

Preventing tyranny

Lessons from Proudhon's anarchy

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Abstract

Intuitively, anarchism and republicanism are miles apart. This essay shows that they are more connected than often thought. It sketches the republican tradition and places the anarchistic philosophy of Proudhon in a republican light. It shows the similarities between Proudhon's anarchism and republicanism by examining republican themes in the work of Proudhon. Themes like rule of law, separation of powers and decentralization. It will show that Proudhon's system of anarchy is a viable form of state that deserves its place in the republican tradition. When viewed as a viable form of state, it will also find its way into the mixed constitution.

Introduction

When there is no common power to keep us all in awe, the life of men will be “*solitary, poore, nasty, brutish and short.*”¹ Men, so it seems, cannot live in freedom without government (the power that keeps us all in awe). It is exactly this statement that anarchists deny. They claim that government is simply a tool of the rich and powerful to suppress the masses. The problem that is faced is called “the elite problem”. How can the rulers be stopped from misusing their power? Who guards the guardians? Traditionally, there are two ways of dealing with this problem. The first is the moral education of the leaders and is championed by Plato, the second is the separation of powers in a mixed constitution developed by James Madison. Interestingly enough the anarchist Proudhon doesn’t specifically use any of the two.

This thesis will try to shed a new light on Proudhon by placing his political thought in the republican tradition. This approach is relatively new. Prichard places Proudhon in a republican light when he addresses the international situation. This thesis will focus on the national level. The central question of this thesis therefore is: *how can freedom be defended from tyranny within the modern state from an anarchic perspective?*

To answer this question the political philosophy of Proudhon will be explained and placed in the context of the republican tradition. The republican tradition has always been interested in defending freedom from oppression and Proudhon’s insights might prove very useful for this line of thinking. It will be an attempt to bring Proudhon anarchism within the scope of republicanism. Though intuitively this may seem impossible, this is not in fact the case and the results will be shown to be promising. At the very least it will provide a better view of what it means to be an anarchist.

In chapter 1 I will discuss how the government can be made to be non-tyrannical based on the republican tradition. Keeping the government at bay is not an easy task. It took two and a half thousand years to get where we are now and we have not yet arrived at a just society that is free from tyranny. The path through these two and a half thousand years will be illuminated. It will be a historical journey through the republican thoughts of Thucydides, Aristotle, Polybius, Machiavelli, Montesquieu and the authors of the Federalist Papers.

In chapter 2 the philosophy of Proudhon will be explored. This chapter will inquire about the nature of property and the state. Proudhon’s ideas about anarchy will be shown to be very different from what is traditionally labelled as anarchy. The federalist mutualist state will be studied here.

In chapter 3 I will discuss the elements of republican thought that can be found in Proudhon’s work. When the state is a necessary institution, how can it best be framed? To answer this question republicans have come up with multiple tools to frame a just state. Are those tools also present in Proudhon’s anarchy? I will examine republican themes in the work of Proudhon like the rule of law, separation of powers, the idea of the state and decentralization. I will also point out that the non-republican themes that feature Proudhon’s work can be found in classical republican thinkers.

In chapter 4 I will draw lessons from Proudhon’s anarchistic view by assessing them critically. Proudhon’s ideas about property, the nature of men and the federalist mutualist state

¹ Hobbes, *Leviathan*, p. 89

will be criticized. It will show that Proudhon's ideal society might be able to survive these critiques and therefore should be considered as a viable state. This has serious consequences for the republican tradition.

The thesis will be concluded with an answer to the central question. It will conclude with the notion that although Proudhon has a system of his own, he does to a large extent fit in the republican tradition. His ideas of a federalist mutualist state add another form of state to tradition. Also his analysis of property enriches the republican tradition.

1. Republican Virtue

The origins of republicanism

To place Proudhon in a republican sphere, first the republican tradition needs to be presented. This chapter will follow a chronological order, organized by thinker. This is to make sure that the republican themes stay within their original framework as much as possible.

The key idea behind republicanism is the idea that no man should be subject to the arbitrary power of another. Ideals like freedom, rule of law, the mixed constitution and separation of powers are closely related to republicanism. In this chapter the focus will be on arbitrary power of the government. This fear of arbitrary power is not new to our era but is known throughout history, and men have been trying to find a way of government that can coexist with the liberty of men. One of these solutions is the mixed government which can be traced back to Thucydides.

1.1 Thucydides

In “*de Peloponnessische oorlog*” Thucydides (460-400 BC.), a Greek historian, first describes something like a mixed constitution. He describes the constitution of Athens as an excellent constitution because it was a constitution where both the needs of the elite and the masses were recognized.² It is known as the reign of the five thousand.³ The five thousand replaced the oligarchy of the four hundred. By enlarging the ruling class the Athenian government became a lot more democratic.⁴ Neither the elites, nor the masses should be able to suppress the other. Thucydides favors a balanced constitution. For him this would mean the balance between the ruling elites and the masses.

1.2 Aristotle

Aristotle (384-322 BC.) describes three types of states as good states: Monarchy, Aristocracy and Politeia. These three states each have a corrupted version.⁵ The monarch can become a tyrant, the aristocrat can become an oligarch and the politeia will turn into a democracy. The total number of types of states comes to six.⁶ Of these six, the politeia is the best form of government.

The ideal state (the politeia) is a tool that is used to lift citizens to a higher level.⁷ The highest level that a human being can obtain is the state of *eudaimonia* (wellbeing).⁸ A state of eudaimonia can be achieved by (a lot of) philosophical contemplation and virtuous actions.⁹ This higher level cannot be obtained by every human being in society so a large amount of them (slaves and workers) are excluded.¹⁰ Slaves and workers share less in reason than other

² Thucydides, *De Peloponnesische oorlog*, p. 782. Book 8, 97.

³ Thucydides, *De Peloponnesische oorlog*, p. 782. Book 8, 97.

⁴ Gustav Gilbert, *Greek Constitutional Antiquities*, p 158-159.

⁵ Aristoteles, *Ethica Nicomachea*, p. 246.

⁶ Plato, Aristotle's teacher, also describes six types of states but unlike Aristotle he recognizes timocracy and does not know politeia.

⁷ Aristoteles, *Politica*, p. 275. 1323 a 15.

⁸ Aristoteles, *Ethica Nicomachea*, p. 82.

Laurens ten Cate, *Encyclopedie van de filosofie*, p.36.

⁹ Aristoteles, *Politica*, p. 281 1325 a 31. Eudaimonia is an activity.

¹⁰ E. Barker, *The political thought of Plato and Aristotle*, p. 418.

more sophisticated men. For workers and slaves it is best to be governed by the learned and wise. The simpletons are the tools to build the ideal polis, not the end of it. The state takes care of education, the food supply, the army, religion and matters of good and evil.¹¹ The ideal state provides for both the material as well as the immaterial wellbeing of its citizens. The leadership of the state consists of old military officials. The younger men serve in the army and when they are old and wise enough they will become the leaders.¹²

Though there is a significant difference between the human beings that are citizens and those who are not, the ideal state of Aristotle shares in democratic ideals. Citizens are equal and share equally in property.¹³ All citizens will receive an education to ensure that the state reaches its goal of lifting its citizens to a higher level.¹⁴ In this sense the ideal state is a mix of democracy and aristocracy. No man should be ruled by their lesser.¹⁵

1.3 Polybius

The mixed constitution takes a more complete form in the writings of Polybius (200-118 B.C.). In his work “*The Histories*” he describes the rise of the Roman Empire. He argues that the superiority of the Roman Empire was due to its superior constitution. In Polybius political philosophy all states follow a natural cycle of decline.¹⁶ Polybius starts with a good king who will eventually become a tyrant. If it is not the good king then his son is very likely to become a tyrant. No king can be sure of good offspring. The noble and the brave will not submit to a tyrant and start a resistance.¹⁷ They will throw out the king and establish an aristocracy. The nobles are very aware of the evils that took place under despotic government so they will rule wisely. Their sons however, who are not familiar with the horrors of a tyrant will not be so kind to the people and start to become tyrants themselves. They will focus on gaining wealth and not on leading the country.¹⁸ The aristocracy will become an oligarchy. The people will not accept this and will drive out the oligarchs establishing a democracy. The people are aware that both monarchy and aristocracy will decline into their corrupted counterpart so they place the power of the state in their own hands. They will create a democracy. Due to lawlessness and license this democracy will eventually decline into mob-rule (ochlocracy).¹⁹ Just like Aristotle, Polybius sees three good kinds of government.²⁰ Unlike Aristotle, democracy is one of them. In themselves each of these states are doomed to fail. Polybius comes with an interesting solution to the problem of decline. The best constitution is a constitution that has all three of the good types of government in it.²¹

Polybius describes the mixed constitution of the Roman Empire as follows. The head of state is the consul. The consul is the executive branch, who leads the troops and

¹¹ E. Barker, *The political thought of Plato and Aristotle*, p. 417.

¹² E. Barker, *The political thought of Plato and Aristotle*, p. 419.

¹³ E. Barker, *The political thought of Plato and Aristotle*, p. 422

¹⁴ Aristoteles, *Politica*, p. 290. 1328 a 36

¹⁵ Aristoteles, *Politica*, p. 254. 1318 b 34 - 1319 a 5

¹⁶ Polybius, *The Histories of Polybius*, Book 6, p. 351.

¹⁷ Polybius, *The Histories of Polybius*, Book 6, p. 353

¹⁸ Polybius, *The Histories of Polybius*, Book 6, p. 354.

¹⁹ Polybius, *The Histories of Polybius*, Book 6, p. 350.

²⁰ Polybius, *The Histories of Polybius*, Book 6, p. 350.

²¹ Polybius, *The Histories of Polybius*, Book 6, p. 350. “*For it is plain that we must regard as the best constitution that which partakes of all these three elements.*”

corresponds to the monarchy.²² The senate is in charge of the empire's finances and makes the laws.²³ This element of the state corresponds to the aristocracy. The democratic element can be found in the courts that are made up of the people.²⁴ The courts also have a veto to block laws that they find repulsive.²⁵ This way the government is split in three with no way for any of the branches to gain absolute power. The consul cannot become a tyrant because the senate and the courts have the power to stop him. The same counts for the senate that cannot turn oligarchic because the courts will veto oligarchic laws. The people cannot decline into mob-rule when the senate and consul do their jobs.

Thucydides and Aristotle described the mixed constitution as a mix between aristocracy and democracy. Polybius goes further by dividing the government in three distinct units. Each of these branches of government could be identified with a specific kind of good government. Polybius develops the idea of a mixed constitution. Unlike Aristotle, Polybius prescribes a specific part of government to a specific way of ruling it.

1.4 Machiavelli

For many thinkers the Roman Empire is a source of inspiration. One of the thinkers who heavily drew on the lessons of Rome is Machiavelli (1469–1527).

Anyone who reads Machiavelli's *The Prince* will see that it cannot be further away from the ideal of republicanism. To deceive, to rob, to murder, everything is permitted as long as it keeps the prince in power.²⁶ To be called an example of Machiavellianism is not a compliment.

In the *Discorsi* Machiavelli shows a different side of himself. Instead of teaching how to rule, mercilessly when necessary, he takes the Roman history as delivered by Livius, and tries to draw lessons from its dealings to improve the situation of Florence.

Machiavelli follows Polybius in his views on *anacyclosis* and the mixed constitution. The best constitution is similar to Rome's.²⁷ The decline of the Roman Empire started with the first emperor Caesar. It was because of the absolute rulers that the Romans were no longer free people. This freedom was the core of the Roman power, and is the result of friction between the nobility and the people.²⁸ This is because the will of the people is more stable than that of the monarch.²⁹ It also places more emphasis on public interest and not on private interest.³⁰

Machiavelli stresses the importance of a judiciary that is open to every citizen. It is important that anyone can be brought before the court and that the courts will judge according to the law.³¹ Even the rulers should be subject to the law, and should be able to be brought before the courts. It is important that the rulers obey their own laws. Although Machiavelli

²² Polybius, *The Histories of Polybius*, Book 6, p. 357.

²³ Polybius, *The Histories of Polybius*, Book 6, p. 357.

