

Physiocracy: Liberalism and despotism

Fisiocracia: liberalismo e despotismo

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Abstract

This paper offers an account of Physiocracy's ideal of legal despotism. It does so by pursuing three argumentative lines. First, it offers a definition of liberalism to then distinguish two traditions in modern liberalism. Subsequently, it argues that Physiocracy is an heir to modern natural law and constitutes a crucial step in mutating the juridical conception of natural law into an economic understanding. Next, it examines the concept of legal despotism. For this purpose, it elucidates the meaning of absolutism in early modern political thought and the significance of the concept of despotism by comparing it with the Aristotelean formulation. To conclude, it examines the new way the law of nature limits political authority and how Physiocratic despotism is structurally compatible with the liberal understanding of political authority.

Keywords

physiocracy, Quesnay, legal despotism, natural law.

JEL Codes B10, B11, A13.

Resumo

Este artigo oferece uma descrição do ideal de despotismo legal da fisiocracia. Ele faz isso seguindo três linhas argumentativas. Primeiro, ele oferece uma definição de liberalismo para, em seguida, distinguir duas tradições no liberalismo moderno. Em seguida, argumenta que a Fisiocracia é herdeira do direito natural moderno e constitui um passo crucial na transformação da concepção jurídica do direito natural em um entendimento econômico. Em seguida, examina o conceito de despotismo legal. Para tanto, elucida o significado de absolutismo no pensamento político moderno e a importância do conceito de despotismo, comparando-o com a formulação aristotélica. Para concluir, examina a nova maneira pela qual a lei da natureza limita a autoridade política e como o despotismo fisiocrático é estruturalmente compatível com o entendimento liberal da autoridade política.

Palavras-chave

fisiocracia, Quesnay, despotismo legal, direito natural.

Códigos JEL B10, B11, A13.

1 Introduction

In the last decades, the question of what we might call liberal authoritarianism has become pressing. This concern coalesced with the increasing focus on 20th-century neoliberalism (BROWN, 2015). The paradigm of authoritarian liberalism is Hayek's conclusion that liberal democracy necessarily leads to the transformation of the "spontaneous order" of society into a "totalitarian system" and, therefore, decision-making must be taken away from democratic assemblies and assigned to technocrats (HAYEK, 1973, p. 2-3). Hayek's idea of a liberal technocratic authoritarianism seems puzzling since liberalism appears to be, in principle, opposed to authoritarianism and tyranny (CALDWELL AND MONTES, 2015). Theoretically, it is thus fundamental to determine whether this authoritarian character constitutes a deformation, a cynical appropriation, or an inherent feature of liberalism as a political doctrine. The various answers to this problem imply contrasting definitions of liberalism and alternative interpretations of its historical fate.

This paper begins with the conviction that the authoritarian character of liberalism is not contingent but immanent.¹ When Hayek declared the antagonism between liberalism and democracy, he was building upon a long tradition of liberals since the wake of the French Revolution. However, even before the traumatic experience of the revolution, liberalism had already formulated a paradigm of authoritarian economic government, namely the Physiocratic legal despotism. This paper examines Physiocracy's concept of legal despotism and how it fits into the intellectual history of liberalism. Emphasizing Physiocracy is particularly important because it shows that the liberal antagonism to democracy is rooted in a deeper phenomenon in modernity in which liberalism plays a crucial part, namely the rise of society and the effacement of the political. In this sense, this paper also sheds light on the relationship between the "political" and the "economic" in the birth of political economy.

1 I develop this thesis elsewhere (PIMENTA, 2023). Though several insights from Foucault are crucial to the current argument, I do not seek an archeology of knowledge, *i.e.*, a study of the rules of concept formation (FOUCAULT, 2015), nor a genealogy of the technologies of power (FOUCAULT, 2004a; 2004b). Instead, I follow Schmitt's and Koselleck's model of a conceptual history, which emphasizes the political significance of political concepts (SCHMITT, 1932; KOSELLECK, 1983).

This enterprise is thus twice as controversial, for it maintains the unconventional thesis that liberal ideology bears an authoritarian character and that Physiocracy belongs to the liberal tradition. Sebastianelli (2018) offers a valuable reconstruction of the debates around the liberalism of Physiocracy. Usually, these debates begin with the customary distinction between “economic” and “political” liberalism. From an economic standpoint, the critical question hinges on Physiocracy’s commitment to economic *laissez-faire*. In this regard, the dispute between Ware (1931) and Beer (1939) was decisive. For the former, along the lines of Marx’s interpretation (MARX, 1963), Physiocracy represented the advent of a proto-capitalist rural class of landowners and entrepreneurs (WARE, 1931). Likewise, Schumpeter (2006, p. 223) suggests that the economic program of physiocracy encompasses the “whole arsenal of nineteenth-century liberal argument”. For Beer (1939), on the contrary, Physiocrats attempted to revert the Mercantilist reforms of the previous century and reinstate a static, medieval society.

From a political standpoint, however, the crucial aspect is Physiocracy’s ideal of legal despotism. In this respect, the issue is somewhat less contentious. For the most part, despotism is deemed old-fashioned, unenlightened, and blatantly anti-liberal. Tocqueville offers an exemplary version of this reading. For him, the Economists, as he referred to the Physiocrats, had lost the taste for political liberty, and their program was, in essence, centralizing and even socialist (TOCQUEVILLE, 2011, p. 148). Along these lines, Cartelier (1991, p. 56) considered their thought “totalitarian” *avant la lettre*. Similarly, Schumpeter suggests that “Quesnay’s theories of state and society were nothing but reformulations of scholastic doctrine” (SCHUMPETER, 2006, p. 221). However, since Einaudi’s revisionist interpretation, some scholars have insisted on the liberal character of the political theory of Physiocracy (EINAUDI, 1938).

