are meant that are natural physical actions, such as eating, running or sleeping. Apart from that, Rousseau sees the woman as a being influenced by her sex in almost everything she does. “With the help of comparative anatomy, but even on mere consideration there are general differences that might not seem to have anything to do with gender, yet they are related to it, but in relationships we cannot perceive.” To properly fulfil her tasks, ‘women’ need a suitable and solid “institution”.

For Rousseau, typically “feminine” is for example a ‘cleaning mania’: “almost from birth, girls love to clean, it is not enough for them to be pretty, as they also want us to find them pretty.” The urge to keep things tidy and clean is thus combined with the need to please others.

It is not by chance that these aspects are presented as being inherent in the nature of women, as if they were a law of nature: “[...] it follows that the woman is specially made to please the man”. This example is symptomatic of Rousseau’s conception of the “right” gender relation: he attributes qualities to the woman which she cannot discard, because they are innate, thus, based on assuming such natural conditions, he creates laws governing the coexistence of man and woman. These rules are therefore irrevocable, as they are considered to be natural.

As a natural characteristic of women, Rousseau also describes the enthusiasm for rather simple, technical manual labour: “In fact, all girls learn to read and write only with reluctance; but how to hold a needle is what they like to learn.” Here again, the argument of “naturalness” denies women a right. Not that they are too stupid to learn to read and write, because as Rousseau confirms: “both sexes equally have common sense”, but this understanding does not mean that man and women should be equally educated as men, because education for girls and women “must relate to the practical... as woman’s reason is a practical reason”.

All in all, women must submit to their husband, even if they should be right on a certain aspect: “Such habitual compulsion creates the obedience that women need throughout their lives, because they shall always either be subject to the judgment of a man or of society, and shall always obey these judgements.” Further on, he even argues that woman “must learn early, endure injustice and endure attacks of a man, without complaining”.

For Rousseau similarities between man and woman are explained in their “humanity”, in the fact that they are all humans, while all differences (of which Rousseau detects many) between man and woman can be explained by their sexes. In regards to relationships, Rousseau states that “... one (partner) must be active and strong, the other passive and weak: necessarily one must be able to manage the relationship; it is sufficient if the other does little resistance.” From this, he concludes that the woman was created to please the man, but that ‘he’ (man) does not necessarily have to please her as well: “his privilege lies in his power; he likes it only because he is strong”.

However, women should not perceive such submission as unjust or false, they shall rather get “accustomed to coercion in time”, so that later they no longer have any trouble controlling their moods and subordinating them to the wishes of others. By being well prepared for the task of surrender, women will then have reached the natural state of their existence: “... dependency is a natural state of women, and the girls feel that they are made to obey”.

Rousseau sees the main duty of women in society as being limited to the family sphere, as they should perceive their “main duty in being a housewife and mother”. In his “Social Contract” Rousseau says that “the oldest and most natural form of all societies is the family”. The family is of immense importance, while no new designs for a social structure/ order need to be developed, and the natural task of the woman is to preserve these family societies. Rousseau also tries to convince women of the attractiveness of these tasks by praising them and assuring the women to gain some sort of power if they behave “properly according to their sex”: “Everywhere women go, insisting on their rights as women, they will be superior; but wherever women pretend to have men’s rights, they will be inferior”.

Rousseau's image of women is not only very diverse, but often conflicting and contradictory: women should be loyal and modest, but also coquettish and attractive. Women are seen as intelligent, but not able to understand the bigger picture and more complex issues. Rousseau states women should be the perfect loyal wife, the enchanting mistress, both mother and saint. Only one principle always remains the same: The woman is dependent on the man, as "we (men) could live without them (women), rather than they could live without us."

There must be some deeper explanation for why Rousseau was so afraid of women. Rousseau created the image of dangerous women, which must be controlled and limited, to assure that they cannot pose a threat. That is why I believe that Rousseau adored and feared women at the same time, which is why man must limit the woman's influence. What can definitely be said is that Rousseau, often praised by the 'progressive, ecologic left', was extremely conservative, if not simply reactionary, paranoid and sexist, in regards to the role of women in society. And it must be stated that several French thinkers of the same time, which represented ideas in favour of free competition, and laissez-faire liberalism, free markets and competition, were much more ahead of times in regards to women's rights. One example was the French philosopher and mathematician Antoine Marquis de Condorcet (1743–1794) who supported a constitutional government, as well as equal rights for women and people of all races.

