

The Role of Physiocracy in the Birth of Human Rights

THÉRENCE CARVALHO

What place does physiocracy occupy in the genealogy of human rights? Dan Edelstein attempts to answer this important question in his book *On the Spirit of Rights*.¹ Physiocracy has long been reduced to a strictly economic trend or to a sort of embryonic version of 19th-century liberalism. However, the physiocrats also propose a rich political and legal project based on the recognition of natural rights. Born from the association of the Greek words *physis* (φύσις) which means „nature“, and *kratos* (κρατος) which refers to power, physiocracy is etymologically defined as the „government of nature“. It stems from the founding meeting which took place in Versailles in 1757 between Dr. François Quesnay, personal physician and protégé of Madame de Pompadour, and the Marquis de Mirabeau, crowned with literary glory following the success of *L'Ami des hommes*. In a manner equivalent to the discovery of the laws of physics, Quesnay and his disciples believe they have brought to light the natural laws which govern the functioning of human societies. These laws relate to law, politics and economics. As Du Pont de Nemours reproaches Jean-Baptiste Say in 1815: „You have narrowed the career of political economy too much by treating it only as the science of wealth. It is the science of natural law applied, as it should be, to civilized societies. It is the science of constitutions“ and „that of enlightened justice in all internal and external social relations“².

In a most salutary way, Edelstein's book is part of a recent historiographical trend which contributes to the rehabilitation of the importance of physiocracy in the Western history of political and legal ideas. As Anthony Mergey had already shown in his work of reference³, physiocrats played a major role in the development and recognition of „natural human rights“ („*droits naturels de l'homme*“). However, it seems regrettable from a bibliographical point of view that works which form part of this trend are not mobilized by the author. While the book cites with great interest the studies by Michel Villey, Stéphane Rials, François Quastana or Arnault Skornicki, those by Anthony Mergey and Éric Gojosso – which, however, are specifically concerned with physiocracy – are surprisingly absent.⁴

¹ Dan EDELSTEIN, *On the Spirit of Rights*, Chicago 2019.

² Cited by Eugène DAIRE, *Physiocrates. Quesnay, Du Pont de Nemours, Mercier de la Rivière, l'abbé Baudeau, Le Trosne, avec une introduction sur la doctrine des physiocrates, des commentaires et des notices historiques* (1846), Genève 1971, p. 397.

³ Anthony MERGEY, *L'État des physiocrates: autorité et décentralisation*, Aix-en-Provence 2010.

⁴ Besides the book by Anthony MERGEY cited above, see Anthony MERGEY, *La conception physiocratique de la décision politique*, in: *Information et prise de décision administrative*, Orléans 2008,

Be that as it may, Edelstein is concerned with physiocracy not in a single chapter but in many passages of the book, thus viewing the subject from different and complementary angles. In order to better understand the contribution of physiocrats to the construction of human rights, it is necessary to return to the intellectual content of those rights as recognized by the disciples of Quesnay and to question the partial materialization of their thought within the Declaration of the Rights of Man and of the Citizen of 1789. Finally, we will attempt to widen the interesting perspectives of the book by discussing the international reception of the physiocratic approach to human rights.

„Property, freedom, security“

In Chapter III, devoted to the French Enlightenment, Edelstein rightly returns to the philosophical origins of Quesnay's thought and to the authors who fuelled his reflections (Aristotle, the Stoics, Cicero, Malebranche, etc.). He underlines the originality of the founder of the school in having placed natural rights at the heart of his political theory at a time when few French authors considered the very idea of natural rights, and even less in the context of a „preservation regime“ for these rights vis-à-vis the government (p. 78). Indeed, these rules, which the physiocrats also call „fundamental laws“ (*lois fondamentales*)⁵ or „natural and essential laws of social order“⁶, existed prior to any civil association, and did not disappear with the union of men into a political society. On the contrary, this gathering must allow individuals to enjoy their rights fully and completely. The author also subtly questions the reception of physiocratic conceptions in the writings of other Enlightenment philosophers (Diderot, D'Holbach, Marmontel, Raynal, etc.). He observes that their interest and enthusiasm for the preservation of natural rights is largely to be found in the works of the physiocrats (p. 90), themselves linked by strong social ties to the intellectual networks of the time.