²⁴ Polybius, *The Histories of Polybius*, Book 6, p. 358.

²⁵ Polybius, *The Histories of Polybius*, Book 6, p. 360.

²⁶ Machiavelli, *The Prince*, p. 58.

²⁷ Machiavelli, *Discorsi*, p. 115. 1.6.

²⁸ Machiavelli, *Discorsi*, p. 103. 1.4.

²⁹ Machiavelli, *Discorsi*, p. 259. 1.59.

³⁰ Machiavelli, *Discorsi*, p. 267. 2.2

³¹ Machiavelli, *Discorsi*, p. 121. 1.8.

does not use the phrase *rule of law* it is important in his political thought.³² Even when the Romans made use of a dictator, the dictator was still bound by certain laws.³³

Unlike the tradition he builds upon, Machiavelli sees more virtue in the people than in the nobility or the monarchy.³⁴ In this sense Machiavelli shows strong democratic tendencies. The Romans were sure of good leadership because they were able to select the best.³⁵ He praises the Roman people for their virtue, but he also acknowledges the lack of virtue in the peoples of his time. This is part due to the lack of religion. Religious virtues are of vital importance to a state. Though they should be used with some flexibility, any state that lacks them is sure to fall into decline.³⁶ Men are not born with virtue, so they need religion to educate them in moral matters.³⁷

He also emphasizes the idea of countervailing powers. The Roman dictator was still bound by the laws and could be stopped. The Senate, consuls and tribunes formed the countervailing power.³⁸ No power should be without a power to keep it in check.³⁹ How this should be done is left open in his work, but others have successfully found solutions.

1.5 Montesquieu

Montesquieu's (1689-1755) work (*De L'esprit des lois*) knows many similarities with Polybius. Just like Machiavelli before him, Montesquieu draws heavily on the Roman tradition. There are however very important differences between Montesquieu and his predecessors. Montesquieu separates the state in three parts, but does not base this on monarchical, aristocratic or democratic tendencies.⁴⁰ According to Montesquieu there are three powers within the state. Two of these are executive and one is legislative. The two executive powers consist of executive power for foreign and interior affairs. The government branch for interior affairs is also known as the judiciary power. Here we see the executive, legislative and judiciary power that are known today. It is vital that these three powers are kept separate, for tyranny looms when they fall into one hand.⁴¹

He states: "*Again, there is no liberty, if the judiciary power be not separated from the legislative and executive.*"⁴²

Of the three powers, it is the judiciary power that is the most dangerous for individuals. This is because the judiciary targets individuals while the legislative and executive are aimed at society as a whole. Montesquieu argues that the judiciary must be made invisible by making sure that the courts have no permanent seating. They are to be dissolved when they are no longer necessary. This is very different from Polybius and

³² Machiavelli, *Discorsi*, p. 146. 1.16

³³ Machiavelli, *Discorsi*, p. 182. 1.34

³⁴ Machiavelli, *Discorsi*, p. 147. 1.58. "*Daar kan maar één reden voor zijn, het bewind van een volk is beter dan het bewind van een vorst.*"

³⁵ Machiavelli, *Discorsi*, p. 155. 1.20.

³⁶ Machiavelli, *Discorsi*, p. 133. 1.11.

³⁷ Machiavelli cites Dante in: Dante, *The divine Comedy*, p. 191. Canto 7 : 121

³⁸ Machiavelli, *Discorsi*, p. 185. 1.35.

³⁹ Machiavelli, *Discorsi*, p. 185. 1.35.

⁴⁰ Montesquieu, *Spirit of the Laws*, book 11, chapter 6, p. 1.

⁴¹ Anthony Kenny, *A new history of Western Philosophy*, p. 721.

Laurens ten Cate, *Encyclopedie van de filosofie*, p. 360.

⁴² Montesquieu, *Spirit of the Laws*, book 11, chapter 6, p. 1.

Machiavelli. However, like Polybius and Machiavelli the judges should be made up of citizens.

The legislative power will consist of a parliament that will consist of representatives of the people. Representatives are necessary since it is impossible in large nation-states to include the entire population in the lawmaking process. Even if this possible it is still better to use representatives because most people lack the knowledge to fruitfully participate in lawmaking.⁴³ The representatives are selected by election. Every adult that is eighteen years or older has a right to vote unless they are not mentally capable.⁴⁴ The legislative power will not only consist of chosen representatives but also of nobility. The senate will be separated in two chambers, one for the chosen representatives of the people and one for the nobility. The nobility takes no part in the deliberation but is armed with a veto.⁴⁵ This means the nobility cannot write the law, but it can prevent certain laws from being passed. Unlike in Polybius, it is the nobility that has the veto and not the people.

The executive power will be in the hands of a monarch. He has the capability to stop the legislative power to make laws that give it absolute power. The monarch decides when the legislature assembles and for how long.⁴⁶

This way all three powers are firmly separated from each other but also connected by veto rights. The key concept is the separation of powers and less the balance of powers. This is something that is more prominent in the works of James Madison, Alexander Hamilton and John Jay.

1.6 Federalist Papers

Together with John Jay and Alexander Hamilton James Madison writes *The Federalist Papers* (1787). The Federalist Papers are a collection of newspaper articles that are meant to convince the American people to support the constitution. The United States became independent from Great-Britain and was in need of its own constitution.⁴⁷ Madison builds upon the ideas of Polybius and Montesquieu. He also separates the state in three parts and like Montesquieu he recognizes the legislative, the executive and judiciary branch of government. These three branches need to be separated from each other. They need to create a will of their own. In this sense Madison goes even further than Montesquieu in separating the three powers. By creating a will of their own each power gains the ambition to keep the other powers in check. In Madison's words: "*Ambition must be made to counteract ambition.*"⁴⁸ This is only possible when the powers are not only separated from each other but also dependent on each other. Their ambition will make sure that none of the powers will accept *encroachment* by the other powers. The idea of *checks and balances* take a central role in balancing the constitution.⁴⁹

The constitution that is defended in *The Federalist Papers* is a presidential constitution. Since Madison has a democracy in mind, the core of the political power lies with the people.⁵⁰

⁴³ Montesquieu, *Spirit of the Laws*, book 11, chapter 6, p. 3.

⁴⁴ Montesquieu, *Spirit of the Laws*, book 11, chapter 6, p. 3.

⁴⁵ Montesquieu, *Spirit of the Laws*, book 11, chapter 6, p. 4.

⁴⁶ Montesquieu, *Spirit of the Laws*, book 11, chapter 6, p. 5.

⁴⁷ Ian Crofton, *50 Inzichten Geschiedenis*, p. 110.

⁴⁸ James Madison, *The Federalist Papers*, no 51.

⁴⁹ James Madison, *The Federalist Papers*, no 51.

⁵⁰ Barry Goldwater, *The conscience of a conservative*, p. 22.

The executive power, the president, is chosen by the people. The fact that the president is chosen makes sure that he is firmly in power. He is not dependent on the other powers to get him in office. He is democratically chosen and when he doesn't do his job he will not be re-elected. Also the president is armed with a veto to block all legislation that he deems wrong. Only when there is a two-third majority in favor of the law, then the president is not able to use its veto. The president himself does not make laws. The only way for him to create law is through a senator. The president also has the ability to dissolve the senate.

The legislative branch is, according to Madison, the strongest of the three powers. The legislative power takes the form of a senate and is elected by the people. Both the legislative and the executive power are democratically legitimated. To check the strength of the legislative power the executive power, the president, was reinforced with a veto. Madison believes this was not enough so the legislative power is split in two. There is a house of representatives that consists of delegates from the states, and a senate that consists of chosen representatives.⁵¹ The legislative power controls the budget. Apart from the possibility of impeachment, where the president is removed from office, there is no way for the legislative power to remove the president.⁵²

The judicial power is meant as a check against both the legislative and the executive power but the judiciary power itself remains unchecked. This is because, in sharp contrast to Montesquieu, the judiciary is the weakest of the three. The president has the power of the sword, the legislative power that of the purse and the judiciary only has its words. A verdict is useless when it is not enforced. The check, that the judiciary has against the other two powers, is that of judicial review. The Supreme Court can declare laws to be unconstitutional and therefore void.⁵³ This power is meant to correct mistakes. When laws are passed that take away freedoms promised by the constitution the Supreme Court can intervene.

The constitution, described above, functions as the US constitution today.⁵⁴ The mixed constitution must guard against encroachment of governmental power on the freedom of the individual. This freedom is in grave danger when the power of the government is not separated.

Republican virtues have been developed over two and a half centuries. Many thinkers have contributed to this process, though their whole philosophy may differ. Some are monarchist, some are more democratic, others more aristocratic, they still find each other in these themes.⁵⁵ It is in this light that Proudhon will be placed in the republican tradition. Though he might not at his core have been a republican, he still has republican values in his work and his way of dealing with them may prove to be valuable for the republican tradition.⁵⁶ In the next chapter the philosophy of Proudhon will be examined.

⁵¹ James Madison, *The Federalist Papers*, no 62.

⁵² Article 4 section II of the US constitution.

⁵³ Alexander Hamilton, *The Federalist Papers*, no 78.

⁵⁴ There are a few changes. Slavery is abolished and a president can only be re-elected once. The idea of checks and balances however is still the same.

⁵⁵ Prichard, *Anarchy, mutualism and the federative principle*, p. 12.

⁵⁶ Prichard, *Anarchy, mutualism and the federative principle*, p. 13.

2. The philosophy of Proudhon

What is property?

In his work *“Property is theft!”* Proudhon (1809-1865) opens the attack on property, which, in his eyes, is the root of all evil.⁵⁷ Property is the excommunication of all mankind.⁵⁸ In this day and age it might be very hard, if not impossible, to imagine a world without property. One might think of forms of communism where all property belongs to the state or a situation where all kind of strangers can walk through your living room. This is not what Proudhon has in mind.

According to Proudhon the right of property as we know it today is in need of a foundation, that cannot be found. The right of property must be founded somewhere, and wherever an author has made a claim he has found it, Proudhon shows that he in fact did not.

2.1 The difference between property and possession

The core problem with property lies in its confusion with possession. Property is a right, possession is a fact. A farmer who works the lands is the possessor, while the owner who lends the land to him is the proprietor. Property is an evil, while private possession is a blessing.⁵⁹ The key difference between property and possession is described by Proudhon as such: *“(..)a lover is a possessor, a husband is a proprietor.”*⁶⁰ In a good marriage the husband (and also the wife) is a lover, and in a bad (perhaps worthless) marriage the husband and wife are not. In the same way a healthy relationship of men and matter is possession and a bad one is property. The connection between men and matter is stronger and more direct in the case of possession than in the case of property.

Now, what is property? The Dutch civil code describes it as the most inclusive right a person can have. From this right derives a whole range of other rights. Property nowadays includes a *use right*, the right to use to product. It includes the right of *alienation*, the right to sell the product or transfer it to someone else. It includes the right of *usufruct*, the right to draw fruits from the product. It also includes the right of *exclusion*, the right to keep others of the product. Finally it also includes the right of *modification*, to alter the product in the way the owner likes it. But Proudhon, however, does not just question what we mean by property, he is more interested in the foundation of the right of property. Proudhon believes that this foundation cannot be found, and attacks writers who claim they found it. It is important to keep the difference between possession and property in mind since Proudhon believes that possession does have a foundation.

Many writers have founded the right of property on a natural right. They claim that property comes from first occupation. There are a number of problems with this idea, when the current practice of property is considered. In the first place, the whole idea of a natural right implies that it should be equal amongst all. We all have the same right to

⁵⁷ Proudhon, *Property is theft!*, p. 107.

See also, Diogenes Laertius, *The lives of eminent philosophers*, p. 53 Diogenes 50. “The love of money he declared to be mother-city of all evils.”

⁵⁸ Proudhon, *Property is theft!*, p. 95.

Proudhon, *Property is theft!*, p. 104

⁵⁹ Proudhon, *Property is theft!*, p. 150.