A significant deficiency in these debates is a lack of clarity about the concept of liberalism. For that purpose, this paper must begin by fleshing out a minimal definition of liberalism to then venture into the long and recurring debate around the relationship between Physiocracy and liberalism. In that story, the connection between Physiocracy, liberalism, and natural law is determinant. I insist that Physiocracy is a decisive chapter in transforming the meaning of natural law since the 17th-century. This transformation is constitutive of three intertwined processes: the birth of modern liberalism,

society as an autonomous field, and political economy as the novel science of society. Apprehending these processes allows an adequate understanding of Physiocracy's axial political concept: legal despotism.

Beyond this Introduction and the Conclusion, this paper comprises four sections. Section 2 introduces the definition of liberalism, which is the fundamental working hypothesis of the argument. In Section 3, I examine the transformation of the meaning of Natural Law in the 18th century and Physiocracy's reshaping of the law of nature as the economic laws of society conceived of as an organism. Section 4 throws light on the modern character of political absolutism and its reformist significance in the French intellectual context. Finally, in Section 5, I delve into the apparently paradoxical notion of legal despotism.

2 Toward a Definition of Liberalism

The quandary of determining the adequate kinship of Physiocracy and liberalism inevitably stumbles on the even more intricate question of the meaning of liberalism. Like any other intellectual enterprise, a fecund interpretation must begin with a somewhat arbitrary cut. For instance, to grasp the essence of liberalism, Berlin (1969, p. 118) focuses on the concept of "negative freedom"; Foucault resorts to the notion of governmentality; Rosanvallon (1989) places the "market" at the center. In any case, the usual classification of political and economic liberalism, as Spector (2011) proposes, is misleading and should be avoided. Hence, to proceed, I offer a minimal definition of liberalism:

Liberalism is a political doctrine that considers political authority (political association, the state, or government) as an instrument of society to enforce and secure personal and property rights.

According to this hypothesis, liberalism is characterized by two fundamental features. First, the primary goal of political association is to guarantee human beings' peaceful coexistence and safeguard a private sphere of fruition against any form of violence (banditry, tyranny, and political upheavals). Second, it is an instrumental conception of the political. In ancient thought, the human being is primarily a political animal. The capacity to speak, and thus to disagree and deliberate, is constitutive to humanity. Modern liberalism sees politics as an instrument to safeguard an

external good, namely the security of individual rights. This instrumental character permits it to be interpreted as a *technique* of power. Security and instrumentality are, hence, the key features of liberalism.

Now, it is possible to distinguish between two broad trends in liberal discourse, which correspond to two techniques to attain security. Here, I borrow Manin's useful classification of balance-based liberalism (*libéralisme par la balance*) and rules-based liberalism (*libéralisme par la règle*) (MANIN, 1989). From the perspective of the balance of powers, the social body is understood as fractured and suffused with opposing forces. In this scenario, liberty is not the starting point but the outcome or the *effect* of a given balance of forces and counterforces. In modern thought, Machiavelli adumbrated this route by claiming that the political body is divided by irreducible elements and that the different political regimes are alternative outcomes of this fundamental antagonism. Different political regimes such as principality, liberty, or license are *effects* [*effets*] of this conflict (BIGNOTTO, 2008; MACHIAVELLI, 2018, p. 837). In the liberal tradition proper, Montesquieu offered the paradigmatic rendering of this perspective. For him, civic liberty was also an effect of an intricate offset of forces and parties, which he called *l'effet de la liberté* (MONTESQUIEU, 1951, p. 576). Division of powers is not the tripartite division of a sublimated state power above individuals, as we commonly represent it today. On the contrary, the opposing forces belong to and cut across the political body (MANENT, 2012a, p. 132). They correspond to guilds, corporations, estates, classes, castes, associations, and parties.

Balance-based liberalism is thus *political* in that, following ancient thought, it sees politics as the realm of conflict. Strife is quenchless and inherent to human sociability. The risk of a ruinous civil war is everlasting. A good political constitution furnishes the best arrangement for a given state of affairs. Therefore, political reason is prudential and based on particular cases, mixed constitutions, and partial compromises. In other words, it appreciates institutions in terms of *more* and *less* instead of absolute foundations and limits.

In contrast, rules-based liberalism emerged as a natural law discourse and conceives of freedom as based on natural, pre-political, and thus absolute rights. These rights must be protected *from* and *by* political authority. The main threats to individual rights are banditry, the license of tyrants, and civil strife fueled by politico-theological dissensions. Thus, a rules-

based order must curb the abuses of sovereigns, protect individuals from each other, and establish a neutral space of peaceful coexistence. Disharmony is a paramount evil that must be forcefully neutralized and suppressed. It operates with a stiff distinction between a civil condition and a state of war.

The rules-based tradition of liberalism stems directly from Hobbes' absolutism.² The novelty of Hobbesian sovereignty rests in three aspects. First, the radical equalization of individuals allows for the emergence of right-bearing individuals and, from an economic standpoint, the dissolution of stratifications and privileges. In this reading, Hobbesian absolutism paves the way to bourgeois individualism, as I argue below. Second, it expresses the depoliticization of the political body through the transcendence of political power. Now, "society" can appear as a depoliticized middle ground between individuals and state authority, a point to which I will return below. Third, it sets peace as the ultimate goal of the civil condition. This instrumental conception based on security became a crucial aspect in the development of liberalism and has reappeared in various forms throughout the centuries (NEOCLEOUS, 2008).