What are the natural human rights recognized by the physiocratic movement? There are chiefly three: property, liberty and security.⁷ These standards are inextricably linked

.....
pp. 23–40; IDEM, *Le contrôle de l'activité législative de la nation en 1789: l'opinion de Du Pont de Nemours*, Journal of Interdisciplinary History of Ideas, 2014, vol. 3, n° 5, pp. 1–33. See also the articles by Éric GOJOSSE, *Le contrôle de l'activité normative royale à la veille de la Révolution: l'opinion de Mercier de La Rivière*, Revue de la recherche juridique, 1999, n° 1, pp. 237–250 and IDEM, *Le Mercier de la Rivière et l'établissement d'une hiérarchie normative. Entre droit naturel et droit positif*, Revue française d'histoire des idées politiques, 2004/2, n° 20, pp. 285–305.

⁵ Nicolas BAUDEAU, *Première introduction à la philosophie économique, ou analyse des États policés*, Paris 1771, p. 415; Guillaume-François LE TROSNE, *De l'ordre social*, in: idem, *Les lois naturelles de l'ordre social*, presentation and transcription by Thérèse Carvalho, Genève 2019, p. 187, note 81.

⁶ Pierre-Samuel DU PONT DE NEMOURS, *De l'origine et des progrès d'une science nouvelle*, London– Paris 1768, p. 31.

⁷ See Arnault SKORNICKI, *Liberté, propriété, sûreté. Retour sur une devise physiocratique*, Corpus. Revue de philosophie 66, 2014, pp. 17–36.

to one other because, as Du Pont de Nemours writes: „No property, no freedom; no freedom, no security“.⁸ Property is considered in all its aspects, that is to say personal, movable and landed, and considered as the foundation of social order, the origin of all political institutions. It is a sacred right which allows all men to exist peacefully, and ultimately leads to the prohibition of theft and murder.⁹ Without mentioning the probable influences of Locke and Burlamaqui, Lemerrier de la Rivière traces this primordial conception of property back to Roman law and to Salic and feudal laws.¹⁰ His purpose is, in fact, to demonstrate „that all our public law relates to the right of property“ and that in all times this right „was the first of our fundamental laws“.¹¹

The general principle of individual freedom is divided into several branches: the freedom to come and go, the freedom to think and act, freedom of conscience, freedom to learn and freedom of the press. Above all, the physiocrats develop, in a particularly original way, an approach to freedom directly linked to the field of economics. They therefore reveal themselves to be singularly attached to freedom of labour, of trade – internal and external – and to free competition, which is an essential aspect of the right to property.¹² In asserting the economic freedom of individuals in the broad sense, the physiocrats use primarily legal arguments to break with the mercantilist theory, based on the accumulation of gold and precious metals. Law and economics are therefore intimately linked in a total science of society. Edelstein shows in a quite remarkable way how the close link between economic liberalism and human rights, already emphasized by Samuel Moyn,¹³ has deep roots. „It was in defense of landowners and free trade that rights talk blossomed in mid-eighteenth-century France“ (p. 81).

It is also the right to liberty which makes it possible to condemn serfdom and slavery by combining both economic interests and human considerations. In Chapter V, moreover, Edelstein explains perfectly the importance of physiocratic theories in the French abolitionist movement. Continuing the positions defended by Montesquieu or the Chevalier de Jaucourt, „the Physiocrats welded together the moral and the economic

⁸ *IBIDEM*, p. 28.

⁹ Paul-Pierre LEMERCIER DE LA RIVIÈRE, *L'ordre naturel et essentiel des sociétés politiques. Œuvre doctrinale (1767)*, presentation and transcription by Bernard Herencia with the contribution of Béatrice Perez, Genève 2017, pp. 154–155; Paul-Pierre LEMERCIER DE LA RIVIÈRE, *L'intérêt général de l'État, ou la liberté du commerce des blés*, Amsterdam–Paris 1770, p. 69.

¹⁰ *IBIDEM*, p. 66 f.

