The Law by Frederic Bastiat

Against Legal Plunder

**Personal Review: The Law by Frederic Bastiat**
The Law by Frederic Bastiat is perhaps the clearest and most logically founded explanation of the proper role of the law (government) in society I have yet read, and it is clearly in the same constellation of thought in which you will find the luminary ideas of our nation's own brilliant founding. Writing on his deathbed and freshly after the events of the 1848 revolutions, although the logic and consequences of his ideas are timeless, appears to have sharpened his mind and imparts this book with a profoundness and sagacity beyond its 106 short pages.

The simple central concept that shines throughout, familiar to Americans and certainly inspired by 1776, is that individuals have natural rights to life, liberty, and to property, which is the fruit of their efforts and faculties. Injustice is any violation of these rights, and the only just purpose of the
law is their protection. As nature gave us the ability to defend these rights for ourselves, law is only their organized defense in the society.

At the core of the logic of his thought is a practical model of human behavior, one clearly developed by his background as an exporter. (The Law is his seminal work, his previous works were on economics.) He states

A science of economics must be developed before a science of politics can be logically formulated. Essentially, economics is the science of determining whether the interests of human beings are harmonious or antagonistic. This must be known before a science of politics can be formulated to determine the proper functions of government.

Implicit in his reasoning is that once the organized monopoly on force inherent in government is wielded only to protect each individuals naturally endowed rights, human interests are harmonious and no further extension of the law is necessary. Human nature and interests are not inherently nor completely harmonious of course, necessitating the need for law in the first place. The vices he clearly identifies in human nature which must be guarded against are based in mans tendency to live and prosper at the expense of others, or plunder. This vice ranges from the hard vice of illegal plunder, represented by anything from a petty theft conducted by an individual to the expansionist conquest undertaken by a whole people, to the softer sounding vice of legal plunder in which the law has been perverted to take from one class and give to another a positive right (i.e. to education, or health care, or housing) in the name of false philanthropy. Positive rights, which can only be produced by someone elses labor, come only with the destruction of naturally endowed negative rights as the law - force- cannot produce goods, cannot enlighten, cannot heal and cannot clothe by its mere existence. For the law to create these things it is only by use of force to coerce others to do them or take from their labor. This legal plunder sets up war of class against class, union against employer, trade against trade, as each races to beat the other in using the unchecked power of government to favor them. As simple proof of this he points out how no mob or lobbyist has ever rioted a police station in demand for a benefit, instead they storm the legislature where legal plunder can be drafted into law.

Socialism is at the heart of trying to provide positive rights and thus perverting the law towards instituting legal plunder. It was also at the heart of the 1848 revolutions, and it is not surprising then that his arguments against it receive the lions share of this work. There are many parallels in his arguments against socialism applicable today, due to the unwavering nature of man over time. Bastiat describes in concise detail the pitfalls, traps, and false assumptions behind socialism, even in its most well intentioned and noble forms. Besides the inability of the law to create positive rights by fiat the largest false assumption is the inertness and malleability of men. That law is needed to create society, to socially
engineer a mass of beings that can be formed by force and whom left to
their own devices would slide into greed, destitution, and misery. This is at
the heart of the Utopian fantasy which is so infectious to mens souls yet so
ultimately poisonous. For if the natural tendencies of men are so poor,
Bastiat asks us, how is it that the organizers of the law, the legislators, can
be relied upon to be of a higher and better nature, pointing out the ironic
self contradiction behind socialist and utopian engineering. Men are
neither lifeless beings waiting for instruction from the law, man existed and
developed before the law was created, nor are they so vile as to need the
law to guide them in their lives and build their society for them, otherwise
the cruel trick of mans cold nature would leave the development of good
civil societies impossible. He shows how contradictions are not only
inherent but central to socialism, and how socialism inevitably leads to
tryanny and often to dictatorship. He also shows how faith in a free
society, one in which government does not extend into providing
education, health care, etc. is consistent with religious faith in how God
made mans nature, and draws an interesting comparison between how
modern secular societies are seeming to ineluctably move away from
classical liberty and towards socialism. In another interesting flourish
Bastiat also predicted how slavery would threaten to destroy the American
republic before the Civil War, perhaps not an earth shattering prediction of
the time but one he explains with an elegant degree of logic.

An amazing work which should be read by anyone interested in liberty,
natural rights, philosophy, and the state of government. Each page rings
with insight and reason for which you will be the better for having read.

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