⁶⁰ Proudhon, *Property is theft!*, p. 91.

property. Given the finite characteristics of the planet this is an impossibility. Later generations do not share in the same right as their predecessors. They will find the world occupied. The natural right theory does not hold here.

Proudhon also answers with Cicero who claims that the world is like a theater.⁶¹ Everyone is free to take a seat where he pleases. This seat is his for the duration of the show. He can claim any empty seat, but he is limited in the sense that he cannot claim more than he needs. He cannot claim two seats, or an entire row. This idea of property is compatible with possession, but not with property as we know it. The idea of property that is used today is perfectly compatible with taking more than one seat. Proudhon points out that Cicero has a different idea of private property than what is meant by it today.

When every human has a natural right of occupancy then the world must be divided among all the people of the world. Every time the number of people changes, the amount of matter that a person has a right to changes.⁶² Justice would demand it. This would be very impractical. It will make occupation subordinated to population. The right by occupancy can thus never remain fixed and never develop into property.⁶³ Occupation thus, is not the foundation of property.

So for Proudhon it is clear that property does not come from a natural right in combination with first occupancy. The only thing this theory can support is possession.

Other writers have proposed property as a natural right associated with labor. Property is the fruit of your labor. This theory does also not support the way property is used today.⁶⁴ In the case of a worker who puts his labor in a product, the wages he will receive are always less than the value of the products he creates. If he would receive the exact value, there would be no profits.⁶⁵ Also, the value of labor rises when more laborers are put to work due to the added value of their cooperation.⁶⁶ Their collective force is greater than the sum of their numbers. If this is not being taken into account, the worker is robbed.⁶⁷ Proudhon describes this collective force as a collective property, and as collective property it should be enjoyed by the collective and not by the few who can deploy it.⁶⁸ The system of wage labor alienates the worker from his labor and also alienates society from collective labor.⁶⁹ This alienation of collective labor and the appropriation of its value by the capitalist, the proprietors, is a war on mankind.⁷⁰ The worker does not enjoy the fruits of his labor.

Another problem arises when considering land as property. The creator of the land is God Almighty, or, if you are not religious, the creator is unknown. Land cannot be claimed as property, since no one's labor has created it. Also the work and skill that the laborer put in the ground do not give him a title to the ground itself. It only gives title to the products the ground

⁶¹ Proudhon, *Property is theft!*, p. 94.

⁶² Proudhon, *Property is theft!*, p. 97.

⁶³ Proudhon, *Property is theft!*, p. 100.

⁶⁴ Proudhon, *Property is theft!*, p. 101.

⁶⁵ Interestingly enough, a system without profits would be cheaper and thus more efficient in capitalist terms.

⁶⁶ Prichard, *Anarchy, mutualism and the federative principle*, p. 105.

⁶⁷ Proudhon, *Property is theft!*, p. 77.

⁶⁸ Proudhon, *Property is theft!*, p. 116-117.

⁶⁹ Prichard, *Anarchy, mutualism and the federative principle*, p. 105.

Tucker, *The Marx-Engels Reader*, p.77.

⁷⁰ Prichard, *Anarchy, mutualism and the federative principle*, p. 105.

produces.⁷¹ Since land can never be appropriated, the renting of land becomes problematic. There can be no title to charge rent to a farmer who works the fields.⁷² The farmer, putting his work in the soil has more right, based on the theory of labor as the source of property, to the fruits of the soil than anyone else.⁷³ Did the landowner receive a title to those fruits as a result of his labor?⁷⁴ If he did not, then he cannot claim property right based on labor. The land cannot be held in property based on labor.

Proudhon also points to the problematic nature of accession, succession and donation in relation to labor. The receiver did not labor but still gains the product and his relation to the product is defined as property.⁷⁵

Labor can only be successfully used as foundation when property is seen as possession. Property and labor cannot coexist peacefully. In a system of property the laborer will receive less than the value of his labor. So property suppresses labor. When labor is the base for property it will destroy property, since it can only coexist with possession.

From the perspective of equality property becomes a problem. Just like the air we breathe and the water we drink, labor and land are necessities for life. As such, humans have an equal right to them and labor and land cannot be appropriated.⁷⁶ From necessity comes the right.⁷⁷ Proudhon's position to property can be described as follows: "*Corner-stone of all which is, stumbling-block of all which ought to be,-- such is property.*"⁷⁸

2.1 Proudhon's anarchy

Human beings are associated with each other, they are political animals.⁷⁹ Creating communities lies in the nature of mankind.⁸⁰ The term anarchy, often used to describe a situation in which there is no state, seems to contradict this. Proudhon calls himself an anarchist and still holds that men are associated with one another. What does this anarchy look like?

One of the first political thinkers who describes anarchy is Plato.⁸¹ According to Plato, anarchy is the worst state a nation can be in. The one who yells the loudest or carries the heaviest weapon is boss. There is no order, there is no authority. In the scene of chaos the people will suffer and wish for a strong leader to bring order back to society.⁸² This man, coming from a chaotic population, who needs to rule over uneducated fools, will become a tyrant. Anarchy isn't a form of state like aristocracy or democracy; it is a situation that comes from the failure of democracy which transforms it into a tyranny.⁸³ It is a passing phase that will result in despotism. This state of anarchy knows many similarities with the state of nature

⁷¹ Proudhon, *Property is theft!*, p. 112.

⁷² Proudhon, *Property is theft!*, p. 170. In this respect farm-rent is similar to interest.

⁷³ Proudhon, *Property is theft!*, p. 113

⁷⁴ Proudhon, *Property is theft!*, p. 123.

⁷⁵ Proudhon, *Property is theft!*, p. 103.

⁷⁶ Proudhon, *Property is theft!*, p. 67.

⁷⁷ Proudhon, *Property is theft!*, p. 104. "In a word, equality of rights is proved by equality of needs"

⁷⁸ Proudhon, *Property is theft!*, p. 100.

⁷⁹ Proudhon, *Property is theft!*, p. 129

⁸⁰ Prichard, *Anarchy, mutualism and the federative principle*, p. 102.

⁸¹ Plato, *The Republic*, 562 E, p 307.

⁸² Plato, *The Republic*, 565 D, p 319.

⁸³ Plato, *The Republic*, 562 B, p 305.

in Hobbes. Hobbes points out that there is no industry or craft in the state of nature.⁸⁴ Many things that will make life pleasurable will not exist in either Plato or Hobbes' anarchy. Both are terrible states to live in, and need to be abandoned as soon as possible. Both will result in a strong leader or *Leviathan* who will restore order but not necessarily justice. A Hobbesian state of nature, where the life of men is “*solitary, poore, nasty, brutish and short*”, is also a state of anarchy.⁸⁵ Described as such, nobody in his right mind would want to live in anarchy.⁸⁶

Still, Proudhon describes himself as an anarchist.⁸⁷ This is only possible because the idea of anarchy in Proudhon is completely different from that of Plato and Hobbes.⁸⁸ Proudhon does not completely do away with the state. The state of anarchy is ruled by reason and not by men.⁸⁹ Since every man shares in reason, every man is part of the legislative power of government. Proudhon, who follows Plato and Aristotle in this, believes that ruling is a *techné*, a skill.⁹⁰ The laws of the nation must be found by reason and science. What is reasonable and just can be scientifically tested. Every member of society can share his opinion on what is just, but only the nation can declare it to be law.⁹¹

Proudhon argues that the state (the government), as we know it, is no longer necessary. He comes to this conclusion by looking for basis of government. This can be found in the protection of individuals. Just like Hobbes, Proudhon sees the creation of the government, with its power to coerce by the sword, as necessary for the protection of citizens.

However, men are no longer savages who continuously prey on each other.⁹² There is however still a division in society.⁹³ This division is the division of the strong and the weak. This strength or weakness comes down to economic power. They come from the monarchical relation between property and worker. The same monarchical relation can be found in interest.⁹⁴ The question of economics, of property, of politics and the state, are one and the same question.⁹⁵ In order to destroy this division of the strong and the weak, property must be changed and interest, just like farm-rent, must be abandoned.⁹⁶ This will create greater equality in economic power and by this equality the need for the sword of the state will vanish.

The organization of men will be realized by labor.⁹⁷ Labor has an organizing power in itself. Man will not be thrown back on his own. Also in a moral sense, man will not be left to himself. It is science that will provide the moral compass of society.

⁸⁴ Hobbes, *Leviathan*, p. 89. Chapter 13.

⁸⁵ Hobbes, *Leviathan*, p. 89.

⁸⁶ Hume, *A Treatise of Human Nature* p 586, Book III, Part II, Section VII.

⁸⁷ Proudhon, *Property is theft!*, p. 133.

⁸⁸ In fact it is much closer to Plato's ideal aristocratic society, as will become clear later on.

⁸⁹ Proudhon, *Property is theft!*, p. 133.

⁹⁰ Proudhon, *Property is theft!*, p. 316.

⁹¹ Proudhon, *Property is theft!*, p. 134

⁹² Proudhon, *Property is theft!*, p. 487.

⁹³ See also: Plato, *The Republic*, 551 D.

⁹⁴ Proudhon, *Property is theft!*, p. 378.

⁹⁵ Proudhon, *Property is theft!*, p. 503.

⁹⁶ Proudhon, *Property is theft!*, p. 500.

⁹⁷ Proudhon, *Property is theft!*, p. 497.

Proudhon, *Property is theft!*, p. 445.

Proudhon argues for the banishment of the state on the grounds that we no longer need it.⁹⁸ Society can guide itself without the aid of representatives. It is from this position that Proudhon rejects the separation of powers. When the people govern themselves no separation of powers is needed.⁹⁹ Just like the will of a person, the will of the nation is one and indivisible.¹⁰⁰ Proudhon believes in the autonomy and personality of the masses.¹⁰¹ Proudhon's idea about the autonomy of the masses is very similar to Rousseau's idea about the general will.¹⁰² Proudhon creates a public *me* that has a will.¹⁰³ This will becomes an object of science which will help shape a just society.

In the same way that Proudhon wants to abolish property, by replacing it with a just alternative, he also wants to abolish the state.¹⁰⁴ The state does not disappear completely but is transformed into a just institution that looks very different from what would be called a state today. The government is turned on its head and organized bottom up and not top down.¹⁰⁵ This government is a federation of small "natural groups".¹⁰⁶ Natural groups are groups like trade unions, workers associations, guilds, etc. A group is a collection of individuals that have a conscience of themselves as a group. This conscience must be proclaimed and practically affirmed.¹⁰⁷ These groups will have a high level of solidarity with their members.¹⁰⁸ When a group meets these qualifications the group can govern itself. This will be done by direct democracy where all the leaders are accountable to the electorate.¹⁰⁹ This way the people truly govern themselves. In this sense the separation of powers becomes interesting again. Proudhon doesn't separate the power itself but he does make sure he creates as many sources of power as possible to balance them out. He creates a balance of power by creating as much factions as possible and making them mutually dependent on each other.¹¹⁰ This way no natural group will ever become so strong it can dominate the others. The internal power structure of the natural groups will rest on direct accountability to the electorate.

The natural groups will form a federation. This federation will take the role that the state has today. Its power however, will be very limited. The right of taxation is almost completely taken from it. The only taxation that is possible is the tax on products.¹¹¹ It is very similar to BTW, a value added tax. In contrast with the modern state the federation does not have a real center of power.¹¹² The natural groups will only transfer the power to the federation which they are willing to transfer. They will receive as much from the state as they

⁹⁸ Proudhon, *Property is theft!*, p. 487.

⁹⁹ Proudhon, *Property is theft!*, p. 368.

¹⁰⁰ Proudhon, *Property is theft!*, p. 368.

¹⁰¹ Proudhon, *Property is theft!*, p. 483.

¹⁰² Rousseau, *The Social Contract and other political writings*, p. 7. Rousseau also sees the political body as a moral being that has a will of its own.

¹⁰³ Proudhon, *Property is theft!*, p. 484.

¹⁰⁴ Proudhon, *Property is theft!*, p. 25.

¹⁰⁵ Proudhon, *Property is theft!*, p. 23.

¹⁰⁶ Proudhon, *Property is theft!*, p. 24.

¹⁰⁷ Prichard, *Anarchy, mutualism and the federative principle*, p. 152.

