

The Law of the Land

FROM PENGUIN ISLAND BY ANATOLE FRANCE

"They are creating law; they are founding property; they are establishing the principles of civilisation, the basis of society . . ."

THE ISLAND DID NOT preserve the rugged appearance that it had formerly, when, in the midst of floating icebergs it sheltered a population of birds within its rocky amphitheatre. Its snow-clad peak had sunk down into a hill from the summit of which one could see the coasts of Armorica eternally covered with mist, and the ocean strewn with sullen reefs like monsters half raised out of its depths.

Its coasts were now very extensive and clearly defined and its shape reminds one of a mulberry leaf. It was suddenly covered with coarse grass, pleasing to the flocks, and with willow, ancient fig trees, and mighty oaks. This fact is attested by the Venerable Bede and several other authors worthy of credence.

To the north the shore formed a deep bay that in after years became one of the most famous ports in the universe. To the east, along a rocky coast beaten by a foaming sea, there stretched a deserted and fragrant heath. It was the Beach of Shadows, and the inhabitants of the island never ventured on it for fear of the serpents that lodged in the hollows of the rocks and lest they might encounter the souls of the dead who resembled livid flames. To the south, orchards and woods bounded the languid Bay of Divers. On this fortunate shore old Mael built a wooden church and a monastery.

Now one autumn morning, as the blessed Mael was walking in the valley of Clange in company with a monk of Yvern called Bulloch, he saw bands of fierce-looking men loaded with stones passing along the roads. At the same time he heard in all directions cries and complaints mounting up from the valley towards the tranquil sky.

And he said to Bulloch:

"I notice with sadness, my son, that since they became men the inhabitants of this island act with less wisdom than formerly. When they were birds they only quarrelled during the season of their love affairs. But now they dispute all the time; they pick quarrels with each other in summer as well as in winter. How greatly they have fallen from that peaceful majesty which made the assembly of the penguins look like the Senate of a wise republic!

"Look towards Surelle, Bulloch, my son. In yonder pleasant valley a dozen men penguins are busy knocking each other down with the spades and picks that they might employ better in tilling the ground. The women, still more cruel than the men, are tearing their

opponents' faces with their nails. Alas! Bulloch, my son, why are they murdering each other in this way?"

"From a spirit of fellowship, father, and through forethought for the future," answered Bulloch. "For man is essentially provident and sociable. Such is his character and it is impossible to imagine it apart from a certain appropriation of things. Those penguins whom you see are dividing the ground among themselves."

"Could they not divide it with less violence?" asked the aged man. "As they fight they exchange invectives and threats. I do not distinguish their words, but they are angry ones, judging from the tone."

"They are accusing one another of theft and encroachment," answered Bulloch. "That is the general sense of their speech."

At that moment the holy Mael clasped his hands and sighed deeply.

"Do you see, my son," he exclaimed, "that madman who with his teeth is biting the nose of the adversary he has overthrown and that other one who is pounding a woman's head with a huge stone?"

"I see them," said Bulloch. "They are creating law; they are founding property; they are establishing the principles of civilisation, the basis of society, and the foundations of the State."

"How is that?" asked old Mael.

"By setting bounds to their fields. That is the origin of all government. Your penguins, O Master, are performing the most august of functions. Throughout the ages their work will be consecrated by lawyers, and magistrates will confirm it."

Whilst the monk, Bulloch, was pronouncing these words a big penguin with a fair skin and red hair went down into the valley carrying a trunk of a tree upon his shoulder. He went up to a little penguin who was watering his vegetables in the heat of the sun, and shouted to him:

"Your field is mine!"

And having delivered himself of this stout utterance he brought down his club on the head of the little penguin who fell dead upon the field that his own hands had tilled.

At this sight the holy Mael shuddered through his whole body and poured forth a flood of tears.

And in a voice stifled by horror and fear he addressed this prayer to heaven:

"O Lord, my God, O thou who didst receive young Abel's sacrifices, thou who didst curse Cain, avenge,

O Lord, this innocent penguin sacrificed upon his own field and make the murderer feel the weight of thy arm. Is there a more odious crime, is there a graver offence against thy justice, O Lord, than this murder and this robbery?"

"Take care, father," said Bulloch gently, "that what you call murder and robbery may not really be war and conquest, those sacred foundations of the empires, those sources of all human virtues and all human greatness. Reflect, above all, that in blaming the big penguin, you are attacking property in its origin and in its source. I shall have no trouble in showing you how. To till the land is one thing, to possess it is another and these two things must not be confused; as regards ownership the right of the first occupier is uncertain and badly founded. The right of conquest, on the other hand, rests on more solid foundations. It is the only right that receives respect since it is the only one that makes itself respected. The sole and proud origin of property is force. It is born and preserved by force. In that it is august and yields only to a greater force. This is why it is correct to say that he who possesses is noble. And that big red man, when he knocked down a labourer to get possession of his field, founded at that moment a very noble house upon this earth. I congratulate him upon it."

Having thus spoken, Bulloch approached the big penguin, who was leaning upon his club as he stood in the blood-stained furrow:

"Lord Greatauk, dreaded Prince," said he, bowing to the ground, "I come to pay you the homage due to the founder of legitimate power and hereditary wealth. The skull of the vile Penguin you have overthrown will, buried in your field, attest for ever the sacred rights of your posterity over this soil that you have ennobled. Blessed be your sons and your sons' sons! They shall be Greatauks, Dukes of Skull, and they shall rule over this island of Alca."

Then raising his voice and turning towards the holy Mael:

"Bless Greatauk, father, for all power comes from God."

Mael remained silent and motionless, with his eyes raised towards heaven; he felt a painful uncertainty in judging the monk Bulloch's doctrine. It was, however, the doctrine destined to prevail in epochs of advanced civilization. Bulloch can be considered as the creator of civil law in Penguinia.