¹¹ *IBIDEM*, p. 65.

¹² Pierre-Samuel DU PONT DE NEMOURS, *Lettre au sujet du cabotage des grains*, Journal de l'agriculture, du commerce et des finances, 1766, vol. 6, 1st part, p. 200: „Le droit de la liberté des échanges est [...] une partie essentielle du droit de propriété, puisque sans cette liberté la propriété serait annulée sur toutes les choses dont on ne pourrait jouir sans les échanger.“

¹³ Samuel MOYN, *A Powerless Companion: Human Rights in the Age of Neoliberalism*, Law and Contemporary Problems 77, 2014, n° 4, pp. 148–169.

in an inseparable fashion“ (p. 137). The example of the story *Ziméo* by Jean-François de Saint-Lambert is particularly interesting because it attests to the reception in the literature of the late 1760s of the physiocratic approach to „natural law“. ¹⁴ However, the qualifier of „physiocrat“ (p. 137) that the author attributes to Saint-Lambert seems excessive to us because he was never really a member of the „sect“ of economists and should rather be considered as a sympathizer with the movement. This leads us to a more general remark concerning the apprehension of members of the physiocratic current. A thinker can reveal himself to be agrarian, populationist or liberal without adhering to the precepts of the Quesnay school. We must be wary of hasty connections and always try to use the correct term because, as Nietzsche wrote, „every word is a prejudice“ ¹⁵. Furthermore, we must regret that in the proposed diagram of the physiocratic movement (p. 86, figure 3.3), the author neglects to mention Father Nicolas Baudeau and Guillaume-François Le Trosne, as this involves two physiocrats of major importance. It is also surprising that Le Trosne is not mentioned at all in the book, whereas as a lawyer (a pupil of both Pothier and Quesnay), he was very interested in natural law. In his own words, Le Trosne seeks „the full enjoyment of all human and civil rights“ ¹⁶. Similarly, for the sake of accuracy, mention should be made, among the minor physiocrats, of Father Pierre-Joseph-André Roubaud and Paul-François de Quelen, Duke of La Vauguayon, and, among the sympathizers, of Paul Boësniér de L'Orme and Guillaume Grivel.

Finally, the third supreme rule is that of safety. This guarantees every individual the free and unhindered exercise of their natural rights. Safety expresses a form of tranquillity with regard to one's life and property. This founding principle of public law offers protection against both the possible abuse of individuals and that of political authority. As Mirabeau says, „property founds societies, freedom supplements them, security maintains them“ ¹⁷. To deepen the book's analysis, it should also be noted that certain physiocrats, such as Le Trosne, Baudeau, Du Pont de Nemours or Lemercier de la Rivière, do not hesitate to suggest the existence of a fourth higher standard of fiscal nature. According to them, the introduction of a single, direct and proportional property tax on a third of the „net product“ of the land is a natural rule in its own right. This „physical law“, which is in a way the corollary of the principle of security, prevents the

¹⁴ On this topic, we may also allow ourselves to complete the book's bibliography by referring to Anja BANDAUF, *Jean-François de Saint-Lambert and His Moral conte „Ziméo“ (1769) in the Context of Abolitionist and Imperial Activities*, in: Damien Tricoire (ed.), *Enlightened Colonialism. Civilization Narratives and Imperial Politics in the Age of Reason*, Cham 2017, pp. 205–226.

¹⁵ Friedrich NIETZSCHE, *Humain trop humain II. „Le voyageur et son ombre“*, § 55, in: idem, *Œuvres I*, Paris 1998, p. 856.

¹⁶ Guillaume-François LE TROSNE, *De l'intérêt social*, in: idem (ed.), *Les lois naturelles de l'ordre social*, p. 429.