¹⁰⁸ Prichard, *Anarchy, mutualism and the federative principle*, p. 148.

¹⁰⁹ Prichard, *Anarchy, mutualism and the federative principle*, p. 152.

¹¹⁰ Prichard, *Anarchy, mutualism and the federative principle*, p. 76.

Proudhon, *Property is theft!*, p. 499.

¹¹¹ Proudhon, *Property is theft!*, p. 377.

¹¹² Prichard, *Anarchy, mutualism and the federative principle*, p. 145.

are willing to sacrifice to it.¹¹³ Some central tasks will still be possible but the natural groups will always be the stronger party. The rights transferred to the state will be minimal. It is vital for Proudhon that there is always a possibility to opt out.¹¹⁴ The central government, for as far as it exists, does not have the power to enforce anything on the natural groups. The only force comes from the law of reason. The laws, found out by reason, can and will be enforced. Proudhon is a friend of order, not of chaos.¹¹⁵

What will keep the federation together is a contract¹¹⁶. In contrast with social contract thinkers like Rousseau, Locke and Hobbes, Proudhon's social contract is an actual document signed and agreed on by the members of society. The goal of the social contract is similar to that of Rousseau. The state should protect the individual with the full common force, while the individual should still be as free as he was before.¹¹⁷ It seems rational to enter the social contract but without a common power the contract will be a dead letter. For Proudhon this power will come from reason.¹¹⁸ In Proudhon's ideal society there is no such thing as profit, interest and property (only possession). Profit comes from selling a product for more than its costs. This means the seller gains a bonus at the expense of the buyer. The buyer moves more wealth to the seller than he receives, which means that there is more wealth accumulation in the hands of the seller. When this theory is applied to society as a whole, it becomes clear that profit is nothing else than moving wealth from one person or group in society to the other. It is like moving money from your right hand to your left hand. Society as a whole does not get better from profit. In the current state of affairs the world is in, the breaking of contract often has a financial element to its reason. In Proudhon's ideal society this motive is absent. The contract is mutual advantageous for other than financial reasons, and the breaking of the contract is less likely to happen. Proudhon addresses the free-rider problem by making sure there is nothing to gain from breaking the contract and the possibility to opt out.¹¹⁹

It is the collection of these ideas, possession, rule of reason and federation, that are central to Proudhon's idea about mutualism.¹²⁰ Men will not be in a state of competition with each other but live in harmony. This is done by balancing the natural groups and preventing the centralization of government.¹²¹ It is very similar to Marx's *species being*, where man is no longer alienated from his labor, property and fellow men.¹²² In this *species being* man is fully emancipated as man and truly free.¹²³ He is released from the bonds of feudalism and capitalism.

In contrast to Marx however, Proudhon is not a communist. In Proudhon's view communism destroys the individuality of men. Communism is an attack on the free will of the

¹¹³ Prichard, *Anarchy, mutualism and the federative principle*, p. 146.

¹¹⁴ Prichard, *Anarchy, mutualism and the federative principle*, p. 147.

¹¹⁵ Proudhon, *Property is theft!*, p. 133

¹¹⁶ Prichard, *Anarchy, mutualism and the federative principle*, p. 145.

¹¹⁷ Prichard, *Anarchy, mutualism and the federative principle*, p. 74.

¹¹⁸ Prichard, *Anarchy, mutualism and the federative principle*, p. 145.

¹¹⁹ See also: Hobbes, *Leviathan*, p. 101 chapter 15. Hobbes addresses the fool who does not observe the social contract. He finds it rational to break it.

¹²⁰ Prichard, *Anarchy, mutualism and the federative principle*, p. 154.

¹²¹ Prichard, *Anarchy, mutualism and the federative principle*, p. 153.

Prichard, *Anarchy, mutualism and the federative principle*, p. 138.

¹²² Marx, *Het Kapitaal*, p 71.

¹²³ Tucker, *The Marx-Engels Reader*, p.75.

people and their morality.¹²⁴ The uniformity that is central to communism is the key problem for Proudhon. Both property and communism are rejected. Property is the exploitation of the weak by the strong, while communism is the exploitation of the strong by the weak.¹²⁵ The thesis property, and the antithesis communism, should both be overcome in a higher synthesis namely liberty. In his idea of the mutualist state based on a federation of natural groups Proudhon gives expression to this synthesis.

It might be good to summarize here that Proudhon is an anarchist but still upholds a system of order (based on reason). Proudhon also keeps the idea of a government alive in his work, albeit a strongly decentralized one. Property becomes possession and the state becomes a federation.¹²⁶ There will be a rule of law based on the law of reason which is founded on science. Proudhon does not fit in the traditional idea of anarchy. In that sense Proudhon is not an anarchist.

¹²⁴ Proudhon, *Property is theft!*, p. 131.

Proudhon, *Property is theft!*, p. 132. "Communism is oppression and slavery."

¹²⁵ Proudhon, *Property is theft!*, p. 132.

¹²⁶ Proudhon, *Property is theft!*, p. 379. "We want property, but property restored to its proper limits, that is to say, free disposition of the fruits of labour, property MINUS USURY!"

3. Republicanism in Proudhon

Proudhon as a republican

The philosophy explained in chapter 2 seems to be in sharp contrast with the ideals that have been expressed in chapter 1. This chapter seeks to bring both of them together by showing that Proudhon either advances or transforms the key notions behind republicanism. The pieces of the puzzle that at first sight do not seem to fit (the banishment of property and interest), will also be shown to fit in republican thought, or, at the very least, are familiar to other republican thinkers.

3.1 Government

The government as we know it today will ultimately need to be banished. In its place will arise a federation of natural groups. The banishment of government seems to be in sharp contrast with the republican ideal of a just government that does not abuse its power. This is not the case. Proudhon wants to get rid of the domination relation of the state, while the republicans want the state to stay within its proper domain. Although Proudhon does not believe in the service conception of government, the republican conception of government is not that far from Proudhon's ideal.¹²⁷ Considering the famous quotation of James Madison: "*If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls of government would be necessary.*"¹²⁸

All that is necessary to move from a mixed government to the banishment of government under these maxims would be to state that men *are* angels. Proudhon does not explicitly say men are angels, but he clearly emphasizes the idea that men are no longer savages who prey on each other. There is no difference in principle, but they disagree about the facts. Both Madison and Proudhon can agree when clarity is gained on the condition of mankind. Where men ever to reach the level of the angels, Madison would very likely join ranks with Proudhon in abandoning government completely.

According to Madison, "*justice is the end of government*", and, "*government is the reflection of human nature.*"¹²⁹ This means that justice is not just the object of government, but of mankind itself. Mankind employs the government as a tool for justice, but like any other tool, its efficiency and its effectiveness needs to be evaluated, improved, and when necessary, be replaced.

Replacing government by a federation of natural groups is not as un-republican as it might seem at first glance.¹³⁰ It is an idea that Madison himself hints at when addressing the problem of a tyrannical majority. Madison states it as follows: "*There are but two ways of providing against this evil: the one by creating a will in the community independent of the majority — that is, of the society itself, the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the*

¹²⁷ Proudhon, *Property is theft!*, p. 491.

¹²⁸ James Madison, *Federalist Papers*, no 51.

¹²⁹ James Madison, *Federalist Papers*, no 51.

¹³⁰ Machiavelli, *Discorsi*, p. 277. 2.4. Machiavelli calls this the second best option. The Roman model remains the best.

whole very improbable, if not impracticable."¹³¹ Proudhon takes both these options. First by acknowledging that the masses have a will of their own and second by dividing government over as many natural groups as possible.¹³² While the Madisonian version of balancing groups requires a center of power, the Proudhonian version does not. Where the American Constitution heavily limits the scope of the central government, such a limitation is not necessary for Proudhon.¹³³ The center does not have any other power than the natural groups would give it, and in the second place the natural groups can always opt out. Where the states in the Madisonian view are a bulwark against the central government, they are the source of power in Proudhon.¹³⁴

Proudhon does not believe in the divisibility of power.¹³⁵ This is because in his ideal anarchic state there is no government that needs to be divided. It is the rule of society by society on the grounds of reason and science. This power does not need to be divided because it cannot be turned against society. A government can start to prey on its citizens and destroy society, but society itself cannot do so. However, when society is not organized like the ideal anarchic state, separation of powers is necessary. All states and government in history have failed to create liberty.¹³⁶ They produced the opposite of liberty. Were these systems to continue, then the separation of powers is the best of a bad situation.

The same line of thinking is used when it comes to constitutionalism. Constitutionalism is the entrenchment of domination by the state over the people. This is very contrary to Madison who sees the constitution as a way of defending against government tyranny. Proudhon rejects the constitution on the grounds that it protects the power relations he seeks to destroy. It is replaced by a social contract that every participating group has signed. His idea of law is that it is made by reason. Such laws and lawmakers do not need entrenchment since they rest on reason. The rejection of the separation of powers is not a strange thing in republicanism either. Both Hegel and Tocqueville do not believe in the mixed constitution.¹³⁷

Republican thinkers have often argued for decentralized government. The law, even in the hands of bad men, is less oppressive when it is executed and interpreted on a local level. Alexis de Tocqueville argues that: "*Zelfs als de wet onderdrukkend zou zijn, zou de vrijheid nog altijd een schuilplaats vinden in de manier waarop de wet wordt uitgevoerd; en de meerderheid zou niet kunnen afdalen in de details, noch, zo durf ik te zeggen, in de kinderachtigheden van de administratieve tirannie.*"¹³⁸ Central government would not bother to include the amount of detail necessary to tyrannize the population without the help of the local authorities. For this reason it is vital that government is decentralized. When government is centralized, despotism of the worst kind looms.¹³⁹ Proudhon argues to apply this idea on a

¹³¹ James Madison, *Federalist Papers*, no 51.

¹³² Proudhon, *Property is theft!*, p. 592.

¹³³ Alexis de Tocqueville, *Over de democratie in Amerika*, p. 132. Anything not explicitly transferred to the central government is done by the state.

¹³⁴ Ron Paul, *Liberty Defined*, p. 265.

¹³⁵ Proudhon, *Property is theft!*, p. 370.

Proudhon, *Property is theft!*, p. 368.

¹³⁶ Proudhon, *Property is theft!*, p. 690.

¹³⁷ Alexis de Tocqueville, *Over de democratie in Amerika*, p. 273.

¹³⁸ Alexis de Tocqueville, *Over de democratie in Amerika*, p. 285.

¹³⁹ Alexis de Tocqueville, *Over de democratie in Amerika*, p. 103.

much larger scale. Natural groups are self-governing and ipse facto not dominated by centralized powers.¹⁴⁰ Proudhon takes the republican notion of decentralization very serious and advances it into his federalist state.

The Amish are a present day example of the possibility that a self-governing natural group can handle its affairs without government interference. Proudhon imagines a society of various natural groups who like the Amish conduct their own affairs. This is very consistent with the idea that ruling is a techné. Since circumstances differ in different parts of the nation, governing wisely needs to be done by someone who is familiar with the area and the issues that concern it.¹⁴¹ Decentralization provides better rules while allowing more freedom.

To summarize: Proudhon separates and balances power not over three branches of government but over a plethora of natural groups. He takes the republican idea of decentralized power to the extent that there no longer is a center of power. Rather than dismissing the republican virtues he transforms them or extends them while keeping his eye focused on freedom.

3.2 Rule of law

Rule of law is an ancient concept to stop the domination by the governing elite over the masses. Although rule of law does not take away the possibility of despotic power, it takes away from it its arbitrary character, the despot's favorite tool.¹⁴² Binding the government to its own laws, creates an atmosphere where the actions of the authorities are predictable. The key principle of the rule of law, or *rechtsstaat*, is that every member of society, the rulers included, are equal before the law.¹⁴³

Its origins can be traced back to ancient Athens (350 B.C).¹⁴⁴ In Ancient Athens parliament would make two kinds of law: Statutes and Decrees. The Statutes were general laws in the same way as we know it today, and Decrees were temporary measures. The Athenian constitution was formed by the collection of Statutes. Any Decree that was passed needed to be in accordance with the Statutes.¹⁴⁵ Statutes were first accepted by parliament and later approved by the *nomothetai*, a group of 1001 citizens.¹⁴⁶ This was to make sure the laws would not change too often and arbitrary government power would be impossible.