In our research, we concluded the following:

1. The revolution was inspired by the Enlightenment movement, as the texts written by Montesquieu and other great minds gave a 'theoretic backbone' to the initial aim of the revolution. However, we argue that it is highly unlikely that such revolution could have occurred without the significant economic crisis of the years and months before May 1789. This crisis was particularly difficult for the lower classes - and without the significant financial difficulties of the lower classes, such a powerful mass-movement would have been much more difficult to initiate.
2. There are significant differences between the rather liberal ideas of certain Enlightenment proponents such as Montesquieu, Lafayette, Turgot, and Condorcet and the ultimately quite collectivist/ nationalist spirit of the actual revolution. While the ideas of Locke and the French thinkers Montesquieu and Turgot were clearly advanced and anti-totalitarian in their historic context, one must also admit that the vast majority of the French population in the 1790's was simply not prepared for a truly liberal society. Thus, the actual revolution became more and more collectivist, intolerant, and aggressive and ultimately ended-up in a new dictatorship.
3. The ideas of Montesquieu, Turgot, and Condorcet also significantly differed from what Rousseau pretended. Whereas Rousseau defended a view interesting ideas on the importance of nature/ the environment, as well as on a modern approach of education (for male students), he ultimately defended a collectivist concept of society and had a rather misogynist mind-set in regards to women.

John Adams once said: *“Helvetius and Rousseau preached to the French nation liberty, till they made them the most mechanical slaves; equality, till they destroyed all equity; humanity, till they became weasels and African panthers; and fraternity, till they cut one another’s throats like Roman gladiators”*.

Even if this quote is exaggerated and polemic, we do agree that Rousseau was one of the most problematic figures of the Enlightenment movement from a liberal/ libertarian perspective - and definitely someone whose theoretical concept of society and the State rather endangered than protected individual liberty.

When looking at historic figures which lived several centuries ago, it is always easy (but non-academic) to consider their views as “antiquated”, “short-sighted”, “inconsistent” when comparing them to today’s standards and based on today’s knowledge. Thus, it is neither academic nor ‘fair’ to evaluate their beliefs and intentions without considering the historic context. Therefore, when evaluating whether Rousseau really defended “revolutionary” ideas or whether his willingness for change was rather “half-hearted”, we need to consider the ‘historic big picture’. However, even by properly doing so, we need to acknowledge that there had been other great minds within the same historic period, which defended ideas more ‘ahead of the times’ in certain aspects, and which much better represented liberal values than those of Rousseau. As one example, we will briefly refer to Antoine (Nicolas de Caritat) Marquis de Condorcet.

4. Condorcet vs Rousseau: Condorcet’s Life & Theoretical Concept

Antoine Marquis de Condorcet (1743-1794) was a French mathematician, politician and philosopher of the Enlightenment. He was influenced in politics by the views of Turgot and Voltaire and became President of the Legislative National Assembly. Particularly the liberal ideas of Turgot shaped Condorcet’s thinking. In 1787, he married the 22 years younger Sophie de Grouchy. As Mme de Condorcet, she regularly stayed in her husband’s salon and discussed, for example, with d’Alembert.

Condorcet’s ideals also include a democratically shaped image of society. For Condorcet, the progress of reason will result in the progress of morality. All people must have the same opportunities to exercise their natural law and enjoy the same freedom. This demand for more equality of opportunities also characterizes Condorcet’s concept of gender relations.

4.1. Condorcet on Women

Condorcet considered the oppression of women as one of the main miseries and injustices, occurring not only before, but also at the beginning of the French Revolution. Condorcet stated: *“we must count the total elimination of the prejudice that has created inequality of rights between the two sexes as crucial for the advancements of the human mind.... Such inequalities are disastrous even for the sex which seems to be favoured by them. In vain, one would look for reasons to justify the inequality of rights, by referring to physical differences ... but the inequality of rights has no other origin than the abuse of force”*.