¹⁷ Victor Riqueti, marquis de MIRABEAU, *Neuvième lettre de M. B. à M. et la troisième sur la restauration de l'ordre légal (du 4 novembre 1767)*, *Éphémérides du citoyen*, 1768, vol. V, p. 6.

public authorities from imposing levies on taxpayers in an excessive and unjust manner. Without this law, state taxation would directly threaten other natural rights, beginning with property.¹⁸

All of these „basic laws“ are completely independent of the government. On the contrary, the latter only derives from the property right which authorizes its power. Within the framework of „legal despotism“, which Edelstein rightly considers as „a strong endorsement of the preservation regime“ (p. 81), the legislative activity of the sovereign, devoid of any form of voluntarism, consists in translating the natural rules into positive standards. Every prince must comply with these supreme precepts so as not to fall into arbitrariness. More broadly, property rights, freedom and security result from the work of God transmitted to the knowledge of mankind by the only „evidence“. Besides, the physiocrats indiscriminately use the expressions „natural laws“ and „divine laws“ to qualify these higher standards. „These fundamental laws flow naturally from our animal condition, so to speak, without any express institution, without science, without legislative authority“, Mirabeau summarizes.¹⁹

Beyond these natural and immutable rights, the physiocrats also insist on the existence of reciprocal duties which condition the balance of the whole of society. However, the book *On the Spirit of Rights* does not really address this subject. Quesnay and his followers believe, though, that human beings cannot claim their rights without recognizing the extent of their duties. The latter are also of natural essence because they arise from a primitive spirit of conservation. Among the first of these duties we find respect for the liberty and property of others. Lemercier de la Rivière synthesizes this doctrine in a single axiom: „No rights without duties, and no duties without rights“.²⁰

The physiocratic spirit of the French Declaration of Rights of 1789

What was the influence of physiocratic theories on the Declaration of the Rights of Man and of the Citizen of August 26, 1789? In Chapter VII of his work, Edelstein provides very relevant answers to a question too often neglected by historiography. He evokes, of course, the famous Article 2 which legally recognizes property, liberty and security as well as resistance to oppression.²¹ If this text completely reproduces the

.....
¹⁸ Anthony MERGEY, *L'État des physiocrates: autorité et décentralisation*, p. 123. We may also mention here the author's article Thérénce CARVALHO, *La justice fiscale des physiocrates*, in: Emmanuel de Crouy-Chanel – Cédric Glineur – Céline Husson-Rochcongar (edd.), *La justice fiscale (X^e-XXI^e siècle)*, Paris 2020, pp. 101–117.

¹⁹ Victor Riqueti, marquis de MIRABEAU, *Dix-huitième et dernière lettre de M. B. à M. sur l'ordre légal*, *Éphémérides du citoyen*, 1769, vol. V, p. 17.

²⁰ Paul-Pierre LEMERCIER DE LA RIVIÈRE, *L'ordre naturel et essentiel des sociétés politiques*, p. 115.

²¹ Article 2: „*The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression*“.

physiocratic trilogy, it should however be noted that the right to resist oppression, an extension of the tyrannicidal theories included in the American declarations, was never claimed by the physiocratic movement. According to Edelstein, this article „offered one of the most straightforward and uncompromising statements of the preservation regime of rights“ (p. 185–186). Indeed, the idea according to which the State must procure for every individual, in the social order, the guarantee of the exercise of his or her natural rights finds here a full and entire consecration. This physiocratic conception had, moreover, been reiterated by Father Sieyès during the debates on the Declaration of July 1789. In particular, he had asserted: „Far from diminishing individual freedom, the social state extends and ensures its use.“²²

In addition to the case of Article 2, Edelstein originally wrote that „a Physiocratic spirit extended over many articles in the Declaration“ (p. 185). This statement seems to us to be quite correct. By way of illustration, Article 11 recognizes, in line with physiocratic principles, the freedom of communication of thoughts and opinions as „one of the most precious rights of man“ and article 17 declares that property is „an inviolable and sacred right“ of which no one can be deprived. In 1789, the ideas of the physiocrats had been circulating for almost thirty years and had become familiar in enlightened circles. Their conception of individual rights, considered as intangible subjective rights originating from the natural order, was now fairly widespread. Regardless of the fact that Du Pont de Nemours and the Count of Mirabeau were members of the National Constituent Assembly, many of the young revolutionaries who made their mark in the gallery had grown up reading and discussing the publications of the Quesnay school.²³ The prevalence of physiocratic conceptions in the Constituent Assembly can also be found in subjects other than human rights. To convince oneself of this, it is enough to study the debates concerning, for example, the abolition of corporations, the establishment of a property tax on buildings, projects for the jurisdictional framework of power or the creation of administrative assemblies and municipalities.²⁴

.....