The creation of the law was in the hands of male citizens.¹⁴⁷ Not everybody participates in the lawmaking process; women, non-Athenians, slaves and children were

Alexis de Tocqueville, *Democracy in America*, p. 250.

¹⁴⁰ Prichard, *Anarchy, mutualism and the federative principle*, p. 138.

¹⁴¹ Montesquieu, *Over de geest van de wetten*, p. 47 1.3.

See also: Rousseau, *The Social Contract*, p. 100.

¹⁴² Alexis de Tocqueville, *Over de democratie in Amerika*, p. 275. Despotic laws are not arbitrary and sometimes arbitrary decisions are for the good of the people.

¹⁴³ The term *rechtsstaat* also includes a form of state, which of law not necessarily implies. The two term are very similar but not synonyms. They both share the idea that every member of society can be held accountable for the law.

¹⁴⁴ Plato, *Apologia Sokratous*, 35C. p.308. Judges should apply the law and not do favors.

¹⁴⁵ Mark J. Sundahl, *The living constitution of ancient Athens: A comparative perspective on the originalism debate*, p. 482.

¹⁴⁶ Mark J. Sundahl, *The living constitution of ancient Athens: A comparative perspective on the originalism debate*, p. 478.

Gustav Gilbert, *Greek Constitutional Antiquities*, p. 302.

¹⁴⁷ Julia Maskivker, *Participation and rights in Athenian democracy: a Habermasian approach*, p. 857.

excluded. Though the Athenian democracy was a direct democracy, many were excluded in the law making process.¹⁴⁸ Proudhon tries to change this with his notion of the rule of reason.

Instead of a body of picked men, the entire population is the legislative body. That is, when they are right. Similarly Cicero states: “*And since right reason is Law, we must believe that men have Law also in common with the Gods.*”¹⁴⁹

The will of the masses is a subject that can and needs to be studied.¹⁵⁰ From this study, the laws will emerge. They are general laws in the same way as are known today. Though they need to be declared by the government, the entire population can write the law.¹⁵¹ How this notion of law, that needs to be declared by the nation, relates to his idea about federation is unclear. General laws mean that the natural groups do not have the possibility to act in contradiction to the law. However, if the government only declares general laws and the interpretation is left to the natural groups then the problem is smaller. The natural groups are still capable of writing laws specific to their group. Like the Decrees they need to be in line with the general law declared by the government. Since these laws are found by reason, and not by men, there is no authority problem. The laws can be proven to work, or dismissed when they don't.¹⁵²

The idea of a rule of reason is not new in political thought. Plato's philosopher kings should do exactly that.¹⁵³ They should use their wisdom, obtained by education and their love for knowledge to rule society.¹⁵⁴ This rule of reason would not necessarily mean equality for the law, but the rules laid down would be for the good of society, not for the good of the elite. Plato puts it like this: “*You have forgotten again, my dear friend*” I said, “*that this was not the purpose of the law that a single section of the community will do exceptionally well, but the intention is that this will apply across the whole state (..).*”¹⁵⁵

It has to be observed here that rule of law also does not necessarily entail equality. All it asks is that the law is made known before it is enforced. The same tendencies of rule of reason that can be found in Plato are visible in the work of Aristotle who also wants the rule of the wise. Also the idea of representative democracy tends towards the rule of reason. Working with representatives requires only political virtue in the chosen elite.¹⁵⁶ The people do not necessarily have to be politically virtuous. This saves the people a lot of time and, when the power is used correctly, gives a “*professional product.*”¹⁵⁷

A more contemporary thinker who argues along the lines of rule of reason is Joseph Raz (1939). For laws to have authority they need to help the citizen to make better decisions based on reason. This means that the government balances all the reasons there are, or at least

¹⁴⁸ Gustav Gilbert, *Greek Constitutional Antiquities*, p 288.

¹⁴⁹ Cicero, *On the Laws*, p. 323. Book I. VII 23

¹⁵⁰ Proudhon, *Property is theft!*, p. 484.

¹⁵¹ Proudhon, *Property is theft!*, p. 134.

¹⁵² Proudhon, *Property is theft!*, p. 134.

¹⁵³ Richard H. Popkin, *The Pimlico History of Western Philosophy*, p. 49.

See also: Heraclitus, *Aldus sprak Heraclitus*, p. 68. Fragment 113.

Karl Popper, *De open samenleving en haar vijanden*, p. 41.

Frederick Copleston, *A History of Philosophy*, p. 38.

¹⁵⁴ Plato, *Symposion*, 211C, p. 666.

¹⁵⁵ Plato, *The Republic*, Boek VII. 519 E. p. 125.

¹⁵⁶ Kinneging, *Geografie van goed en kwaad*, p.295.

¹⁵⁷ Kinneging, *Geografie van goed en kwaad*, p.295.

that is what they are supposed to do, so that the citizens do not have to do this themselves. The lawmakers reasons are all included in the law and the law should replace those reasons for the citizen.¹⁵⁸ However, when there are reasons that are not being taken into account by the lawgiver, the citizen may weigh these reasons. Raz calls this the dependence thesis; “*All authoritative directives should be based, in the main, on reason which already independently apply to the subject of the directives and are relevant to their action in the circumstances covered by the directive.*”¹⁵⁹ Contrary to Proudhon, rules that ultimately are not based, would still be binding. The whole point of authoritative rules is that they bind even when they are wrong.¹⁶⁰ The legitimacy of the rules however, comes from the balance of reason, and a government that often acts contrary to reason, loses its legitimacy.¹⁶¹ Proudhon’s ideal laws seems to be close to the *no difference thesis*. This thesis states that the rules should not change anything in what the citizen is supposed to do, since the law should only lead in the direction of what they ought to do. This is, in fact, not the case. Proudhon’s system still allows for laws that solve coordination problems and Prisoner’s Dilemmas. The key concept of authority for Raz is that those who are subject to the law are likely to better comply with reason.¹⁶² Legitimate authority is very similar to epistemic authority.¹⁶³ Following the law is in your own best interest. This is also what laws in Proudhon’s society are supposed to do.

Good laws alone mean nothing when certain citizens or groups stand above it. Equal access to the courts is an important theme for Machiavelli. Without equality for the law, or when it is impossible to bring certain individuals to justice, the order in society becomes endangered.¹⁶⁴ The emotions of people are the cause. When they cannot acquire justice they will start to express their discontent, while an atmosphere of peace can be created when the leaders respect the laws.¹⁶⁵ This equality before the law is vital to order.

The way Proudhon approaches the law is only different from the republican tradition in the amount of trust he places in science. Proudhon states is as follows: “*Now, what is it to recognize a law? It is to verify a mathematical or metaphysical calculation; it is to repeat an experiment, to observe a phenomenon, to establish a fact.*”¹⁶⁶ One might object that those who write the law are the sovereigns. This is not what Proudhon has in mind. The Pythagorean formula derives its authority from it being tested and true, not from Pythagoras. The laws of society need to be made in the same way.

Where the republican tradition places its trust in the selected few to make the law (while also be subject to it), Proudhon places his trust in any individual who happens to be right. Every citizen is equally lawmaker and subject to the law. How Proudhon would respond to scientifically tested laws that require inequality is unknown.¹⁶⁷ Since the idea of equality is

¹⁵⁸ Raz, *Authority and justification*, p. 23. Otherwise citizens would be guilty of double-counting.

¹⁵⁹ Raz, *Authority and justification*, p. 14.

¹⁶⁰ Raz, *Authority and justification*, p. 15.

¹⁶¹ Raz, *Authority and justification*, p. 21.

¹⁶² Raz, *Authority and justification*, p. 19.

¹⁶³ Diogenes Laertius, *The lives of eminent philosophers*, p.31. Diogenes 30. Diogenes, when sold as slave, claimed authority to rule, comparing himself with a doctor who would, even as a slave, have authority.

¹⁶⁴ Machiavelli, *Discorsi*, p. 121. 1.8

¹⁶⁵ Machiavelli, *Discorsi*, p. 146. 1.16

¹⁶⁶ Proudhon, *Property is theft!*, p. 134.

¹⁶⁷ Perhaps it might be reasonable that the speed limit on highways does not count for professional racecar drivers.

strengthened by the transformation of property and the federalist mutualist state, inequality for the law might be considered less problematic. Keeping in mind that all laws correspond with reason.

3.3 Property

In the republican tradition Proudhon's ideas about property are rarely welcomed.

Republicanism often knows strict property rights. However, Proudhon's distrust towards property is not new in the republican tradition. Similar notions can be found in Cicero and also Locke's and Nozick's ideas about occupation show similarities with Proudhon. Locke's idea about the foundation of property is very different from Proudhon, since Proudhon only allows possession. Locke bases his theory on the foundation of property on labor and occupation. For Locke property is created when a man mixes his labor in a product or when he occupies a good that belongs to no one else (picking wild berries). Locke holds that nature is given to men as a whole and that thus simple occupancy is not enough to establish a right of property.¹⁶⁸ The right of property comes when one has mixed his labor in the product (land included).¹⁶⁹ Proudhon rejects the idea of property being based on labor but his ideas about the limits of property are similar. Locke's idea about the limitation of property is based on "enough and as good".¹⁷⁰ This means every human being can occupy the goods and land he wants (as long as he mixes his labor with it) but he cannot occupy more than that which he needs. Locke states it as follows: "*He was only to look that he used them before they spoiled; else he took more than his share, and robb'd others.*"¹⁷¹ He can occupy enough, that which he needs to live, nothing more; "*nothing was made by God for men to spoil or destroy.*"¹⁷² While doing that he also needs to leave enough for others, and of the same quality he took. This idea is based on the *tragedy of the commons*. When a land is held in common, no one has an incentive to take care of it. It is similar to the free-rider problem, only in this case everyone wants to be the free-rider. By making property private, the owner has incentive to take care of it. When properly taken care for, the fruits will be his. When the piece of land is properly cultivated, mankind as a whole will be better off.¹⁷³ Locke explains it as follows: "*To which let me add, that he who appropriates land to himself by his labor, does not lessen but increase the common stock of mankind. For the provisions serving to the support of human life, produced by one acre of inclosed and cultivated land, are (to speak much within compasse) ten times more, than those, which are yielded by an acre of Land, of an equal richnesse, lyeing waste in common.*"¹⁷⁴ Keeping in mind that spoilage is not allowed, the greater production of the land will benefit society as a whole, not just the owner.

This theory has problems with goods that are finite in character (and most goods are). It is impossible to occupy everything the earth has to offer from those goods, since you do not

¹⁶⁸ Locke, *Two Treatises of Government*, Second treatise, chapter 46, p. 300.

Locke, *Two Treatises of Government*, Second treatise, chapter 32, p. 290.

¹⁶⁹ Locke, *Two Treatises of Government*, Second treatise, chapter 31, p. 290.

¹⁷⁰ Locke, *Two Treatises of Government*, Second treatise, chapter 33, p. 291.

¹⁷¹ Locke, *Two Treatises of Government*, Second treatise, chapter 46, p. 300.

¹⁷² Locke, *Two Treatises of Government*, Second treatise, chapter 31, p. 290.

¹⁷³ Locke, *Two Treatises of Government*, Second treatise, chapter 32, p. 291. The owner of the land even needs the consent of his fellow commons to enclose land, since God has given it to all.

Locke, *Two Treatises of Government*, Second treatise, chapter 37, p. 294.

¹⁷⁴ Locke, *Two Treatises of Government*, Second treatise, chapter 37, p. 294.

leave enough and as good for others. If the last unit cannot be occupied for that reason the same goes for the second last unit, etc. Following this theory through, nothing can ever be appropriated since you cannot leave others equal opportunity.¹⁷⁵ The notion of not taking more goods than one needs is an important similarity with Proudhon. The key difference between their ideas is that Proudhon does not accept property as anything more than possession, while Locke does. The apple picked by a servant still belongs to the master.¹⁷⁶ For Locke the protection of property is one of the reasons men create a state in the first place, while Proudhon wants to get rid of both.

