

The Law

Félix Frenay

1864

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It is truly interesting to observe that over the course of the centuries that history allows us to survey, the human mind, in its slow, but continual march, while undermining institutions, beliefs and prejudices, while attacking all the abominations, has always made one exception. Indeed, when all the religions have fallen or totter on their foundations, one alone will remain upright and solid... and that is the law.

We have polished manners and softened legislations, ridding them of the most shocking asperities, but who has ever attacked the law in its very essence? Who? We could almost respond: no one. And, yet, isn't it an injustice!

A few men gather and devise constitutions, codes and rules, to which they give the name of laws and which they then impose on others under penalty of death or prison. How is this not tyranny?!

The least idea of justice and injustice is enough to make us understand that, if we can sacrifice our own interests, we are not allowed to dispose of those of others, and that, according to this principle, a law could only be legitimate if, against all odds, an entire nation, since there is a nation, could gather, hear one another out and reach agreement to draw it up; still, it would only be legitimate for a generation. So make as many laws as you like, but obviously only for yourself; give up your own liberty, but respect ours.

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What is the law? A dictate emanating from sovereign authority, says the dictionary. But dictated by what right and by what authority?

Law implies justice, harmony, and yet whoever says law says violence and oppression.

The most precise definition of the word law is imposed justice. But justice imposed by force ceases, by that very fact, to be justice. Besides, justice imposes itself, and has no need, like law, to rely on bayonets, to have an escort of gendarmes. True law is written in the consciousness of free people, where it illuminates much better than in codes produced by minds that are sick or clouded by prejudices.

Thus, what we are accustomed to call the law cannot be justice, for justice is one, and the liberal subtleties of the relative can in no way be applied to it, for what is just is just everywhere, as much in Belgium as in France, as in Prussia, Turkey or Japan, unlike the law, which condemns in one country what it permits in some other.

On the other hand, and in modern scientific language, law has a more rational definition and means: necessity, inevitable; thus all bodies obey the laws that govern matter and non can escape from them.

Can we make a body raised in the air and then left to itself not fall toward the earth, which is its center of attraction? Can we make a light that is not transmitted in a straight line and a shadow that would be on the side of a body facing the source of light? No, the laws of nature oppose it. It is impossible that it should not be thus and, consequently, it is not necessary that someone makes sure that the law is observed, for the law is the thing itself... The law is harmony and does not resemble in any way the human absurdities that we manage to impose and enforce a bit only by means of a large cohort of police, and which demand a frightening abundance of courts and condemnations.

We know full well that man, reading this, will cry “abomination,” because we attack the conventional ideas, which are those of the majority, and that the majority must always be right and true. And yet, when the minority becomes the majority, as we almost always see, does it follow that what has just and true yesterday can be unjust and false tomorrow?... How are we to reconcile all that with the universally accepted axiom that justice and truth are immutable?

“When a system of morals and politics is established over a people,” say Paul de Jouvencel, “that system may be true or false, just or unjust, but if it has soldiers, magistrates and executioners, it is necessary to obey. Vainly the conscience of man makes a just rebellion against the absurd iniquity; they insist to the man that it is his conscience that is criminal, and they prove it by reading the article of the code that declares it criminal; and, in order that the proof be most efficacious, they throw him in a dungeon, hang him, burn him, they have him drawn by 4 horse or they cut off his head, according to the customs of the country and the prescriptions of the code that watches over the system of morals.

