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J. E. S. HAYWARD

THE OFFICIAL SOCIAL PHILOSOPHY OF THE FRENCH THIRD REPUBLIC: LÉON BOURGEOIS AND SOLIDARISM

At the turn of the century, the authoritative political theorist Henri Michel had this to say of the characteristic approach in France to all problems, and in particular to political problems. "We are infatuated with *isms*, it is part of the national temperament. It is significant that a large number of our fellow-citizens like them so much, that every time they are presented with a new one, they greedily seize upon it, without asking themselves whether it can be accomodated alongside the one with which they were previously enamoured."[1] The accuracy of this observation has not substantially diminished over the last half-century, the parties left of centre being particularly addicted to doctrinaire formulations of their political philosophies and programmes and to the consequent verbal fetishism and pompous dogmatism. The rise of Socialism in the late nineteenth century overshadowed the contemporary crystallisation of Radical attitudes and aims into the doctrine of Solidarism. Solidarism, however, played a major part in galvanising and rallying the protagonists of state intervention and voluntary association; uniting them in the task of building, by a series of piecemeal reforms inspired by a simple principle and a multiplicity of imperative needs what has come to be known as the "Welfare State". Despite the doctrinal fragility of Solidarism, its practical programme was inspired by and was appropriate to the social and political needs of a society in transition from individualist and non-interventionist liberalism to associationist and statist socialism, just as liberal economism had secured the transition from corporativism and mercantilism to private enterprise, laisser faire and laisser passer. To-day it is Gaullism that dominates the political scene, but the tenacious Radical tradition of the Third and Fourth Republics may yet reassert itself, transforming in retrospect the tidal wave of to-day into a ripple, as it has so frequently done during the last eighty years of France's tormented history.

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[1] Propos de Morale, Deuxième Série, 1904, p. 19.

An eminent social historian, the late Maxime Leroy, has asserted: "To understand solidarism, it must be linked with the doctrine of the Third Estate, revolutionary rationalism and judicial ideologism."[1] Though this is at best a half-truth, it focusses attention upon the Jacobin affinities of the idea of solidarity transmuted into the programme of the cluster of political groups which regarded itself as the custodian of the political tradition of 1789 and 1793 and united, in 1901, into the Radical and Radical-Socialist party. This party, which became the pivot of the political life of the Third Republic, provided the rallying point of all those who, in the economic sphere, were prepared to use the power of the state and encourage the activity of the trade unions and co-operatives, further educational and friendly societies, to transform a political into a social democracy. By the turn of the century, its philosophy, Solidarism, had become the official doctrine of the Third Republic, opposed alike to Liberal economism, Marxist collectivism, Catholic corporativism and anarchist syndicalism, though having something in common with all of them.

In the late nineteenth and early twentieth century, for the abstract principles of liberty, equality and fraternity was substituted the eclectic notion of solidarity that formed the backbone of the Radical ideology, which has survived much as Léon Bourgeois formulated it and politically triumphed. As even so hostile and contemptuous a critic as Albert Thibaudet was forced to confess: "Léon Bourgeois was one of the most eminent politicians of the Third Republic, thanks to his qualities of statesmanship, refinement and integrity, providing the Radical party with a personification as much as an effective leader."[2] He selflessly served the cause of social peace through social justice throughout a long political career in which he occupied every official post of importance in the Third Republic (except the Presidency which he refused because of ill health) as well as innumerable unofficial and honorary Presidencies of voluntary associations. He pursued the realisation of the ideal of solidarity within and between nations, representing, through his words and deeds, the culmination and fulfilment of a philosophical tradition of which he was far from unaware.