Building upon Hobbes's framework, rules-based liberalism, championed by Locke, begins with equal and isolated individuals who agree to erect a civic state to safeguard their property rights. The quintessential move from Hobbes to Locke lies in the relation between authority and law. Hobbes famously states that authority is what establishes the law since all law is a command (HOBBS, 2017, p. 323). Power precedes the law. That is the essence of the absolutist answer. The liberal turn consists of subordinating authority to the law. The law is truly authoritative. Put differently, institutions are authoritative to the extent they embody it. The absolutism of law replaced the absolutism of power. In the British context, the parliament represented the law, and parliamentary monarchy actualized the rule of law.

In summary, balance-based liberalism is an heir of ancient thought and thus a political discourse since it begins with factions and assumes conflict as the irreducible fact of politics. On the other hand, rules-based liberalism

2 Though vehemently disputed by liberal authors, such as Shklar (1989), the thesis that liberalism (at least its Anglo-Saxon version) stems from Hobbes is developed by several authors in slightly different ways, c.f. Habermas (1988), Manent (2012), Skinner (2012) and Strauss (1968). This does not mean that Hobbes was a liberal, but rather that his construction of the political problem offered the framework in which Lockean (*i.e.*, rules-based) liberalism emerged.

is a natural law discourse centered around the coercive powers to implement the principles of justice. All individuals, including those embodying sovereign authority, are limited by standing rules, and only the strict enforcement of the laws can safeguard peaceful coexistence.

3 From Natural Law to Natural Order

Physiocracy belongs entirely to the natural law tradition and to rules-based liberalism.³ Nevertheless, to understand this link correctly, it is vital to elucidate the meaning of natural law in the 18th century and the role of the Physiocrats in revising it further. This is a point of major misunderstanding in the specialized scholarship. As mentioned, Beer (1939) and Schumpeter (2006) interpret their commitment to natural law as a filiation to scholasticism and, Beer concludes, to a medieval worldview. Along similar lines, Neill (1948) contends that Physiocracy could not reach a modern economic theory due to their commitment to a strongly normative social science belonging to the Aristotelean framework. In fact, Physiocrats operated with the grammar of natural law; however, they mean something quite distant from the Aristotelean and Scholastic models. Grasping this mutation is crucial to offering an adequate interpretation of Physiocracy.

As Strauss (1965, p. 126) points out, classical natural law's basic trait is defining excellence and virtue and prescribing the precepts to achieve them. However, defining virtue meant establishing a sharp divide between the good and the useful, mere life and the good life, in short, the domain of nature and the human. Since the 16th century, natural law doctrines have faced a major predicament. The rise of empiricism and scientific rationality brought about the collapse of the Aristotelean and theological foundations of natural law. The view of humans as virtuous political animals receded and gave way to the disenchanting view of desiring machines driven by self-preservation. In that conundrum, Hobbes' portrait of mutually suspicious individuals seemed cogent. The fear of death replaced the telos of excellence. It seemed that the real foundation of political association could only be the search for security to appease fear.

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 3 On the centrality of the natural law in Physiocracy, see Vargas (2019).

For the most part, liberals have tacitly agreed with Hobbes in identifying fear and the pursuit of security as the main deterrents to unlawful behavior and the basis for peaceful sociability.⁴ However, accepting these premises entailed unsettling consequences. If the state of nature is a state of war, and war is the utmost evil to be prevented, then any form of state, even if tyrannical, is preferable to the state of nature. Thus, liberals were adamant in rejecting the identity between the state of nature and the state of war to justify the dissolution of a tyrannical government to erect another (ROSANVALLON, 1989, p. 22).⁵

To circumvent the Hobbesian challenge, liberals rushed to procure an amenable view of human beings. First, they appealed to the notion of a natural sociability based on moral sentiments and social passions (SMITH, 1982). Physiocrats were keen to acknowledge this sociable character and the existence of social passions, such as compassion, pity, friendship, benevolence, glory, and emulation. Moreover, intelligence itself is recognized as a social faculty because it is based on the communication of knowledge across different times and places: “Our intelligence survives us for the benefit of our associates” (RIVIÈRE, 1767, p. 4). In sum, Le Mercier stated that “our natural state is to live in society” (RIVIÈRE, 1767, p. v–vi). Regardless of its importance to modern humanism, the role of sympathetic passions has not become a longstanding precept of liberalism. The most forceful avenue consisted of identifying a set of passions that, even if asocial and egotistic in principle, could generate beneficial effects. Such useful passions were usually called “interests” and assumed in the 18th century a material and economic character (HIRSCHMAN, 2013, p. 41).

The concept of interest became a key tenet of liberal and Physiocratic theories of sociability. On the one hand, interests *qua* tempered and rationalized desire appease human hostility and bind humans together. There

4 The most important example is undoubtedly Locke. Although he differentiates between the state of nature and the state of war, he also justifies the need for a political association on the *possibility* of a state of war coming out of the state of nature and the insecurity entailed by this possibility. As he argues, “To avoid this State of War [...] is one great reason of Men’s putting themselves into Society” (LOCKE, 1988, P. 282). The same principle is expressed in the late 20th-century by Shklar (1989), who places fear at the center of liberal rationality, though the main source of anxiety is not the tyrannical monarch but the social revolution.

5 For instance, Quesnay distinguished between the state of pure nature (*l’état de pure nature & indépendance*), in which there is no communication among human beings, and the state of multitude (*l’état de multitude*), in which there is contact and communication but still no political authority (QUESNAY, 1765).

were two closely related yet different ways of appreciating the positive effects of interests in counterplaying passions. Business interests appear as the best antidote against belligerence.⁶ On the other hand, the category of interests helped in responding to the crisis of Scholasticism and providing another foundation to natural law, namely utility. Natural law is not only right because it is divine or rational but because it is useful and beneficial to our material interests.⁷ This identification of the good and the pleasant, moral and physical good, is a constant theme in Physiocratic writings. And this identity takes place through the “regular concurrence of the particular works and interests of men” (QUESNAY, 1888, p. 637).⁸ Therefore, the seemingly opposing interests of individuals can be understood as contributing to the general welfare of all, in a doctrine Myrdal (2017) called the “harmony of interests”.