In his writing *“Sur l’admittance des femmes aux droits de cité”*, published in 1790 in the *“Journal de la société”*, Condorcet explains why he considers it necessary to eliminate the legal inequalities between men and women and why this is important to a society’s ultimate happiness. For Condorcet, the assumption that women do not have rational reasoning, but that their actions and judgments are guided only by feelings, is wrong. Even if women do not follow exactly the reasoning of men, they are led by their own valid reasoning. Here, Condorcet refers to an “asexual reasoning”, and even if this term is not absolutely precise, it still explains that for Condorcet, both forms of reasoning are ultimately of the same value. Inequality between the sexes is, according to Condorcet, not only unfair but also dangerous, and he believed that with continued progress of reason and morality, equality will prevail. The woman is first and foremost a human being and only secondly a woman - and not, as with Rousseau, the other way around.

4.2. Rousseau & Condorcet on Women – a Conclusion

We may briefly conclude that Condorcet defended the need for “equality of rights” at a time in which Rousseau represented a far more conservative approach in regards to women’s rights. However, Condorcet’s ideas did not get nearly as much attention as those of Rousseau, neither during the years of the French revolution, nor in the following decades. One reason could have been Condorcet’s very optimistic general approach to ‘progress’ which was seen as rather exaggerated and naïve by many people. Just like Turgot might have been “too far ahead of times” in regards to economic policies, Condorcet was considered as too radical in regards to his social policy ideas.

5. Looking at the Consequences of the French Revolution

The main aim of studying the past should be to learn from it, also to better understand our today’s challenges. When looking at the way how quickly an absolute monarchy turned into an (assumed) republic and back into a brutal reign of terror, it should become obvious that both systems, the absolute monarchy as well as democracy, have certain defects. Thus, our question must be: Is there a system which could have freed the French from monarchy, while also preventing that a democracy can turn into ‘the dictatorship of the majority’?

5.1. Legal Positivism, Democracy and the ‘Dictatorship by the Majority’

The French Revolution led to significant social and political changes in France and its colonies, as it overthrew the monarchy with the aim to establish a republic. Initially inspired by liberal and radical ideas, the Revolution clearly changed the course of modern history, triggering the global decline of absolute monarchies while replacing them with the concepts of ‘a republic’ and ‘democracy’ (DWYER, 2002). A liberal interpretation of these clauses may argue that sovereignty is now rested in “the people”, not in any individual, family, or class. It did manage to overthrow the absolute monarchy, and initiated the further emergence of the middle class/ bourgeoisie as well as the right to vote and free speech .The power of the

aristocracy and the Catholic Church was intended to be replaced by a system and culture of civil rights ('natural rights, enshrined in law'). The Declaration of the Rights of Man and Citizen initiated the abolition of slavery in French overseas colonies. Thus, for many historians, in particular those who consider themselves as "progressives", the French Revolution has been positive and crucial in creating and shaping the modern world. Thus, to summarize, we can say that the French revolution, was meant to overthrow the absolute monarchy, to establish a constitution, to gain freedom of speech and other rights, and to assure a democratic government.

However, the consequences of this approach, justifying that any law is morally legitimate as long as it was implemented with the support of "the people", has often led to disastrous results. This (dangerous) approach assumes that the State is the embodiment of the "general will" which is sovereign and thus unconstrained (BOAZ, 2011). However, democratic governments are rarely trying to represent an entire people, but are much more focusing on achieving a parliamentary majority, even if this means to base the political programme/ party platform on exploiting and/or abusing certain minorities. F. A. von Hayek wrote in his 'The Constitution of Liberty': *"The decisive factor which made the efforts of the Revolution toward the enhancement of individual liberty so abortive was that it created the belief that, since at last all power had been placed in the hands of the people, all safeguards against the abuse of this power had become unnecessary"*. (HAYEK, 1960)

A century after the French Revolution, Herbert Spencer summarized that with the revolution, "the divine right of kings" was replaced by "the divine right of parliaments".