²² Emmanuel-Joseph SIEYÈS, *Préliminaire de la constitution. Reconnaissance et exposition raisonnée des droits de l'homme et du citoyen*, in: Roberto Zapperi (ed.), Emmanuel-Joseph Sieyès, *Écrits politiques*, Paris 1985, p. 195.

²³ To get a better idea of the youth of many of the revolutionaries, we should not forget that in 1789 Barnave was 28 years old; Dupont, 30; Cazalès, Mounier and Robespierre, 31; Clermont-Tonnerre, 32; Talleyrand, Le Chapelier and Roederer, 35, Bergasse, 39; Mirabeau *fils* and Sieyès were only 40.

²⁴ See Michael SONENSCHER, *Before the deluge: public debt, inequality, and the intellectual origins of the French Revolution*, Princeton 2007; John SHOVLIN, *The Political Economy of Virtue: Luxury, Patriotism, and the Origins of the French Revolution*, Ithaca and London 2006; Pierre ROSANVALLON, *Physiocrates*, in: François FURET – Mona OZOUF (edd.), *Dictionnaire critique de la Révolution française*. IV. Idées, Paris 1992, pp. 359–371; Loïc CHARLES – Philippe STEINER, *Entre Montesquieu et Rousseau. La physiocratie parmi les origines intellectuelles de la Révolution française*, Études Jean-Jacques Rousseau 11, 1999, pp. 83–159.

In general, the work of Edelstein has the merit of shedding new light on a reality long obscured by considerations tending to demonstrate, following the German jurist Georg Jellinek, that the French Declaration of 1789 was essentially inspired by American statements or „bills of rights“.²⁵ Jellinek’s radical position had given rise to a lively debate with the French political scientist Émile Boutmy who had replied that the Declaration had its roots as much in the fundamental political texts of the United States as in the French Enlightenment, starting with Rousseau’s *Du contrat social*.²⁶ *On the Spirit of Rights* goes beyond this almost nationalist opposition between a „Germanic“ origin, transmitted to the Anglo-Saxon world through the Protestant Reformation, and a French one deriving from the Declaration. To engage with the intellectual sources of such an important and prestigious text is an exercise of extreme complexity which requires the study of a multitude of phenomena relating to the circulation and reception of ideas throughout several centuries, a task which Edelstein successfully fulfils. We must never forget that the Declaration of 1789 is a collective work, the result of multiple ambiguous compromises between men with varied political objectives. It is important for the historian of the law not to consider this document only as the legal monument which it became but rather as what it was at the time of its creation, i.e. a material support, an instrument – incidentally, an unfinished one²⁷ – which allows revolutionaries to translate allegedly natural rights into positive law.

The international reception of the physiocratic conception of human rights

The contribution of the physiocrats to the emergence of human rights was not limited only to France. Beginning in the 1760s, Quesnay’s doctrine circulated in a remarkable fashion throughout the continent of Europe and was received with varying degrees of

.....
²⁵ Georg JELLINEK, *The Declaration of the Rights of Man and of the Citizen*, translation by Max Farrand, New York 1901.

²⁶ Émile BOUTMY, *La Déclaration des droits de l’homme et du citoyen et M. Jellinek*, *Annales de l’École libre des Sciences politiques* 17, 1902, pp. 415–443. The texts by Jellinek and Boutmy are published in the *Revue française d’histoire des idées politiques* (1995, n° 1) with a study by Diethelm KLIPPEL, *La polémique entre Jellinek et Boutmy : une controverse scientifique ou un conflit de nationalismes ?*, *Revue française d’histoire des idées politiques*, 1995, n° 1, pp. 79–94. In addition to the articles by Keith BAKER and Duncan KELLY cited by EDELSTEIN (*On the Spirit*, p. 266, footnote 2), on this controversy we refer the reader to Wolfgang SCHMALE, *Georg Jellinek et la Déclaration des Droits de l’Homme de 1789*, *Mélanges offerts à Claude Petitfrère: Regards sur les sociétés modernes (XVI^e–XVIII^e siècle)*, Tours 1997, pp. 303–311; François SAINT-BONNET, *Regards critiques sur la méthodologie en histoire constitutionnelle. Les destinations téléologiques des options épistémologiques*, *Jus politicum*, 2009, n° 2, online at <http://juspoliticum.com/>, accessed on 23 April 2020).