Here lies the decisive contribution of Physiocracy to liberalism. It inherited and carried further the refashioning of natural law as a utilitarian doctrine. Virtue is debased to and identified with material welfare, so the satisfaction of interests becomes the decisive ground of natural law. The latter is reconstructed as physical laws determining the material foundations of social existence. And the fact that nature is well-ordered by divine laws permits a factual harmonization of interests. What physiocrats denominate the *natural order* is a certain organization of society in which the physical laws are followed, and interests coincide in a single and general interest, where “all interests are perfectly combined” (RIVIÈRE, 1767, p. vii).⁹ The economy surfaces as the true fundament of this order. As Var-

6 Montesquieu’s doctrine of *doux commerce* is the archetypal rendition of this insight. In *De l’esprit des lois*, he formulates as a rule that “everywhere there are gentle mores [*mœurs douces*], there is commerce and that everywhere there is commerce, there are gentle mores [*mœurs douces*]” (MONTESQUIEU, 1951, p. 585; 1989, p. 338) On the one hand, the division of labor and the flourishing of trade make needs increasingly differentiated and multiplied, implying a refinement of needs. This way, desire is purified, spiritualized, and loses its barbaric nature. On the other hand, a thriving commerce inculcates the primacy of interests into the national spirit. Paying heed to material considerations tempers the bellicose mood that precipitates war (MONTESQUIEU, 1951, p. 585; 1989, p. 338).

7 This is manifest in Locke’s moral philosophy. In his theory of property rights, property is initially grounded on the theological workmanship model and, later, it develops into a utilitarian argument which identifies right with usefulness. As he puts it, “Right and conveniency went together” (LOCKE, 1988, p. 302)

8 This thesis is explicitly formulated by Mirabeau, who seeks to draw “the road to physical profit and moral good joined and combined” (MIRABEAU, 1760a).

9 Their concept of order is inherited mainly from the philosophy of Nicolas Malebranche. His influence is so decisive that Mirabeau, in his *Philosophie rurale*, reproduces in its entirety

gas (2019, p. 126) stresses, by endowing natural law with a physical content, Physiocrats could bestow a thoroughly economic character to natural law. Previous conceptions of social harmony lacked a properly economic foundation, *i.e.*, a systematic understanding of how interests harmonize through economic mechanisms (MYRDAL, 2017, p.28).¹⁰ Physiocracy supplied liberalism with this system. In this sense, they were the founders of the idea of an economic order and the first to represent this order in a model, the *Tableau* (MORGAN, 2012).¹¹

By doing so, Physiocrats carried out a profound transformation in the meaning of natural law. Against classical doctrines, natural law no longer consisted of a set of instructions about human virtue and excellence. It served to reinsert humanity back into *physis*. Physiocrats dissolved the kernel of Aristotelean ethics by reducing human beings to natural events. As Arendt stresses, our material interdependence is “something human life had in common with animal life” and, thus, could have only a subaltern import (ARENDR, 2018, p. 24). In this sense, *contra* Beer (1939), Physiocracy is the most radically anti-Aristotelean political theory.

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 ty the second chapter of Malebranche’s *Treatise on Ethics*, which explains the love of order as the “unique virtue”. Order was the structuring concept of Malebranche’s metaphysics and ethics. All created beings, he believed, were subordinated to the general laws of God’s “immutable order”. Those laws ruled physical events, motion, and all spiritual and moral facts. Physiocrats proposed to extend this doctrine of order also to the domain of social and economic relations (MALEBRANCHE, 1993, p. 53). For a closer account of the influence of Malebranche in Physiocracy, see Agamben (2011). Monzani (2014) challenges the view that Physiocrats simply adapted Malebranche’s doctrine of order into the economic domain. The latter held that even God is tied to the order’s perfection. Against this view, Monzani contends that Quesnay’s conception of order is closer to the Cartesian and Augustinian, in which order is submitted to God’s will.

10 Along the same lines, Schumpeter argues: “Quesnay went on, from asserting universal compatibility – or, indeed, complementarity – of individual interests in competitive society, to asserting universal harmony of class interests, which makes him the forerunner of nineteenth-century Harmonism (Say, Carey, Bastiat)” (SCHUMPETER, 2006, p. 234). This does not mean that they did not see contradictory class interests. They were aware that the manufacturing sector would strive for protectionist measures and the maintenance of privileges. Quesnay was also particularly concerned with finance capital and moneylenders. Yet, it matters that Physiocracy postulated what became a dogma in modern economics, namely the belief that it is possible to establish theoretically and mathematically an ideal state in which all interests converge and harmonize.

11 That this system expresses a capitalist mode of production, as Marx (1963) and Dale (2020) correctly emphasized, is extremely relevant to interpret Physiocracy, but not indispensable to the current argument.

4 Absolutism and Economic Liberalism

In the previous sections, I have argued that rules-based liberalism consists in a fundamental inversion in the relationship between law and authority. Absolutism views the law springing from authority, whereas liberalism sees the law as the source of authority. Considering this, the Physiocratic ideal of legal despotism seems utterly paradoxical, for it combines the notion of absolute authority with the subordination of the authority to the law. This seeming paradox is a core matter and will be addressed in the next section. However, some clarifications about the meaning of absolutism are required first. Like the concept of natural law, absolutism has been an issue of confusion in the scholarship. The gravest mistake is to associate absolutism with pre-modern, medieval, or reactionary conceptions of authority. Schumpeter articulates this confusion by stating that “Quesnay’s political theory – both analytically and normatively – turned upon a monarchical absolutism in an uncritical and unhistoric manner that, as we have seen, was also quite foreign to the scholastics” (SCHUMPETER, 2006, p. 229). Indeed, it was quite foreign to the scholastics, but this is precisely what matters here.