Just like Proudhon and Locke, Cicero believes that the natural world is given to the entire human species.¹⁷⁷ His idea of private property is much closer to Proudhon's ideas about possession than the current vision on property. Property, according to Cicero, comes from taking first possession and holding it for a long time, from conquest of war, due process of law, bargain, purchase and allotment.¹⁷⁸ For Cicero it is a crime against society to have more property than necessary, and everyone has a duty to share with others. This duty is even more pressing when there is no cost involved in sharing.¹⁷⁹ Cicero limits the scope of property to need, and imposes a duty on property owners to share when they are capable of doing so. For Cicero also, human beings are associated and connected with each other. Just like Proudhon, Cicero does not allow for the accumulation of wealth beyond need. Cicero puts the right use of property as follows: "*Only let it, in the first place, be honestly acquired, by the use of no dishonest and fraudulent means; let it, in the second place, increase with wisdom industry, and thrift; and, finally, let it be made available for the use of as many as possible (if only they are worthy) and be at the service of generosity and beneficence rather than of sensuality and excess.*"¹⁸⁰

Cicero's ideas about the state are linked to his idea about property. The word republic comes from the words *res* and *publica*, which means the public thing.¹⁸¹ Cicero holds that man is a political animal, and that the republic is the common good of the people.¹⁸² The republican is their property. In the republic men are united by a certain kindness and goodwill. This comes from the shared partnership of all men in justice.¹⁸³ Though Cicero follows Polybius in his political thought on the formation of the state, and thus favors a mixed constitution, this notion of the state as belonging to the people, is not very different from Proudhon.¹⁸⁴

Cicero, a republican thinker, does not support property the way it is used today. Proudhon advances on Cicero's ideas about property. When it comes to the state the two have very different views, but their core is similar. Both find the foundation of society in the people. Where Cicero calls the republic the property of the people, in Proudhon's state the state and the people are one.

¹⁷⁵ Nozick, *Anarchy, State, and Utopia*, p. 176

¹⁷⁶ Locke, *Two Treatises of Government*, Second treatise, chapter 28, p. 289

¹⁷⁷ Cicero, *De Officiis*, p. 23 Book I, XVI, 51

¹⁷⁸ Cicero, *De Officiis*, p. 55 Book I, VII, 21

¹⁷⁹ Cicero, *De Officiis*, p. 55 Book I, XVI, 51

¹⁸⁰ Cicero, *De Officiis*, p. 95 Book I, XXVII, 92

¹⁸¹ Proudhon, *Property is theft!*, p. 133.

¹⁸² Cicero, *On the Republic*, p. 65. Book I. XXV 39

¹⁸³ Cicero, *On the Laws*, p. 323. Book I. XIII 35

¹⁸⁴ Cicero, *On the Republic*, p. 59. Book I. XXI 34

Unlike Cicero, Locke and Proudhon, Nozick does not believe in a natural communism where the earth belongs to men as a whole. Nature has no owner, so no special right is needed to defend appropriation. The fruits of the world are *res nullius*, belonging to no one else. However, also for Nozick there are limitations. When appropriating a good, one cannot leave the rest worse off than they were before.¹⁸⁵

Private property as the excommunication of the rest of mankind does not meet the ideal of Cicero, it is contrary to enough and as good and it does leave others worse off. This is even more clear when the property is not used by the proprietor but by the worker who pays rent (or interest when capital is involved) for the use of it.

The right to charge interest derives from the notion of property. More specifically the right of usufruct. Though also not a classical republican topic, the aversion to interest is not strange to republican thinkers. Aristotle, when discussing the right and the wrong use of money, calls interest the unnatural way of using money.¹⁸⁶ Money is, and should be, used to facilitate business and trade by making buying and selling easier.¹⁸⁷ Creating money with money and not with labor is unnatural. Aristotle continues later in his work that nothing noble can come from something unnatural.¹⁸⁸

Machiavelli also hints at a distrust of interest. Though he does not mention it directly, he criticizes in strong terms the noble elite who gain wealth without laboring. They are the root of evil, and the source of conflict.¹⁸⁹

In conclusion, Proudhon can be seen to advance the republican notion of freedom from oppression from the government to domination the civil sphere by property. His ideas about the state are different from the traditional republican approach but it is possible to interpret them within the lines of republican thought. Although property and interest are not classical republican subjects, republican thinkers are worried about them none the less. Proudhon enriches the republican tradition by developing these themes further.

¹⁸⁵ Nozick, *Anarchy, State, and Utopia*, p. 178. This is a weaker version of “enough and as good”.

¹⁸⁶ Aristoteles, *Politica*, 1257 a8. p. 49.

¹⁸⁷ Aristoteles, *Politica*, 1257 a35. p. 50

¹⁸⁸ Aristoteles, *Politica*, 1325 b10. p. 282

¹⁸⁹ Machiavelli, *Discorsi*, p. 237. 1.55

4 Anarchistic virtues

What's wrong with republicanism?

The relation between a monarch and a servant is similar to the relation between the proprietor and the worker.¹⁹⁰ The republican tradition has focused on the first part of the problem, the relation between ruler and subject, and has neglected the second relation. In order to create freedom, the institution of property has to be rethought as well. This idea becomes clearer when the institution of slavery is observed. All the republican thinkers mentioned in chapter 1, were familiar with slavery. The ideas they developed to prevent the state from preying on its own people did nothing to protect the slaves. Under the rule of law in Athens and the United States slavery was permitted. The domination over slaves was not stopped by the separation of powers. Nor did decentralization bring freedom to the slaves. The classical republican virtues left a lot of work to be done. There is a lot more to domination than state oppression. When Proudhon is placed in the republican tradition he advances the tradition in the direction of other-than-state domination. Proudhon sought to republicanize property and to destroy the domination relations that exist in it.¹⁹¹

4.1 What can we learn from anarchism? The nature of men.

To be able to learn from the anarchistic ideas of Proudhon, they need to be put to the test. His banishment of the state as we know it, depends on his idea that men no longer need the state. Men have evolved above the savages and can live in peace without the common power to keep us all in awe.

Let's, for the sake of argument, first assume that Proudhon is right. That men, when released from institutions as property, interest and the state would turn into angels. Would those angels need government? Kavka, claims the answer to this question is: yes, even angels need government. It is important to note that Kavka's angels remain fully human in the sense that they are not perfect.¹⁹² They are not transcendent winged entities, but humans of flesh and bone. In Kavka's definition an angel is a human being with a consistent set of moral beliefs. The angel is morally conscious and always acts on his beliefs. To Kavka's definition I would like to add a love for fellow human beings (human decency), to make sure that Thrasymachus-like moral belief systems cannot be called angelic. A moral system that says: "whatever the strong and powerful do is good", when acted upon by a human, does not produce an angel. This does however, not change the rest of Kavka's analysis.

Even with a consistent moral belief system, these angels still need government on the grounds that there are conflicts that they cannot solve without the help of government. Kavka comes to this conclusion by analyzing four types of conflict that requires a government to solve them. In the first place, angels can disagree about the facts. Whether something is broken, or violated, may not be clear.¹⁹³

¹⁹⁰ Prichard, *Anarchy, mutualism and the federative principle*, p. 151.

¹⁹¹ Prichard, *Anarchy, mutualism and the federative principle*, p. 13.

¹⁹² Kavka, *Why even morally perfect people would need government*, p. 2.

¹⁹³ Kavka, *Why even morally perfect people would need government*, p. 3.

Second, Kavka notes, that given moral pluralism, angels will come into conflict about morally difficult issues like abortion or euthanasia.¹⁹⁴ It might be impossible to find out which angels are right and therefore they need government to solve the issue.

Thirdly, Prisoners' Dilemmas and coordination problems will arise in a society of angels.¹⁹⁵ Even with perfect moral belief systems there may not be a crucial reason to, for example, drive on the right or left side of the road. These problems do however need to be addressed, and addressed centrally.

In the fourth place motivated belief may be a source of conflict.¹⁹⁶ Angels, acting on these beliefs, think they are morally right while others do not need to share those beliefs. This is also a potential source of conflict.

Kavka concludes that these four problems constitute a need for government. Even morally perfect citizens need a government. Proudhon can however object that his federal mutualist state can provide the services needed to combat these issues. The natural groups can transfer these limited powers to a public organ that takes care of them. There are still laws in Proudhon's anarchy. Angels do not necessarily need government, but a public body that has the authority to make decisions in certain cases. Proudhon's anarchy survives the charges from Kavka.

Angels might not need government to live in harmony, but men are not as morally perfect as angels. Is it possible for men to live without government? Many claim the power of sword is needed to keep men from inflicting all kinds of injustice on each other. Does human nature require a government to be held at bay, or is humanity corrupted by society?

The idea that man is corrupted by society is featured in Rousseau's work. Rousseau argues that: "*THE first man who, having enclosed a piece of ground, bethought himself of saying This is mine, and found people simple enough to believe him, was the real founder of civil society. From how many crimes, wars and murders, from how many horrors and misfortunes might not any one have saved mankind, by pulling up the stakes, or filling up the ditch, and crying to his fellows, "Beware of listening to this impostor; you are undone if you once forget that the fruits of the earth belong to us all, and the earth itself to nobody."*"¹⁹⁷ Proudhon expands on Rousseau's ideas. When private property and interest belong to the past, a more sociable man arises.

Does this abandoning of property stop conflicts in society that need the power of the sword to be dealt with? According to Hobbes there are three reasons why men in the state of nature, where there is no power of the sword, come into conflict with each other. In the first place because of competition. Men have need of various resources and most of these resources are finite in character.¹⁹⁸ Knowing that this is the case, each individual will try to get enough, or more, of those resources. When necessary, they take the goods at the cost of a fellow human being. This creates distrust, dissidence, among men. All men know that that the other is a potential threat. The first one to strike is the person with the best chances to obtain

¹⁹⁴ Kavka, *Why even morally perfect people would need government*, p. 4.

¹⁹⁵ Kavka, *Why even morally perfect people would need government*, p. 5.

¹⁹⁶ Kavka, *Why even morally perfect people would need government*, p. 6.

¹⁹⁷ Rousseau, *A discourse on the origin of inequality*, p. 40.

¹⁹⁸ Newey, *The Routledge Guidebook to Hobbes*, p. 86.

the resources, so all humans will be on constant alert.¹⁹⁹ This will constitute a constant state of war between all individuals. War is not only the violence that it features, but also the constant threat thereof.²⁰⁰ The third reason for conflict does not have much to do with material resources. It is glory, the need for a good reputation, or the power of your ambition. Glory drove Macbeth to kill the king; “*To prick the sides of my intent, but only Vaulting ambition, which o’erleaps itself, And falls on th’other.*”²⁰¹ The three reasons for conflict are: competition, dissidence and glory.²⁰²

Only the first two of the Hobbesian reasons for conflict have a material component. When Proudhon wants to better man by abandoning property and interest he is targeting these two sources of conflict. Now even if he were to be successful in combatting these two sources, there would still be a third source for conflict, namely glory. From this source of conflict arises the need for the power of the sword.

According to Machiavelli, any ruler that deserves the name, needs to make the laws while bearing in mind that men are naturally inclined to do evil.²⁰³ Glory definitely plays a part here. When men stop fighting out of necessity, they will fight to gain glory.²⁰⁴ Men’s nature is so, that it can want all, but never achieve all. There is a never-ending urge in men to gain glory. In *The Prince* Machiavelli states it as follows: “*For this may be said of men generally: they are ungrateful, fickle, feigners and dissemblers, avoiders of danger, eager for gain.*”²⁰⁵ Machiavelli does not suggest how to change men for the better, besides that religion and political virtue have a positive effect on social order.²⁰⁶ From his writings it is clear that any ruler or system should be prepared to deal with evil.