²⁷ The seventeen articles were initially intended to be supplemented and reorganised in a more coherent fashion after the writing of the constitution.

attention by rulers and enlightened elites.²⁸ The „new science“, as his disciples liked to call it, won the support of a number of prominent Europeans and aroused keen interest among many foreign intellectuals and administrators. In order to broaden and underline the relevance of the position developed by Edelstein, we will mention two examples, the first from Sweden and the second from Poland, which provide evidence about international acceptance of the physiocratic approach to human rights.

In the Kingdom of Sweden, physiocratic theories circulated mainly thanks to the support of Charles-Frédéric Scheffer, diplomat, statesman and tutor of the future king Gustav III. This true disciple of the school travelled to France and corresponded with the greatest figures within the group (Mirabeau, Du Pont, Baudeau, Roubaud, Le Trosne and Lemer cier de la Rivière). In 1767, the young Gustav, who was at that time the heir to the throne, enthusiastically studied the theses developed by Lemer cier de la Rivière in *L'ordre naturel et essentiel des sociétés politiques*. The doctrinal attraction which legal despotism held for Gustav III is obviously closely linked to the monarchist coup d'état which he carried out on August 19, 1772 and to the new constitution which he adopted in the process. In October of the same year, Scheffer gave an important speech in Stockholm before the Royal Academy of Sciences which justified the new regime, basing his argument on the principles of the physiocrats in matters of natural rights. According to Scheffer, the mission of the fundamental law is to fix „the limits of the rights and duties of those who govern, and of those who are governed“.²⁹ It alone can „offer each member of the body politic sufficient security; and it is this safety of individuals and their properties that forms freedom.“³⁰ According to this close adviser to the king, the new constitution makes it possible to guarantee the fundamental right to liberty, which „is now the division of the Swedish nation“,³¹ while endowing the monarchical institution with balanced powers. Under this constitutional regime, „we can foresee that the laws of the natural order will be consulted in all establishments, in all discussions; that property will be religiously respected, and that holy property will be looked upon as the basis of all well-being“.³² Likewise, in a speech of April 1774 on the freedom of the press, Gustav III declared in person before the Senate: „Our present form of government is based on freedom, security and property. Under such a government, everyone should have the

.....
²⁸ On this topic, and for further information about subsequent developments, the author refers the reader to his book Thér ence CARVALHO, *La physiocratie dans l'Europe des Lumières. Circulation et réception d'un modèle de réforme de l'ordre juridique et social*, Paris 2020.

²⁹ Charles-Frédéric SCHEFFER, *Discours Économique au Roi de Suède, et à son Académie des Sciences, sur le Bonheur des Peuples, et sur les Loix fondamentales des États, par M. le Comte de Scheffer, Sénateur et Chancelier des Ordres*, Nouvelles Éphémérides économiques. Tome extraordinaire, 1774, p. 51.

³⁰ *IBIDEM*, p. 44.

³¹ *IBIDEM*, p. 45.

³² *IBIDEM*, p. 46.

freedom to think, speak and write about anything that is not repugnant to the Law and to the Majesty of the Kingdom“.³³ Thus, by repeatedly presenting the triptych „property, freedom, security“ as the foundation of the new Swedish regime, the hold which physiocratic conceptions had on the king and his entourage appears obvious.