Absolutism is essentially a modern form of state opposed to feudal or estates-based monarchy and to parliamentary and constitutional monarchy (SCHMITT, 1995, p. 95). The monarch claims absolute power against the feudal aristocracy, estates, and guilds, as well as to the parliament. This claim could be grounded on quite different bases. It can be deeply theological as Robert Filmer’s *Patriarcha* or anti-theological Hobbes’ *Leviathan*. However, a vital hypothesis of this paper is that the relationship between absolutism and liberalism is not of simple opposition. It is fair to say that absolutism is incompatible with any form of balance-based liberalism but not necessarily with rules-based liberalism.

There is no doubt that Physiocrats, both theoretically and pragmatically, strove to restore and reestablish a solid foundation for the French monarchy, particularly in the first phase of the movement around Quesnay (BOURTHOUMIEUX, 1935, p. 2; CHARLES AND THÉRÉ, 2011). They acknowledged the depth of social transformations in France and the severe crisis menacing royal authority. Rivièrè and Turgot expressively recognized the threat of a looming civil war and viewed their undertaking as an effort to prevent it (RIVIÈRE, 1767, p. 54; TURGOT, 1913, p. 563). However, this commitment to the monarchy was by any means “uncritical”

or “unhistorical”, even less a defense of the *status quo*, as Girard (1912, p. 206) suggests. Moreover, absolutism is in essence a modern phenomenon and for the most part a reformist program. To claim absolute power, the monarch must turn against the aristocracy. Absolutism is reformist by the simple fact that it must undermine the established powers of the estates, nobility, and guilds.

A closer examination of the peculiarities of Physiocrats’ arguments for absolutism is illuminating. In the first maxim of the *Maximes Générales du Gouvernement Économique d’un Royaume Agricole*, Quesnay (1888, p. 329-330) declares:

Que l’autorité souveraine soit unique et supérieure à tous les individus de la société et à toutes les entreprises injustes des intérêts particuliers ; car l’objet de la domination et de l’obéissance est la sûreté de tous et l’intérêt licite de tous. Le système des contreforces dans un gouvernement est une opinion funeste qui ne laisse apercevoir que la discorde entre les grands et l’accablement des petits. La division des sociétés en différents ordres de citoyens, dont les uns exercent l’autorité souveraine sur les autres, détruit l’intérêt général de la nation et introduit la dissension des intérêts particuliers entre les différentes classes de citoyens.

In this convoluted paragraph, Quesnay lays out some key tenets of Physiocratic conception of sovereignty. In the first place, Quesnay shares with liberal authors an unambiguously instrumental conception of state authority, which postulates the security of particulars as its ultimate end (or *object*) of sovereign authority. The cornerstone of Physiocratic natural law is property. Political authority and all other rights are based on and derivative of property rights. In the words of Le Mercier de la Rivière, “it is impossible to imagine a right which is not a development, a consequence, or an application of the right to property. Remove the right to property, and no rights are left” (*Nouvelles Éphémérides Économiques*, 5 vol., 1774, t. II, p. 10). For this reason, Physiocrats concur with Locke in postulating that the ultimate goal of political authority is to secure property rights (Rivière, 1767, p. 8-9). And the consent to authority is based on the advantages yielded by the security of property, which ensures that each can fully dedicate to labor and production (MIRABEAU, 1760b, p. 266–267). From these initial remarks, it becomes clear that the model of monarchy envisioned by the Physiocrats is quite distant from Filmer’s and Hobbes’s, and much closer to liberal authors such as Locke.

Nonetheless, Quesnay adopts the typical absolutist doctrine of the indivisibility of political authority. The main target of this attack is the notion

of the “system of counterforces”, which is the crucial doctrine of balance-based liberalism. From this perspective, civic liberty is identified with limited government and the latter is understood as an effect of the balance of powers. The political forces in question are the various estates, corporations, local authorities, aristocrats, which hold the monarch in check. To this effect, Tocqueville later observed:

To be sure, they were very much in favor of free trade in commodities, of laissez faire, laissez passer in commerce and industry. But they did not dream of political freedoms as such, and even when by chance thoughts of such freedoms did cross their minds, they initially rejected them. Most were at first quite hostile to deliberative assemblies, local and secondary powers, and, in a general way, all the counterweights that had been established at various times in free nations everywhere to balance the central power. (TOCQUEVILLE, 2011, p. 144).

Tocqueville’s remark could not be more illuminating. Physiocracy combined a conception of “economic” liberalism, *i.e.*, free trade in commodities, with a hostile stance toward aristocratic powers, local authorities, and corporations. From a political point-of-view, these local and secondary powers were the real antagonists to their economic liberalism. Physiocratic absolutism and free trade are faces of the same project. Bourthoumieux (1935, p. 40) fails to notice this necessity by claiming that their adhesion to *laissez-faire* was no logical consequence of Physiocratic premises.

Let’s take a closer look at this point. In the *ancien régime*, it was a crucial task of government to prevent the occurrence of famine (*disette*) due to the scarcity and dearness of grains (FOUCAULT, 2004, p. 32). For that purpose, there was a complex juridical and disciplinary system to regulate the production and distribution of grains, and curb artificial scarcity caused by speculation. This system was designed to prevent the occurrence of famine revolts, particularly in the cities (GAUTHIER, 2015). In contrast, Physiocrats believed that those measures imposed a pernicious constraint to the development of agriculture since low prices entailed low income to the *fermiers* and, consequently, low investment (QUESNAY, 1888, p. 170).