Thus, despite the noble aspirations, the revolution soon descended into violence and bloodshed. Most of the revolutionaries had no experience or skills necessary to govern a State, and as the system they built had no roots among the traditions of the people, it could only be maintained and defended by violent repression. Violence was used, peasants revolted against the nobles and landlords, and many 'anti-revolutionaries' were murdered. It partially led to a 'reign of terror', and then to the rise of Napoleon Bonaparte as powerful ruler. In order to evaluate the world's evolution onwards, in particular in the early 20th century, we also need to keep in mind the historic events since the mentioned French Revolution and its implications. These developments also had an impact on the outbreak of and reasons for WWI. World War I (often abbreviated to WWI), also known as the First World War, originated in Europe and lasted from 28 July 1914 to 11 November 1918. The First World War marked one of the major turning points in modern history. It was one of the deadliest conflicts in history, but also led to major political changes, including the Revolutions of 1917–1923 in several of the nations involved. WWI assembled in two opposing alliances: the Allies (based on the Triple Entente of the Russian Empire, the French Third Republic, and the United Kingdom of Great Britain and Ireland) versus the Central Powers of Germany and Austria-Hungary. Throughout the war, alliances changed while Italy, Japan and the United States joined the Allies, whereas the Ottoman Empire and Bulgaria joined the Central Powers (HOPPE, 2003). By 1914, only three republics had existed in Europe: France, Switzerland and (after 1911) Portugal. Moreover, of all European monarchies only the United Kingdom could have been seen as a parliamentary system in which the highest power was given to an elected parliament. However, only four

years later the war was won by 'the Allies' and most monarchies started to lose their political power, strengthening the idea of democratic republicanism in Europe (HOPPE, 2003). The anarcho-capitalist economist and philosopher Hans H. Hoppe argues that if the United States had followed a strict non-interventionist foreign policy during the 1st half of the 20th century, it is likely that Austria-Hungary, Germany, and even Russia would have remained traditional monarchies instead of having been turned into (short-lived) democratic republics (HOPPE, 2003).

5.2. Alternatives to Monarchy & Democracy? Hoppe, Natural Law & the Private Property Order

Different legal theories developed throughout societies. These different theories include Natural Law, the Pure Theory of Law and the Positivist Theory of Law, as well as several others such as the Marxist, Utilitarian, Historical and Realist Law theories. We believe that all of these theories are based on different interesting approaches while also having significant weaknesses. The French Declaration of Human and Civil Rights of 1789 also speaks of "natural, inalienable and sacred rights" (*Déclaration des droits de l'homme et du citoyen, 1789*) because of their universality, it does not only refer to the French, but to every citizen and every human being should be addressed by the declaration.

In this chapter, we briefly want to focus on the two theories, which have most shaped legal concepts throughout the past century: the Natural Law and Legal Positivism. However, also other models such as 'Pure Theory of Law' propounded by the philosopher Hans Kelsen (1881–1973) as well as the Historical Theory of Law by the German aristocrat Friedrich Carl von Savigny offer several interesting aspects, which could be further evaluated in a following research paper. In particular ambassadors of the Natural Law emphasise that 'human rights' are seen as innate and inalienable, described as pre-state, egalitarian, universal, indivisible and individually (FRITZSCHE, 2009). Based on these characteristics, one could come to the conclusion that Human rights have neither a history nor an origin, and that they are therefore 'universal and indivisible for everyone'. Human rights are also often seen as moral principles or as norms, which shall be protected as natural and legal rights from municipal up to international law. In the history of legal and political thought the idea of natural law is that laws derive their validity from their relation to reality or nature. The basis of the natural law doctrine emphasizes the existence of innate, universal laws, aprioric to human existence. Contemporarily, many philosophers, jurists and scholars use natural law synonymously with natural rights (Latin: *ius naturale*), or natural justice - while others strongly distinguish between natural law and natural right. Natural law theory rejects the positivist doctrine on the sources of law, which makes legislation the primary and supreme source or arbiter of all law.

Murray N. Rothbard believed that the main mistake of the ambassadors of the natural-law theory - from Plato to the Thomists and down to Leo Strauss - is to have been far too statist. The libertarian and anarcho-capitalist economist and philosopher Hans Hermann Hoppe defined a very thorough and complete natural rights doctrine known as his *Argumentation Ethics*, which mainly stands for: The Private Property Ethic (or, the Libertarian Property Ethic)

and its logical derivative the Non-Aggression Principle, which we may call the “libertarian theory of justice”.