As the briefest of references to the salient features of his life makes evident, the range and variety of his political career gave Bourgeois a grasp of the social problem as a whole. Born in 1851 and a jurist by training – he became Secretary to the "Conférence des Avocats" – he entered the Civil Service in 1876, served as *Sous-Préfet* and then *Préfet* of various *départements*, becoming in 1887 *Préfet de Police* at the age of 36! Elected Deputy of the Marne in 1888 – receiving 48,000 votes to General Boulanger's 16,000 – he became a Minister in the same year, and after serving as Minister of the Interior, Education and Justice, was Prime Minister from November 1st, 1895, to April 21st, 1896. Acting as French plenipotentiary at both the International Conferences on Arbitration at the Hague (1899 and 1907), he preferred in 1899 to continue what he recognised as essential work for world peace rather than accept the offer of the President of the Republic to form a government. He suggested Waldeck-Rousseau, who, with the Radical support promised by Bourgeois, formed the longest lived government of the Third Republic, carrying it safely through the crisis of the Dreyfus Affair. Bourgeois was elected President of the National Assembly with Jaurès as Vice-President, following the Dreyfusard landslide of 1902, and was in 1903 appointed to the Hague Arbitration Court. He once again refused power in 1902 and it was Combes who succeeded Waldeck-Rousseau. Elected Senator in 1905, he served as Foreign Minister in 1906 and 1914 and Minister of Labour in 1912 and 1917. He presided over the Senate from 1920-23. In 1919 he was elected to the "Académie des Sciences Morales et Politiques" and in 1920 he was awarded the Nobel Peace Prize.[1]

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[1] M. Leroy, La Loi, 1908, p. 286; cf. pp. 286-97. For a discussion of the origins and evolution of the idea of solidarity from *mystique* to *politique*, see my article in The International Review of Social History, 1959, Vol. IV, Part 2, pp. 261-84, entitled: Solidarity: the Social History of an idea in Nineteenth Century France.

[2] A. Thibaudet, Les idées politiques de la France, 1932, p. 175; cf. pp. 173, 178, 243-44; A. Milhaud, Histoire du Radicalisme, 1951, p. 101.

THE ECLECTIC ORIGINS

Léon Bourgeois' *Solidarité*, after appearing in *La Nouvelle Revue* as four *Lettres sur le Mouvement Social* in 1895, with the subtitle La doctrine de la solidarité, was published under its laconic title in 1896, rapidly attaining an astonishing notoriety in French intellectual and political circles. This remarkable achievement can only be accounted for by its seemingly satisfactory and unquestionably lucid theoretical justification of powerful currents in the prevailing social and political situation. Left-wing Radicalism, seeking simultaneously to resist the increasingly powerful electoral challenge of socialism and to occupy the intellectual vacuum left by the retreat of individualism and clericalism, gratefully seized upon the distinctive though eclectic Solidarist doctrine which had been formulated by Léon Bourgeois, Prime Minister of the first solely Radical Cabinet of the Third Republic in 1895-96. Though it was undoubtedly the prestige and persuasive power of its exponent that made the idea of solidarity fashionable – the "open sesame" that was to exorcise the demon of social conflict that haunted this period despite the "belle époque" façade – he made no claim to originality. Rather he deliberately sought to show that he was merely combining under a common denominator tendencies that had been converging from various points of the philosophic compass. Whilst a Comte or a Leroux, a Louis Blanc or a Proudhon, a Fouillée or a Charles Gide might be singled out, "It is not the work of anyone in particular but rather the work of everyone. It represents a generally accepted way of thinking" whose growing force Bourgeois had sensed and which he tried to render articulate simultaneously on the plane of principle and of practical political action. He sought to do so by separating the notion of solidarity from the corpus of diverse doctrines with which it had been associated, giving it pride of place as the origin and ultimate aim of all social activity.[1]