“There is little hope that this will end. On the contrary, in time one becomes accustomed to it: one accepts what the code says as just and for what it forbids as unjust. Finally, in order to have peace, one tries to do as they are ordered and not to do what is forbidden. And then the time that this obedience has lasted forms a kind of prescription, and serves, if need be, as roof and support for the system of morals and politics. “

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The child is born. The law takes note of it, hovers over his cradle, like a threat, to the great despair of the mother; it guards him, observes him, lies in wait, waiting with an implacable patience until he is big and strong enough. Then when the young man emerges from adolescence, when he becomes useful to his fellows, when he begins to help his family or create a new one, that is when all at once the law appears, and he is torn from his affections, from his future. They put in his hands a weapon, which they teach him to maneuver absolutely like an automaton. They read him regulations, from which, they tell him, he cannot free himself without dishonor. It is forbidden for him to think, to speak, to love and to move. He must disregard all the faculties that make him a man. He must abdicate his individuality, become a machine, and, like the machine, obey blindly. Such is the military law: obedience, passive... and stupid.

And there is a man who becomes, despite himself, a member of the soulless body that we can the Army.

There is a being, living an individual life, a man who only asks to develop his own faculties, suddenly reduced to the ranks of the zoophytes, for what is the regiment, if not a collective being like the coral, which has [un]intelligence instead of immobility? Yes, there is an individual who can no longer walk like everyone, nor greet others like you and me; an individual whose hair must be cut in a certain manner and whose beard must be trimmed according to a certain fashion, who eats, drinks, sleeps and, as needed, kills—all according to the rules. In short, there was a man... there is a beast.

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Is the law equal for all? No, it tolerates compromises; it has, above all, a weakness for money. It is only inexorable for the poor. For them society has nothing, neither instruction, nor science, nor food, nor clothing, nor shelter, nothing but scorn and harshness. It pushes the wretch to the brink of the abyss, then strikes him with all the rigor of its laws. In this it resembles the imbecile who plunges his dog in the water and then beats it because it is wet.

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In a particular society there exist a rule, most often absurd, it is true, but one made known to you before you are admitted, to which you submit willingly. From then on, humiliations and fines can rain down without anyone being about to find fault with it. Didn't we make an informed commitment? But what would say of a society where we found ourselves inserted despite ourselves and subject to all the humiliations of a regulation that is that much heavier as we cannot avoid it? We would laugh, as that clearly far surpasses the mark of injustice and absurdity, and we would break both the rules and the society. Yet this is how we are in the great society, where individual sovereignty has pride of place. We find ourselves ruled over by an arsenal of codes and regulations that, far from having been made by us, we never even manage to know, although we most certainly feel their effects.

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Can we take a step without bumping up against the law? Make a move without feeling its aggravations? Doesn't it weigh on us in every act of life, from the cradle to the grave? Assuredly. Consequently, the law is a yoke, a straightjacket and cannot be reconciled with liberty, any more than darkness can be reconciled with light. — That is our conclusion.

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It might not be superfluous to seek the causes of this obsession with following a rule, from which even the most independent minds have so much difficulty freeing themselves. But as that is a study that goes beyond the scope of this article, we will set it aside for later, promising however to address, along with that other question comes after it: Can or must the law be eliminated abruptly or gradually? We will limit ourselves, for the moment, to protesting against all the laws, oppressive or protective, no matter what one wishes to call them, against all codes, regulations and prescriptions, as being incompatibles with liberty, and declare that above the principle of the sovereignty of the people we put that of the sovereignty of the individual.

Brussels, December 1864.

Félix FRENAY.

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Félix Frenay, “La loi,” *Le Prolétaire* 10 no. 1 (January 8, 1868): 2–3. Félix Frenay was a Belgian worker who may have been involved in the Belgian section of the International Workingmen’s

Association (the “First International”). In addition to writing political pieces like this one, Frenay was a poet. An English review of his book of poetry about working class life described his views as being radical communist-Internationalist. His comments regarding the law are reminiscent of Proudhon’s statement in his 1851 work, *General Idea of the Revolution*: “Laws:

We know what they are, and what they are worth! They are spider webs for the rich and mighty, steel chains for the poor and weak, fishing nets in the hands of government” (included in Volume One of *Anarchism: A Documentary History of Libertarian Ideas*). The translation is by Shawn Wilbur.

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