Hoppe believes that from an economic perspective, monarchies are superior to democracy. His basic argument is simple: democracies are “short-sighted” and destroy willingness to invest through the constant increase in taxes; whereas Monarchs on the other hand, have longer-term interests, especially in their own wealth creation. More precisely, Hoppe refers to monarchical government in a rather positive way, considering it in a theoretical context as privately-owned governments, which promote long-term thinking, future-orientedness and a concern for capital values and economic calculation by the government ruler. Contrary to that, democracy and with it the democratic governments are reconstructed as publicly-owned governments, which leads to short-sighted, populist actions, to “presence-orientedness” and a disregard of capital values. Thus, the transition from monarchy to democracy is interpreted by Hoppe as a civilizational decline. “Democracy has nothing to do with freedom. Democracy is a soft variant of communism, and rarely in the history of ideas has it been taken for anything else.... Democracy virtually assures that only bad and dangerous men will ever rise to the top of government” (HOPPE, 1993).

He attributes democracy’s alleged failures to pressure groups which seek to increase government expenditures and regulations (HOPPE H., 1993). Hoppe sees democracy as an immoral concept, in which freedom cannot be assured. Moreover, he sees democracy as “dictatorship by the majority”, in which well-structured majorities can basically take away all rights from minorities, as in this concept the majority’s vote could legally justify the implementation of any totalitarian rule. If long-term sustainable planning, and value farsightedness as well as individual responsibility are seen as superior to short-sightedness and irresponsibility, then the transition from monarchy to democracy needs to be seen as a cultural, political and economic decline. Hoppe believes that if a State were really necessary – “State” defined as an agency that exercises a compulsory territorial monopoly of ultimate decision-making (jurisdiction) and of taxation – then, it would be economically and ethically better to choose monarchy over democracy. Thus, from Hoppe’s perspective, the second best solution, meaning second to the pure private property order, is a private monopoly government: the monarchy. Hereditary monarchies and family companies are interested in the long-term use of the capital stock, in contrast to manager-led corporations or welfare democracies, in which “those in charge” aim at short-term results, often achieved by short-sighted exploitations of resources. In line with Murray N. Rothbard, Hoppe also believes that the concept of (human) “rights” only makes sense as property rights (HOPPE, 2003). Thus, there would be no human rights which are not also property rights, and that “human rights” lose their absoluteness and clarity when property rights are not used as the standard (ROTHBARD, 1973).

Thus, the question must be raised whether or not a State is actually necessary. Is there a better alternative to both, monarchy and democracy? Would a different system improve individual freedom and economic prosperity? History cannot provide this answer, and all one finds in modern history of major countries is the history of States and statism. However, it is obvious that a private government owner will tend to have a systematically longer planning

horizon than the members of an elected government in a democratic State. Critics of Hoppe's anarcho-capitalist concept argue that the lack of a public Police or Military, and the lack of a public jurisdiction, could quickly lead to aggressions by private companies equipped with force of coercion, ending up in – also coercive - private monopolies. One shall not ignore the risk that a full privatization of all natural resources, all geographically/ logistically strategic points, as well as of all sectors related to public security and jurisdiction, could lead to a new form of "feudalism". Moreover, not all conflicts are purely individual and "property conflicts", as they may also be immaterial, such as political, cultural/ religious and group conflicts, which would be more difficult to deal with. Both, from a moral, but also from an economic perspective, it appears inefficient if a few families could soon be able to control all logistically and strategically crucial territories throughout decades and generations, only because (at the time of privatization) they were able to "buy the right areas at the right time". At least after a few decades, individual wealth and 'macro'-economic power, would then not be based on one's own achievements and 'individual competitiveness', but mainly on the family one belongs to. This would be the exact opposite of what many liberal thinkers had in mind when defining concepts of how to protect the market order and to assure constant competition. We consider most of Hoppe's criticism towards current western welfare-state democracies as generally appropriate. However, a complete abolition of the State must be seen as a radical change which we expect to lead to significant challenges. Thus, adequate alternatives to the know concepts of monarchy, socialism and welfare state democracies must be found. The concepts of Walter Eucken's Ordoliberalism, Hayek's *Rule of Law* and *Spontaneous order*, Elinor Ostrom's *Common Property Goods* (1990), as well as Ayn Rand's idea of a "non-aggression principle" clearly differ in certain aspects, but we believe that they can be seen as useful ideological frameworks to optimize individual freedom, justice and economic prosperity. All of them seem valid and accurate to provide a moral, legal and political framework which could minimize public coercion while protecting individual liberties.