In response to this predicament, the key tenets of Physiocracy were the simplification and rationalization of the tax system – the doctrine of the *single tax* – and the dismantling of the regulatory apparatus – the free commerce of grains. In addition, Physiocrats adhered to the notion of free competition and the dissolution of guilds and corporations (QUESNAY, 1888, p. 336). The justification of those propositions rests on two grounds: the security of private property and the nation’s welfare. On the one hand,

removing arbitrary taxation and trade restrictions guarantees that proprietors and capitalists have their property rights fully protected and untampered with (WARE, 1931). It is their right to determine when, where and for how much they sell their property. On the other hand, it was believed that this security of property rights would increase investments, agricultural production, and hence national wealth.

But what is the political meaning of those “economic” reforms? The *ancien régime* was a political system in which power was predicated on a complex fabric of taxation, exemptions, privileges, and monopolies of production and trade. These rights to taxation, privileges and monopolies were held as sacrosanct property rights and wove the intricate patchwork of power relations. The rationalization of the taxation system, the liberalization of commerce, and the dissolution of guilds represented a brutal violation of existing property rights and the complete dissolution of existing power relations. This reformist dimension of Physiocracy posed some interpretative problems. Gauthier (2015, p.49) argues that their free trade program was predicated on their commitment to the notion of “absolute private property”. On the contrary, Samuels (1961, p.110) contends that property rights are counterpoised by public considerations. Both claims are correct, if we consider that Physiocrats operate a “material remaking of property and property rights” (SAMUELS, 1961, p.110). The property rights of the ascending bourgeois class could only become absolute through the demolishment of feudal and aristocratic property rights.

In sum, Physiocratic absolutism is an integral part of their reformist program. It bears little resemblance to divine right theories or Filmer’s patriarchal model. In fact, they were closer to Hobbes, who demonstrated that the rights-bearing individual could only develop with the radical equalization of all individuals through the sublimation of political power in an absolute sovereign. The multiple differences that characterized the patchwork of power relations in the aristocratic society had to be sublimated into one fundamental difference between the sovereign and the multitude (KOSELLECK, 1983, p. 118). When Quesnay denounces the division of society in different “orders of citizens”, and discourages the dissension of particular interests, he is speaking from this standpoint of equality. Therefore, they viewed the absolute monarch as an instrument to equalize individuals and transform all into property rights-bearing individuals. Thus, the Physiocratic program represented the dissolution of pre-modern

France through the crown.¹² Einaudi (1938, p.10) is hence correct in arguing that the Physiocrats saw the prince as an instrument “for carrying out their program of economic reform”.

5 Legal Despotism

After presenting Physiocracy’s new conception of natural law and the particularity of their commitment to absolutism, I turn to the axial notion of their political program, namely legal despotism. In modernity, despotism came to designate the govern of an arbitrary ruler. Montesquieu famously distinguished monarchy as the govern of *one* based on fixed rules from despotism as the government of one according to his arbitrary will (MONTESQUIEU, 1951, p. 239).¹³ Despotism was a typical orientalist term, crafted to distinguish western monarchs from eastern despots (SAID, 2003, p. 32-33). Physiocrats were acquainted with Montesquieu’s version of Oriental Despotism, yet they still resorted to that notion, adding the adjective “legal”. To make sense of this choice, we should go back to the ancient origin of the term and elucidate its connection to the idea of “political” economy.

In its most classical formulation, Aristotle defined the despot [δεσπότης] as the master within the domestic sphere [οἶκος]. In the Aristotelean model, the household as the sphere of natural necessity is opposed to the polis as the realm of freedom and equality. In the household, the human being is a species being and performs the activities necessary to reproduce their animal existence: sexual reproduction, parenting, labor, and the acquisition of livelihood. The household comprises three power relations: man and woman, parents and children, and master and slave. The principle

12 In that connection, Beer’s interpretation of Physiocracy as representatives of a neo-medieval society is untenable (BEER, 1939). According to him, Physiocracy is an “attempt to rationalize medieval economic life in the light of the progress of philosophy and physical science since the sixteenth century” (BEER, 1939, p. 147). Along the same lines, Carbaugh (1972) suggests that Physiocracy represented only a gradual adaption of medieval philosophy to the emerging technological system. The rationalization of economic life, *i.e.*, the abolishment of all taxes, privileges, and monopolies, dissolves the fundamental structure of medieval society.

13 For an account of the origin of the word *despotism* in France and Montesquieu’s paradigmatic rendition, see Boesche (1990). It is also interesting to note that one of the best articulations of the modern (*i.e.*, critical) usage of despotism was penned by the revolutionary Honoré Gabriel Riqueti de Mirabeau (1775), the son of the Physiocratic Victor Riqueti de Mirabeau.

of power of the economy, *i.e.*, the management of the household, is the monarchy [μοναρχεῖται γὰρ πᾶς οἶκος]. Furthermore, Aristotle considers the slave a living instrument of the master and, even further, a part of his body. Both belong to the same nexus of life. This entails that there is a harmony of interests among them, for what benefits [συμφέρει] one also benefits the other (ARISTOTLE, 1977, I. 1255b–10). Guaranteed all natural conditions of existence, men could join the polis as free and equal citizens. Therefore, despotism stands in strict opposition to the principle of authority in the polis. It is absurd to talk about despotism as a principle of politics: no free man can be the master of another free man.

With the development of capitalist relations and the separation of work from land, the *oikos* continuously lost its productive character and was replaced by a system of interdependence mediated by the market. An intermediate sphere between the family and the state emerged, namely (bourgeois) society.¹⁴ The natural laws governing the reproduction of life in the household now become the laws of society. In its turn, society becomes in modernity a kind of extended family or, in Hegel's words, "universal family" (HEGEL, 1993, p. § 239). The social domain is the publicization of the life process, in which man exist "not as a truly human being but only as a specimen of the animal species man-kind" (ARENDDT, 2018, p. 46). As the household regulation, the economy becomes public and the object of political authority.