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[1] M. Hamburger, Léon Bourgeois, 1851-1925, 1932, pp. 19-21. On Léon Bourgeois' refusal of offers of support for his candidacy as President of the Republic in 1912 on grounds of ill-health, see the interesting revelations on the vanity of statesmen in M. Corday, The Paris Front. An Unpublished Diary: 1914-1918, 1933, in which he quotes Briand as saying that he and Jaurès made vain overtures to Bourgeois who backed out after initial acceptance (p. 29). Corday explained this by a "deal" between Léon Bourgeois and Raymond Poincaré, according to which Bourgeois would support Poincaré for the Presidency of the Republic if Poincaré supported his candidature for membership of the "Académie Française"; Bourgeois having remarked to Anatole France that "he did not care a damn about the Presidency of the Republic, since his sole ambition was membership of the Academy". (Ib., p. 289; cf. G. Wright, Raymond Poincaré and the Presidency, 1942, p. 35). Be this as it may, Poincaré was elected President; Bourgeois never joined the "immortals".

Speaking at the opening of the Paris World Exhibition of 1900, Emile Loubet, President of the Republic, declared that the "common motive-force here is the feeling of solidarity. I have pleasure in announcing that all governments pay homage to this higher law"; whilst Millerand, then Minister of Commerce (and himself subsequently President of the Republic) declared that "Science yields to men the secret of the material and moral greatness of societies which lies in one word: solidarity." Gaston Deherme, the human dynamo who led the avant-garde of the Popular University movement that reached the peak of its ephemeral development at the turn of the century, went so far as to assert: "We must become mad about solidarity just as the martyrs became mad about Christ", if mass support was to be won for the task of "organising democracy" in the social and economic sphere.[1] It was not sufficient for the educated middle class, raised to dominance by 1789, to content itself with providing education for the underprivileged; it had to share with them the material benefits of social progress.

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[1] Solidarité, 1st ed. 1896, 7th ed. 1912, p. 5; cf. pp. 6-7, 79. Of Pierre Leroux, the social reformist and pioneer socialist, George Renard wrote: "He was the initiator of the *solidarisme* which M. Léon Bourgeois has recently propagated and rejuvenated". (La Révolution de 1848, 1904, I, pp. 64-65.)

This was the task to which Léon Bourgeois addressed himself, conscious of the fact that if the social reforms implicit in the principles of the political revolution of a century ago were not quickly implemented, the threat of social revolution was imminent. Whilst Joseph de Maistre had been right to affirm that "the French Revolution legislated for man as an abstraction", in the course of the nineteenth century, the need to secure a closer approximation of reality to this abstraction had gradually dawned on those who had been groping their way towards the provision of social guarantees as a social responsibility. This aim was to be achieved through the creation by the state and voluntary association of a congeries of institutions to protect the individual nominally set free, but all too often deprived of the means of effectively exercising this freedom.[2] This was the political price of social peace, a fact which the Social Jacobinism of a Louis Blanc, forerunner of the Radical-Socialism of the late nineteenth century, had recognised and linked with a notion of solidarity which inspired his influential "Organisation du Travail". Its implementation half a century earlier had been frustrated by the blind conservatism of a majority of the Assembly of the Second Republic; a defeat which it was incumbent upon the Third Republic to reverse. This was the social significance of Léon Bourgeois' celebrated question to the "ralliés" when he formed his Cabinet in 1895: "You accept the Republic, Gentlemen, that is understood! But do you accept the Revolution?"[3]

Prior to Léon Bourgeois, it was Georges Clemenceau (whose rôle as the indomitable personification of French nationalism successfully opposed to Germany in the First World War has dwarfed his early career) who, first in collaboration with Louis Blanc and then taking over the leadership of the intransigent Radicals, opposed to Gambetta's opportunism, prepared the way for the political apotheosis of social solidarity at the end of the nineteenth century. As early as 1876 he had proclaimed: "We, the *radical* republicans, want the Republic because of its results: the great and fundamental social reforms to which it leads. Our proposed aim is the fulfilment of the great metamorphosis of 1789, launched by the French bourgeoisie but abandoned before it had been completed."[1] In his polemics with the champions of laissez-faire and the corporatist Catholics, he used the same arguments as those Léon Bourgeois was to employ. However, he was less fortunate in his appeals in 1885 to the Socialist leader Jules Guesde for a common front to secure those social reforms that they both desired, an attitude that was to be reversed ten years later when the Socialists became ardent supporters of Léon Bourgeois' first Radical Government.