Physiocracy also aroused strong intellectual interest in Poland. In the 1760s, certain magnates from the high nobility travelled to France, where they absorbed conceptions of doctrine. Their precepts, generally assimilated to *jus naturalis* theories, were taught in the most prestigious schools and universities of Eastern Europe. For example, Hugo Kołłątaj, nicknamed the „Polish Machiavelli“, propagated the ideas of the physiocrats at the University of Cracow, while Hieronim Stroynowski, a professor of natural law, did the same at the College of Nobles in Warsaw and then at the University of Vilnius. Father Baudeau, who made two trips to Poland in 1768 and 1769, and subsequently Lemerrier de la Rivière took a close interest in local problems. As a result, in 1772 the latter composed *L'intérêt commun des Polonais*, in which the theoretician of legal despotism adapted his discourse to the local context by affirming the compatibility of the laws of natural order with a republican regime! In order to reform the Polish regime, the „great diet“ of 1788–1792 decided, in the wake of the American and French revolutions, to endow Poland with a written constitution. In September 1789, it elected a deputation whose mission was to prepare projects on the form of government to be adopted. From the beginning of 1790, this constitutional deputation was joined by some of the most eminent representatives of the academic world such as Kołłątaj or Stroynowski, well-known supporters of physiocratic conceptions. They participated directly in the drafting of the constitution in an extremely tense international context where the independence of the country was increasingly threatened. Regarding natural rights, the constitution, definitively adopted on May 3, 1791, had genuinely physiocratic overtones, which is hardly surprising given that some writers were particularly impressed with the ideas of the school. The trinity „property, freedom, security“ was thus fully consecrated to rank with the fundamental laws of the republic. Article 2 indeed requires „that liberty and individual security, the ownership of all movable and immovable property, be forever, and in the most religious manner, respected in every citizen and sheltered from all interference, as they have been from time immemorial.“³⁴ The text goes on to guarantee „solemnly that in the laws to be decided, we will not allow any change or restriction to be introduced which could cause the slightest damage to the property of anyone whatsoever [...]. This is why, respecting the personal safety and the legal property of every citizen as the first link of society and the foundation of civil liberty, we confirm, assure

.....
³³ [GUSTAV III of Sweden], *Discours du Roi de Suède, lu par Sa Majesté en plein Sénat, le 26 Avril 1774, lors de la Délibération sur l'établissement de la liberté de la presse*, Nouvelles Éphémérides économiques, 1774, tome extraordinaire, p. 98.

³⁴ Constitution of 3 May 1791, article 2.

and guarantee, and it is our will, that, respected in all centuries, they remain forever intact“.³⁵ Like the French Declaration studied by Edelstein, the Swedish and Polish illustrations – which are only two examples among many others – reveal the considerable role of physiocratic thought in the universal birth of human rights.

*

To conclude, we can only salute Edelstein's fascinating book which completes and deepens recent research carried out in Europe on the political and legal model of physiocracy and its reception outside the frontiers of France. Indeed, no country or region of the world can believe itself to be self-sufficient in scientific matters. European and American bibliographies enrich each other. The rapprochements between them seem to us all the more judicious since trends in their historiographies are obviously very close. Thanks to digital tools and the strengthening of scientific dialogue which this dossier, for example, allows, there is no doubt that the shores of the Atlantic Ocean will in the future appear ever closer to us.

.....
³⁵ *IBIDEM*, article 2.

Thérence Carvalho

The Role of Physiocracy in the Birth of Human Rights

Abstract

The article supports Dan Edelstein's claim that the origins of the conception of the French Declaration of the Rights of Man and of the Citizen may be seen in the political and legal philosophy of the physiocrats. Carvalho only regrets that Edelstein discussed some marginal figures of the movement, while ignoring the substantial contribution by its principal representatives. Le Trosne is one of those ignored, even though he was a lawyer and his writings are relevant to the question. Carvalho also regrets that Edelstein did not draw on some recent French works on intellectual history which helped to rehabilitate the physiocrats as political and legal theorists. The works of Anthony Mergey and Éric Gojosso are indispensable for this topic. Carvalho explores the role of the rights to freedom, property and security in physiocratic thought but also recalls the correlative duties. He approves of the thesis that physiocratic thought had an influence on the Declaration. Finally, Carvalho extends the geographical scope of the enquiry by a note on physiocratic achievements in the field of human rights with the examples of Poland and Sweden.

KEY WORDS:

physiocracy; human rights; French revolution; Sweden; Poland; Guillaume-François Le Trosne