When Montesquieu (1951, p. 367) characterizes the government of China as not being civil but a "domestic government", he had in mind that crucial distinction in ancient thought. It is as if the "Orientals" did not comprehend the difference between the domestic and the political domains, between nature and civic liberty. However, with the rise of market relations, the economy as the universal household becomes the norm in Europe. As Rosanvallon (1989, p. 52) correctly observes, politics as an "art of government" or as the "thought of the irreducibility of social division" loses its object. Politics in the strong sense is lost. From this standpoint, Montesquieu's position was outdated, ancient, and pre-modern.¹⁵ Nonetheless, Physiocrats were willing to embrace this transformation and the

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 14 On the emergence of "society" as an intermediate sphere, see Riedel (1969, p. 135).

15 Even though this is not the object of this paper, it should be indicated that it is possible to narrate the history of liberalism as the demise of balance-based and the predominance of rules-based liberalism.

subordination of the political to nature. They strove thus to reconstruct the modern monarch as no longer a *political* creature, but as the master society *qua* the universal *oikos*.

Nevertheless, Physiocracy's insistence on the despotic model raises a fundamental question: What are the consequences of reconstructing political authority as an economic administrator? To this question, we should now consider the "legal" character of legal despotism. Notwithstanding their use of the word despotism, Physiocrats believed that the despot should be limited by standing rules. Le Mercier differentiates between arbitrary despotism, which would correspond to the current usage of despotism as tyranny, and *legal* despotism based on natural and perpetual laws. Overall, the ideal monarch was a mere executor of an absolute justice. In Trenard's formulation, "the law decides, not the government" (TRENARD, 1979). Koselleck (1983, p. 122) offers similar remarks regarding the relationship between law and sovereignty in the work of Turgot. In the physiocratic system, the sovereign's decision loses its juridical character. But what are the actual mechanisms of constraint they envisioned? In other words, what makes positive law accord with natural law?

Rules-based liberalism emerged at first as a juridical discourse that subjects power to standing laws and carves out a sphere of individual rights shielded from sovereign interference (FOUCAULT, 2004, p. 10). Einaudi (1938) offered a revisionist interpretation of Physiocratic political thought to claim that they have entertained several juridical mechanisms for restricting the monarch's power. It should be noted that this is one of the points of greatest divergence among the members of the Physiocratic school. For instance, Le Mercier emphasizes the role of the magistrates, as an independent power to safeguard the law (RIVIÈRE, 1767, p. 74). Along similar lines, Le Trosne's division of three kinds of law – natural, constitutive, and positive – adumbrates the typical 19th-century ideal of a constitutional monarchy (EINAUDI, 1938, p. 36). There are the natural principles of justice, the fundamental rights enshrined in the constitution and the whole positive legislation of minor affairs.

Nevertheless, even if Einaudi is right, the substance of their argument was not the mechanism of juridical control. Physiocrats' substantial conviction was that nature limits the monarch's power. Quesnay believed that the irrefragable laws of nature were the most effective limitation of arbitrary government (QUESNAY, 1888, p. 626). As Le Mercier (1767, p.

73) states, the laws of nature are written “in the very code of nature”. For them, the “natural” in natural law assumes thus a radically different meaning. Physiocrats embraced this idea to the point of blurring the boundaries between biology, economics, and politics. Now, natural law encompasses the laws of all physical events, including that of life process and social reproduction: “the constitutive laws of the social order” are “part of the general and immutable laws of creation” (RIVIÈRE, 1767, p. v–vi). But these laws manifest themselves in human societies as “economic” laws. The economy is raised to the “immortal basis of our livelihoods, of our customs and, in a word, of all that can truly be called the fundamental science of state government” (MIRABEAU, 1760a). Thus, sovereignty is limited by the *factual* and physical laws of nature. Natural laws are the true sovereign, not the monarch.

As the analysis of the natural order showed, Physiocrats believed in the perfect identity of moral and physical good, thus a properly constituted government is necessarily the most prosperous. In his laudatory essay on Chinese despotism, Quesnay describes the constitutive laws of society as “the laws of the natural order most advantageous to the human species” (QUESNAY, 1888, p. 637). And the transgressions of natural law are the most ordinary causes of the physical ailments (QUESNAY, 1888, p. 369).

Nature, reshaped as the economy, not political authority nor the (juridical) law, is truly authoritative. Physiocracy literally means the government of nature. According to Quesnay (1888, p. 637), natural law is twofold: it designates both the actual laws of nature and the appropriate laws that constitute a government well-adapted to nature. In his essay on the Incas in Peru, Quesnay asserts that the fortune of this government lay in the fact that “natural law dictated the laws of the state, it regulated the rights and duties of the sovereign and subjects” (QUESNAY, 2020, p. 213). Consequently, the accordance with natural law is expressed as material prosperity, whereas its violation is opposed by material decadence – as they believed to be the case in 18th century France. The market becomes the true space of verification, as Foucault (2004, p. 31) puts it.

By eliminating the difference between nature and politics, *physis* and *nomos*, Physiocracy dissolves the difference between practical and theoretical reason. Reasoning about government dispenses with prudential considerations and partial judgments, with what Aristotle called *phronesis*

[φρόνησις]. On the contrary, the most advantageous political structures are immutable and can be discernible with the *evidence* of any other natural fact. Prudential reason is engulfed by theoretical reason. And the rationalistic notion of evidence becomes a canon in Physiocracy. No practical considerations matter in the face of clear and distinct truths.