Another thinker who heavily criticizes the idea that men can be changed for the better is Nietzsche. Nietzsche does not believe in human equality, but in the rule of the *übermensch*. As long as the *übermenschen* make up the ruling class, society will be peaceful.²⁰⁷ Nietzsche puts it as follows: “*Want mijn broeders, het beste moet heersen, het beste wil ook heersen! En waar de leer anders luidt daar – ontbreekt het beste.*”²⁰⁸ The workers will be content with their share in life and so will the rulers.²⁰⁹

According to Nietzsche equality is absurd and wrong. He calls the prophets of equality *tarantulas*, expressing his disgust.²¹⁰ Humans, the prophets of equality included, are driven by a will to power. The will to be power lies in their nature. Nietzsche believes that the human nature is wretched and that this wretchedness is part of life and therefore needs to be

¹⁹⁹ Newey, *The Routledge Guidebook to Hobbes*, p. 87 and 89.

²⁰⁰ Hobbes, *Leviathan*, p.88 chapter 13.

²⁰¹ Shakespeare, *Macbeth*, I, VII, 29-31. p.863.

²⁰² Hobbes, *Leviathan*, p.88 chapter 13.

²⁰³ Machiavelli, *Discorsi*, p. 101. 1.3

Machiavelli, *The Prince*, p. 45. Chapter 15

²⁰⁴ Machiavelli, *Discorsi*, p. 187. 1.37

²⁰⁵ Machiavelli, *The Prince*, p. 45. Chapter 17

²⁰⁶ Machiavelli, *Discorsi*, p. 133. 1.11

²⁰⁷ Nietzsche, *Aldus sprak Zarathoestra*, p. 142.” ‘Van bovenaf’ druppelt immers de ster en het genade-speeksel; naar boven snakt iedere sterrenloze boezem.”

Nietzsche, *Aldus sprak Zarathoestra*, p. 190.

²⁰⁸ Nietzsche, *Aldus sprak Zarathoestra*, p. 165.

²⁰⁹ Nietzsche, *De Antichrist*, p. 92 chapter 57.

²¹⁰ Nietzsche, *Aldus sprak Zarathoestra*, p. 88.

Nietzsche, *Vorbij goed en kwaad*, p. 106. chapter 203.

embraced.²¹¹ When a thinker claims that the nature of men is fully good he has forgotten the darkness within his own soul. As Shakespeare put it: “*To know my deed, ’twere best not know myself.*”²¹²

Nietzsche is not willing to forget and does not believe in humans being fully good. Humans are not a blank sheet that can be programmed by their surroundings (at least not fully). Freud also hammers at this. Institutions like property can indeed be problematic but taking those away does not change the nature of mankind. Human nature, its id, is described by Freud as: “*People are, in reality, bubbling cauldrons of violent and sexual desire waiting to boil over.*”²¹³ Human aggressiveness will find a way to express itself.

In Freud’s mind, for socialism to work, the wants of the egoistic person need to be known. In the second place they need to be fulfilled.²¹⁴ While socialism focusses primarily on the material side it is questionable that this can settle all the wants of the person. There is a psychological side to the problem which material gain cannot solve, since not all wants are materialistic in character.²¹⁵ Freud would reject socialism, and from his analysis it is very probable that he would also reject anarchism.²¹⁶ The fear of the sword, in Freud’s terms, the father, is necessary for an orderly society.²¹⁷

Both Freud and Nietzsche do not believe in a will of the masses.²¹⁸ They would both reject the public me, or general will. The only way these concepts are used is as a disguise for the user’s own will to power. The ones claiming to defend the rights of others are just trying to better or consolidate their position.²¹⁹

While a bit more optimistic than Freud and Nietzsche towards the capabilities of institutions to better men, Plato is also worried about the nature of men. According to Plato men easily fall into a less virtuous version of themselves. His idea about the soul of man is analogous with his idea about the decline of states. Humans are easily led by the hydra in their souls.²²⁰ Only the best of the best are capable of being guided by wisdom.

Plato does however see a corrupting element in the institution of property. His guardians, the second best, cannot own private property.²²¹ This is to keep them focused on their one goal in life; the protection of the polis. Not allowing the guardians property is a way to prevent them from preying upon the citizens they are supposed to protect.²²² Property has a

²¹¹ Nicholas Buccola, *The Tyranny of the Least and the Dumbest*, p. 16.

²¹² Shakespeare, *Macbeth*, II, II, 43. p.865. Macbeth just killed a just king to take his place on throne. Driven by ambition and pressured by his wife he stabbed the king to death.

²¹³ Pamela Thurschwell, *Sigmund Freud*, p. 104.

²¹⁴ Diogenes Laertius, *The lives of eminent philosophers*, p.47. Diogenes 44. Diogenes claims that the Gods haven given men the means for an easy living, but that men’s hardship is due to wanting more.

²¹⁵ Pamela Thurschwell, *Sigmund Freud*, p. 108.

Nicholas Buccola, *The Tyranny of the Least and the Dumbest*, p. 29.

²¹⁶ Pamela Thurschwell, *Sigmund Freud*, p. 110.

²¹⁷ Pamela Thurschwell, *Sigmund Freud*, p. 104. In Freud’s psychology the father is very important. This comes from the helplessness from childhood when the individual learns that the father means both fear and protection.

²¹⁸ Nicholas Buccola, *The Tyranny of the Least and the Dumbest*, p. 25.

²¹⁹ Nicholas Buccola, *The Tyranny of the Least and the Dumbest*, p. 25.

²²⁰ See also: Hume, *A Treatise of Human Nature*, p. 591, Book III, Part II, Section VIII. “Men, ’tis true, are always much inclin’d to prefer present interest to distant and remote; nor is it easy for them to resist the temptation of any advantage, that they may immediately enjoy, in apprehension of an evil that lies at a distance from them.”

²²¹ Plato, *The Republic*, 416 D.

²²² Plato, *The Republic*, 416 B

corrupting effect on the souls of the guardians and also plays a fundamental part in the decline of the soul of the timocrat towards the oligarch.

To be fair to Proudhon, he does not claim to be able to take away all reasons for conflict. Nor that can be turned into angels. He only argues that men can live without government and the power of the sword. He anticipates conflict with his idea about balancing natural groups. Proudhon's theory will still be fine as long as he is capable of dealing with the wretched nature of mankind. His political philosophy does not need angels to work, but it needs to be capable of working with evil tendencies in human beings.

4.2 Government

Since Proudhon has a more optimistic view of human nature, his political system lies open for criticism from that direction. Does his political system still hold when confronted with a more pessimistic notion of human nature. How can potentially bad people, selecting potentially bad people, result in freedom? A system of direct democracies is, without defensive mechanisms for the nature of mankind, open to all kinds of attacks. In the history of philosophy the democratic system has been widely criticized. These criticisms start with Plato.

For Plato, democracy is only one step away from chaos. This is because the atmosphere of democracy will be reflected in everyday life.²²³ The atmosphere is equality makes authority something to be avoided. All citizens will try to make their opinion heard even when they have no knowledge of the issues at hand. This will lead to disaster. The only people the citizens will follow are demagogues who tell the people what they want to hear. Plutarch describes it as such: "*This man, (...) took that ordinary course towards usurpation of absolute power, namely to gain the multitude, (...)*"²²⁴ The spirit of equality will rob government from its capabilities to lead and place it in the hands of people who are good speakers, but bad leaders.²²⁵

To combat this, Plato has an important role for education in mind.²²⁶ All citizens will be trained in sports, music, math and philosophy. Though the people with no skill in these matters gradually drop out, the part of the population that is supposed to lead will complete the course.²²⁷ During their education the students will be placed in all parts of society to gain valuable experience. The key idea behind this education is gain knowledge of good and evil and being able to apply this when it is their turn to rule.²²⁸

Platonic love also has a role to play. Love will drive people to better versions of themselves. Love goes out to things the person lacks, but wants. At first they will love one body, then two, then all beautiful bodies. From this point one starts to love virtue, science and eventually the science that only has beauty as its object.²²⁹ Like good and evil, beauty is a

Juvenalis, *Satires*, VI. 347..

²²³ Plato, *The Republic*, 558 C.

²²⁴ Plutarch, *Lives*, p. 177. Camillus.

²²⁵ Diogenes Laertius, *Lives of eminent philosophers*, p. 169. Socrates 38. The speeches written to condemn Socrates to death were written by sophist.

Diogenes Laertius, *Lives of eminent philosophers*, p. 175. Socrates 46. The death of Socrates robbed the citizens of Athens from their wisest. Society pays the price for their demagogues.

²²⁶ Plato, *The Republic*, 541 B.

²²⁷ Plato, *The Republic*, 540 A.

²²⁸ Plato, *The Republic*, 480 A

²²⁹ Plato, *Symposion*, 211C, p. 666.

platonic form.²³⁰ The highest form of love, is love for these forms. Socrates is quoted to have said: “*There is, he said, only one good, that is knowledge, and only one evil, that is, ignorance; wealth and good birth bring their possessor no dignity, but on the contrary evil.*”²³¹ For Plato, knowledge about the form ‘good’ gives you reason to act accordingly.²³²

Although Plato does not believe that democracy can be a workable system, it is possible to view education and love as stabilizing factors, even for a democracy.

Aristotle follows Plato in the importance of education. The education of young men is vital to the state. Since no man should be ruled by their lesser, it is crucial that citizens will become the best they can be. For that reason Aristotle wants to educate the people. An important difference between Plato and Aristotle is the scope of their education project. Plato includes all the inhabitants of the polis while Aristotle only wants to educate the citizens. This means that slaves and woman are excluded while Plato wants to include them.

The Aristotelian education serves the same role as in Plato. It is to make sure that the polis has good leaders and to protect the citizens from demagogues. It provides citizens with knowledge and teaches them to be virtuous.²³³ Virtue in Aristotle is different from Plato. Aristotle holds that virtue needs to be practiced in order to work. Knowing what is virtuous is not enough.²³⁴ Virtues need to become character traits through extensive exercise and education.²³⁵ Besides the goal of virtue, education also serves to support friendship. True friendship is, according to Aristotle, only possible between equals.²³⁶ This friendship goes out to the virtue of the friend. It is a reflection of the virtues found in oneself.²³⁷ Since Aristotle wants its citizens to be the best, and the ideal polis is like a brotherhood of friends, it is necessary to educate.

While Friendship, love and education can arm the people against demagogues and prepares them to be leaders in the future, it does not arm against all problems a democracy can face.

Alexis de Tocqueville describes two problematic tendencies that democracy in his view has. In the first place a democracy tends towards soft despotism. This is because men, in a democracy, tend to be more individualistic. While only caring about their little world, they will not care for the world and people around them. Because these things still need to be taken care of, the government will fill the hole. This will lead to *big government*.²³⁸ While doing so, it will encroach upon the private sphere of the individual. Democracies tend towards becoming welfare states. The problem is described by Barry Goldwater as follows: “*(..) that if we take from a man the personal responsibility for caring for his material needs, we take*

²³⁰ Plato, *Faidros*, 248A

²³¹ Diogenes Laertius, *Lives of eminent philosophers*, p. 161. Socrates 31.

²³² Korsgaard, *The sources of normativity*, p. 37. Korsgaard quotes Mackey, who, in his argument from queerness, ridicules platonic forms because of the to-be-doneness that is built into them.

²³³ Aristotle, *Politica*, 1338 A 10

²³⁴ Aristotle, *Ethica Nichomachea*, p.236. Book IX, chapter 9-2. “Vandaar dat kennis van het optimaal functioneren niet voldoende is, maar we moeten het ons proberen eigen te maken en in praktijk zien te brengen, tenzij we op andere manieren goed kunnen worden.”

²³⁵ Carl von Clausewitz, *On War*, p. 163. Clausewitz’s education has similar tendencies as Aristotle. “It will light his way, ease his progress, train his judgment, and help him to avoid pitfall.”