Hayek's distinction between law and legislation is familiar to natural law theorists. Hayek believed that most laws, indeed the most important laws, cannot and must not be legislated law. Hayek claims that law is something to be discovered, not politically-operationally "made".

Hayek's work on the *Rule of Law* proceeded in two phases:

1. From his book *The Road to Serfdom* (1944) through to *The Constitution of Liberty* (1960);
2. To the slightly different conclusions presented in his trilogy, *Law, Legislation and Liberty* (1973).

Thus, a "natural" or "spontaneous" order of society is preferable, as on the contrary, the idea that law is just a product of deliberate design which could deny natural law, could easily generate totalitarianism. For Hayek, "order" is not something imposed on society from outside, but must be "an equilibrium set up from within." *The Rule of Law* is the legal framework appropriate to Hayek's extended order. Hayek described it as a "political ideal", which requires that laws are more than just legally binding and temporarily valid regulations. While true

Laws are universal and can be discovered, actual “legislations” often and unfortunately are only orders defined by governments to control certain people/ groups. Also the Italian scholar Bruno Leoni (1991) made an interesting approach by integrating Rothbardian libertarianism with positive law, which needs to be further analysed.

Conclusion

The French Revolution, initiated at the end of the 18th century, was a period of far-reaching social and political changes. Prior to its official start in 1789, demands for social and political change had already been formulated by the proponents of the Enlightenment movement. The revolution was inspired by the Enlightenment movement, as its proponents gave a ‘theoretic backbone’ to the initial aim of the revolution. However, we argue that the revolution was also caused by the economic crisis of the years and months before May 1789. This crisis was particularly difficult for the lower classes - and without the significant financial difficulties of the lower classes, such a powerful mass-movement would have been much more difficult to initiate.

The Enlightenment movement was heterogeneous, as thinkers with very different mind-sets were considered as its proponents. As an example, the concepts of Rousseau significantly varied from those of Montesquieu, Turgot, Lafayette and Antoine Marquis de Condorcet. While Rousseau ultimately defended a rather collectivist approach, in particular Turgot can be considered as one of the most relevant ambassadors of liberalism. However, even if the initial intentions of many great Enlightenment thinkers were peaceful, the French revolution led to violent periods of political turmoil. Violence was used and the process ultimately ended-up in a dictatorship under Napoleon. Consequently, we must clearly differ between the (rather collectivist and often violent) final results of the French Revolution and the ‘good intentions’ of several (liberal) proponents of the Enlightenment.

We highlighted that women’s rights were not seen as a priority for many thinkers of the Enlightenment, and it was also Jean Jacques Rousseau who rather emphasised on the differences between the sexes than on fighting for equal rights. Thus, whereas Rousseau defended a view interesting ideas on the importance of nature, while also developing significant concepts on education (at least for male students), he also defended a rather collectivist concept of society and had a quite controversial mind-set in regards to women. We can summarize that there were several Enlightenment proponents who fought in a much more convincing way for justice, liberty and ‘equality in rights’ than J.J. Rousseau.

By looking at the way how quickly an absolute monarchy can turn into an (assumed) republic and back into a brutal reign of terror, it becomes obvious that both systems, the absolute monarchy as well as democracy, have certain defects. For future papers, we also recommend a further analysis of Elinor Ostrom’s concept of *Common Property Goods*, F.A. von Hayek’s *Rule of Law* and *Spontaneous order*, as these theories could be seen as useful ideological frameworks to optimize individual freedom and justice by developing alternative political and constitutional concepts to those that we have seen in the last centuries.

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