As a mere executor of the law of nature, the Physiocratic despot emerges as a tutelar authority (QUESNAY, 1888, p. 628). The most important aspect is that the sovereign must also be epistemically privileged. He must be capable of decoding natural law and deducing the appropriate positive laws to actualize it, for “positive, just laws, are nothing but exact deductions or simple commentaries of those primitive laws” (QUESNAY, 1888, p. 643). To perform this role, Habermas insists, the monarch must “allow himself to be instructed about the laws of nature by a philosophically and economically enlightened public” (HABERMAS, 1988, p. 89). As Mirabeau articulates it, where the knowledge of the essence of justice rules, the “general opinion” opposes the errors of the administration and the administration itself refrains from erring (MIRABEAU, 1969, p. 9).¹⁶ Thus, there is a reciprocal relationship between the enlightenment of the monarch and the public. Not only the monarch, but also the entire society must be acquainted with the basic traits of nature law. Therefore, physiocrats emphasized the fundamental role of public instruction and doctrinaire pamphlets. For this reason, Habermas places Physiocracy in the transformative process of the public sphere. The monarch must be enlightened by the philosophers and act as a tutelar authority since it must steer individuals toward the best arrangement of society. Indeed, they saw “governing” and “instructing” as constitutive aspects of the same activity.

Physiocratic instruction does not conflict with human egotistic passions and appetites, which seek the constant increase of enjoyment, for it is in the order that enjoyment reaches its peak. There is hence a perfect coincidence of passions and knowledge, but for this agreement to take place, “it is necessary to *interest* [*intéresser*] their [men’s] passions, associate them to this [the natural order’s] establishment” (RIVIÈRE, 1767, p. 39). Interest mediates the passionate quest for satisfaction and the discernment of the necessary means to maximize it. But passions are not immediately “interested.” They must be instructed to be so.

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 16 *Ephémérides du citoyen*, 1969, V, 9.

The epistemological element is so crucial in physiocracy that Rivière re-conceptualized the ancient problem of intestine war as a struggle between the forces of evidence against those of opinion. The only way to overcome the state of war, expressed in the collision of contradictory interests and opinions, is the prevalence of the forces of order. This does not imply that all members of society should possess, without exception, a distinct understanding of all relations that embody social order. However, the explicit knowledge of order should be sufficiently public so that “the mass of wills and forces” reunited by this knowledge constitute an “absolutely dominant force” (RIVIÈRE, 1767, p. 55). As a typical 18th-century author, Rivière was sanguine about the convincing power of reason and believed that establishing freedom of thinking and publishing would naturally lead men to the side of evidence.

6 Conclusion

The examination of Physiocratic legal despotism has shown that their enterprise made explicit an essential transformation of the nature of political power in modern society. Their commitment to absolutism was in radical opposition to the feudal monarchy based on estates and, accordingly, opposed to balance-based liberalism, as put forward by Montesquieu and later Tocqueville. Nonetheless, their ideal of legal despotism was not in strict opposition to the rules-based notion of liberalism. As I have shown, the relationship of physiocracy with absolutism is far more complex than it seems in the first approach. Physiocrats were reformers who intended to reshape the French monarchy from within and strove to reconcile the monarchy with a liberal economy. It is plausible to suggest that their political demise obliterated the last possibility of a non-violent denouement of the crisis of French monarchy. To make sense of this claim, I argued that, as a liberal theory, Physiocracy also entertains an instrumental conception of political authority devoted to the security of property rights.

Moreover, I showed that their work furthered the liberal transformation of natural law into a utilitarian argument. With the idea of a natural order of society, the economic discourse of *laissez-faire* finds a foundation that it lacked before. Here, the field of possibility for human conventions

and deliberation, namely, the field of the political, finds an ineluctable limit. Acknowledging the social order as the bedrock of politics and government makes political economy the government science *par excellence*. The primacy of the economic displaces the original subject of liberalism, namely the subject of rights, and replaces it with the subject of needs and interests (FOUCAULT, 2004; BROWN, 2015, p. 80-85). Political authority is not only subordinated to natural property rights but also to the immutable laws of the economy.

This transformation was keenly noticed by Rousseau, who makes explicit the contradiction between the principles of popular sovereignty and the modern conception of the economy as a natural phenomenon. The market and republicanism entertain contradictory views of legitimacy. Nothing seemed more repulsive to him than the Physiocratic paradigm of a technocratic despotism. In a famous letter to Mirabeau, who had sent him a copy of his *Philosophie Rurale*, he remarked that he was never able to understand “what it was about this evidence that serves as the basis for Legal Despotism, & nothing seemed less obvious to me than the chapter that deals with all these evidences” and concluded the letter by with: “Love me always; but don’t send me any more books; don’t expect me to read any more; don’t even try to enlighten me if I go astray: the time is past” (ROUSSEAU, 1767). In the same spirit, his entry “Political Economy” in the *Encyclopédie* strikes us as outlandish (ROUSSEAU, 1997). Instead of an encyclopedic definition, Rousseau provides a fierce reaction against the emerging economic science and an urge to salvage the (republican) meaning of the political against the irresistible force of the rising commercial society. He would probably approve of Arendt’s claim that “political economy” is a *contradictio in terminis* (ARENDDT, 2018, p. 29).

Therefore, a study of Physiocracy reveals that the recession of the political, correctly highlighted by Dumont (2000) and Rosanvallon (1989), is not the outcome of Physiocracy’s backwardness and feudalistic commitment but rather a necessary development of rules-based liberalism under the conditions of a market economy. In this sense, a study of Physiocracy reveals an essential feature of liberalism itself, namely its legal despotic character. The weakness of Physiocracy lies precisely in its radicality. It often strikes us as a caricature. Still, as in any good caricature, exaggeration throws light on a distinctive trait.

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