²³⁶ Aristotle, *Ethica Nichomachea*, p.236. Book VIII, chapter 3-5

²³⁷ Aristotle, *Ethica Nichomachea*, p.236. Book IX, chapter 4-1

²³⁸ Ron Paul, *Liberty Defined*, p. 63. “The trouble with democracy is not so much its workings at any one time; the trouble is the dynamic it sets in place that gradually changes a small government into a big one.”

from him also the will and the opportunity to be free.”²³⁹ Because the very same people that are being pampered also have the power to choose their representatives the problem gets worse. How are they supposed to choose the right representatives?²⁴⁰

The second problematic tendency is the formation of tyrannical majorities. Tyrannical majorities are problematic in two distinct fashions. In the first place in the lawmaking process when minorities do not have the influence to stop the majority. The majority writes the law and can easily tyrannize minority groups. The problem lies in the wrong interpretation of democracy.²⁴¹ Democracy means the rule of the people, which in principle means making unanimous decisions.²⁴² In practice this is nearly (if not completely) impossible on almost all cases. As a second best the majority rule is in place.²⁴³ This compromise however means that minorities are in danger of becoming oppressed. They are not capable of stopping the majority from making the most horrible rules.²⁴⁴

The second place where the tyranny of the majority makes itself felt is in thought. Mill calls this the tyranny of the prevailing opinion.²⁴⁵ It is here that the tyranny of majority is most dangerous. No dictator can really get inside the minds of their subjects, but a tyrannical majority can.²⁴⁶ In the words of Tocqueville: “*In Amerika trekt de meerderheid een geweldige cirkel om het denken heen. Binnen de cirkel is de schrijver vrij, maar wee hem die de grens dreigt te overschrijden.*”²⁴⁷ The punishment for going against the current is social exile. This means the loss of friends, not being able to gain a position of power nor the gaining of glory. This means that most writers will not publish against the prevailing opinion, even when their words are true. This is a big social loss.

This social loss becomes clearer when the work of Daniel Gilbert is taken into account. According to Gilbert men will, at first, believe everything they read.²⁴⁸ This is necessary in order to understand what is read. There is no neutrality towards information. When reading information, all information that comes in, will be believed no matter the content. In the second stage the information is tested against the information that is already present. When the process of the second stage fails or is disrupted, information will be believed without checking it. There are multiple reasons why the second stage can fail. When certain information is not published for fear of social retribution, the people will lack this information to test against. It is vital for any society that its citizens create a filter of good

²³⁹ Barry Goldwater, *The conscience of a conservative*, p. 69.

²⁴⁰ Alexis de Tocqueville, *Over de democratie in Amerika*, p. 750.

²⁴¹ Alexis de Tocqueville, *Over de democratie in Amerika*, p. 272. “De stelregel dat de meerderheid van een volk het recht heeft om alles te doen als het op besturen aankomt, acht ik godslasterlijk en verachtelijk, en toch beschouw ik de wil van de meerderheid als de bron van alle machten.”

See also, Ron Paul, *Liberty Defined*, p. 65. “Dictatorial powers, by gaining acceptance by 51 percent of voters and colluding to suppress minorities, are every bit as harmful as a single dictator.”

²⁴² Kinneking, *Geografie van goed en kwaad*, p. 296.

²⁴³ Kinneking, *Geografie van goed en kwaad*, p. 281.

²⁴⁴ Seneca, *Het ware geluk*, p.12.”Helaas is het in het menselijk bestaan niet zo dat de beste ideeën een meerderheid behalen. Een massa supporters? Dan gaat het zéker om iets slechts.”

See also. Plutarch, *Parallel Lives II Aristides*, VII 1. Aristides, who was called the just, was banish from Athens by ostracism.

²⁴⁵ Mill, *On liberty* p. 7.

²⁴⁶ Alexis de Tocqueville, *Over de democratie in Amerika*, p. 277.

²⁴⁷ Alexis de Tocqueville, *Over de democratie in Amerika*, p. 277.

²⁴⁸ Gilbert, *You can't not believe everything you read*, p. 230.

information to check the information they receive.²⁴⁹ Citizens also need the will to use their filter and think critically.²⁵⁰ Believing goes automatically, while critical thinking requires exercise and effort.²⁵¹ Otherwise nothing stops them from believing the biggest lies. When the tyranny of the prevailing opinion prevents information from reaching the public, the chances grow that the public gets stuck in dogmatism. Unsurprisingly, education is very important for Tocqueville as well.

Tocqueville also points to the value of religion in society. In democracy especially it is very valuable as a counter mechanism to individualism. Religion will bind people together and unites them in the pursuit of a higher goal. In the same way the tyranny of the prevailing opinion works to prevent certain thoughts, religion prevents immoral action; “*En zo staat de wet het Amerikaanse volk toe alles te doen, terwijl de religie het tegelijkertijd verbiedt alles te denken en het verbiedt alles te durven.*”²⁵² Religious beliefs and education are the prime tools for keeping the demagogues at bay.

Plato, Aristotle and Alexis de Tocqueville all do not believe in the separation of powers. As stabilizing factors for democracy they recognize, education, love and friendship. In addition Tocqueville also notes religion, the federative form of government and lawyers as stabilizing components of society. They recognize individualism, dogmatism (tyranny of the prevailing opinion), demagogues and lack of education/knowledge as destabilizing. Whether these stabilizing elements are enough to stabilize the federation Proudhon has in mind, is not clear. Proudhon himself interestingly enough does not believe that organized religion has a positive influence.²⁵³ The church, just like the state, is a system of domination.²⁵⁴ The people have been made to pay and pray, and are sick of it. In place of organized religion he has education in philosophy in mind. Education should be open to all members of society. For Proudhon education needs to be linked to the workshop. If it would not be linked to the workshop one would be creating masters in the workplace.²⁵⁵ This is something Proudhon tries to avoid. To make sure education is linked to the workshop education will take the form of apprenticeship.²⁵⁶ Besides this apprenticeship the student will follow philosophy lessons for one hour a week for six years.²⁵⁷ The education is not completely free from religious virtues. Philosophy will teach students to reverse the seven deadly sins (wrath, greed, sloth, pride, envy and gluttony) into virtuous character traits.²⁵⁸ Proudhon does not believe that the church is a force for good, but does support the values of religion. Religion in itself is an organic affair in that it belongs to human beings.²⁵⁹ Religion itself is not a bad thing, just the domination relations that have grown from it. In this respect both education and religion are present in Proudhon’s anarchy. Both are, in the Proudhonian form, free from centralization and domination.

²⁴⁹ Gilbert, *You can’t not believe everything you read*, p. 231.

²⁵⁰ Gilbert, *You can’t not believe everything you read*, p. 231.

²⁵¹ Derksen, *De ware toedracht*, p. 125.

²⁵² Alexis de Tocqueville, *Over de democratie in Amerika*, p. 316-317.

²⁵³ Proudhon, *Property is theft!*, p. 400.

²⁵⁴ Proudhon, *Property is theft!*, p. 356.

²⁵⁵ Proudhon, *Property is theft!*, p. 594.

²⁵⁶ Proudhon, *Property is theft!*, p. 378.

²⁵⁷ Proudhon, *Property is theft!*, p. 620.

²⁵⁸ Proudhon, *Property is theft!*, p. 605.

²⁵⁹ Proudhon, *Property is theft!*, p.405.

Proudhon would not be the first to try and stabilize democracy. Though history developed in the direction of separation of powers it is unknown whether the banishment of property and interest in combination with the above mentioned stabilizers would provide for a stable direct democracy. In order for his federation to work, Proudhon needs to be prepared for the evil in human beings. His direct democratic system that is deployed within the natural groups, needs to be able to combat them. Whether religion, love and education are enough to do this, remains an open question. Proudhon does have one safety mechanism in place. In his direct democracies the chosen leaders are directly responsible to their electorate. They can at any moment be put out of service. This would stress the importance of education. Only educated citizens can handle the power to govern. To govern is to predict. Only educated citizens are capable of seeing their long term interests and are capable of selecting the right leaders. It is the reverse of what Nietzsche claims when he says; “*If one wants slaves, then one is a fool if one educates them to be masters.*”²⁶⁰ In the same way, if you want direct democracy to work, or when you want the citizens to be able to rule themselves, they need to be educated. If one wants masters, then one is a fool not to educate them. Proudhon wants masters, not of men, but over their own life’s, so they won’t need government.

Federalist mutualism, combined with the above mentioned safety mechanism, may provide an interesting alternative form of state. Originally the number of possible forms for the state is six.²⁶¹ The rule of the one, monarchy and tyranny. The rule of the few, aristocracy and oligarchy. And the rule of all, democracy and ochlocracy. Proudhon would add the rule of none. The good version, anarchy (federative mutualism), while the bad version would be chaos (anarchy in the original sense of the word). While the last version could not be called a state the first one can. Proudhon adds one more possible form of state to the traditional scheme. That is an achievement on its own.

4.3 The consequences

When anarchy can be admitted to the list of possible good forms of government who are not necessarily corrupted, then this has far-reaching consequences for republicanism. At the core of the republican tradition of separation of powers, of Trias Politica, stands the theory of Polybius. Polybius favors the mixed constitution of Rome because to him it was clear, that the best constitution is a constitution that partakes in all the good forms of government.²⁶² Machiavelli, Montesquieu and Madison all build upon this theory. When anarchy is considered a good form of government, it needs to be included in the mixed constitution. This will entrench the relationship between anarchy and republicanism. Proudhon’s anarchism will not just be connected with republicanism because it shares in many of its themes, it must be merged within the republican notion of the mixed constitution.

This means the republican tradition needs to make work of themes like property and interest. It means it has to take decentralization even more serious. It also means, that if wants to build a state according to the model of the mixed constitution some anarchic elements need to be included. Proudhon’s political philosophy may prove to be very useful in state-building projects like the European Union. The situation that the European nation-states are in, is very

²⁶⁰ Nicholas Buccola, *The Tyranny of the Least and the Dumbest*, p. 14.

²⁶¹ With a mixed constitution and timocracy bringing the total to 8 and Proudhon’s anarchism bringing it to 9.

²⁶² Polybius, *The Histories of Polybius*, Book 6, p. 350.

similar to the relations that the natural groups would have in Proudhon's anarchy. This means Proudhon's political theory is alive and well and has interesting road laying ahead of it.

Conclusion

Proudhon's anarchy is not what men traditionally have in mind when confronted with the term. It is not a situation of chaos. Proudhon's anarchy envisions a society that is ruled by reason, that has no central power and where men are free from oppression from the state and from property.

To answer the question: *how can freedom be defended from tyranny within the modern state from an anarchic perspective?*, it is vital to include domination relations within the state into thinking about freedom. From the perspective of Proudhon this means that property needs to be replaced by possession, that interest, usury, needs to be banished and that government needs to be as decentralized as possible. Property needs to be republicanized to prevent the misuse of the concept.

Although Proudhon has a unique system that would separate him from other thinkers, his work features plenty of republican themes. Proudhon does, just like the classical republican thinkers, believe in the rule of law. Unlike the republican tradition he sees the law as a product of science. From the perspective of freedom from authority this gives the advantage that every citizen is a lawgiver and all laws are in line with reason.

Decentralization is a key concept in both Proudhon and the republican tradition. It is vital to keep as much power in the hands of the individuals as possible. This limits the possibilities of the central government to act despotic. Proudhon wants to decentralize even further than the republicans by dividing power over as many natural groups as possible. There is no central government to turn despotic.

A key difference between Proudhon and the republican tradition is his disbelief in the separation of powers. Proudhon places sovereignty in the hands of individuals and this power has no need to be separated. The power of a government need to be separated, but the power of an individual does not.

Proudhon's ideas rest on a positive view of human nature. Good institutions can change men for the better. Though it is not necessary for his political views that human beings are naturally good, he still needs to handle the elite problem. Proudhon's solution to this problem lies in the direct responsibility of leaders to the electorate and the balancing of natural groups. When combined with classical republican values like education, religion and political virtue, direct democracy might be a workable concept. In this way Proudhon adds his anarchic state to the classical scheme of six possible state forms. When admitted as a viable form of state it will make its way into the mixed constitution, thus entrenching itself into the republican tradition.

When it comes to political philosophy Proudhon is ready for a revival. There are good reasons to take his philosophy very seriously. State building projects like European Union can benefit from his work. When interpreted in a republican light, rather than in an anarchic setting, his political ideas are shown to be promising. His philosophy might get a second life in the republican tradition.

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