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[1] For all these quotations, see Gide and Rist, Histoire des Doctrines Economiques, 4th ed., 1922, p. 697 note; Union pour l'Action Morale, 1. 7. 1900, p. 290 and note. It is interesting to note that the then Independent Socialist and ex-Radical Millerand was described in Emancipation as "l'habitué des réceptions de M. Léon Bourgeois". (Oct. 1900, p. 152.)

[2] Bourgeois, Vues Politiques, article in: Revue de Paris, 1.4.1898, p. 450.

[3] Thibaudet, op. cit., p. 129; cf. Bourgeois, Lettre au Congrès Radical et Radical-Socialiste de Nantes, 1909, pp. 3-4.

"In 1893, Clemenceau disappeared from the political scene. A place was vacant. Léon Bourgeois appeared."[2] Instead of the intransigent and ardent polemicist renowned for his duelling prowess, whether in word or deed, appeared the persuasive, conciliatory pacificator who found the formula capable of rallying, upon the most comprehensive basis possible, all those who could be coaxed into supporting a policy of social solidarity at home and international solidarity abroad. In place of Clemenceau – who, in contrast with Léon Bourgeois, played such a forthright and courageous part during the Dreyfus affair, but who with a vengeance, acted the cynically selfstyled part of "le premier des flics" during his 1906-09 government, which heartily waged war upon the Socialists and C.G.T. – emerged Léon Bourgeois. Unwilling to take a firm stand on the issue that was dividing France (which his philosophy of Solidarity sought to reunite) Bourgeois, in coining the famous slogan "Pas d'ennemis à gauche", laid down the principle of "republican discipline" that was not only the foundation of his government in 1896, but when acted upon, provided the "Left" with its greatest electorial victories: the *Bloc des Gauches* of 1902, the *Cartel des Gauches* of 1924, *Front Populaire* of 1936, and, minus the Communists, the *Front Républicain* of 1956. In place of the combative *revanchard* nationalist, looking towards the Vosges, came the apostle of global harmony based upon disarmament and arbitration. In place of the ex-Intransigent member of the Radical opposition in 1876, turned Opportunist Prime Minister of 1906 (resembling, in this as in his nationalism, his old enemy Gambetta) came a man whose career unswervingly followed the principles he had enunciated once and for all in 1896, his conciliatory language being allied to an inflexible doctrine inspiring all his political thoughts and actions. The place of the swashbuckling, earthy, uninhibited Clemenceau was occupied by "that emblem of Radical intellectualism, Léon Bourgeois".[1] A new era in the history of Radicalism had begun.

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[1] A. Milhaud, Histoire du Radicalisme, 1951, p. 83; cf. pp. 87, 89, 92-93.

[2] Ib., p. 99; cf. p. 100.

Whereas in 1894, the nationalist academician Jules Lemaître could invoke in a speech the principle of human solidarity on behalf of traditional Christian charity, by 1900 another *bien pensant* academician, the Comte d'Haussonville, was forced onto the defensive. Seeking, likewise, to sustain an increasingly discredited doctrine of charity against the accusations of quietistic resignation in principle and unplanned and unsanctioned practical inadequacy, he plaintively gave vent to his irritation that "Today, anyone who wishes to receive a sympathetic hearing or even receive professional advancement must speak of solidarity".[2] The reason was that between these two dates, the irruption of Léon Bourgeois' "Solidarité" on to the politico-social scene had acted as a catalyst to a variety of pseudo-scientific doctrines. Despite the vigorous campaign of the ex-positivist Catholic Brunetière, proclaiming – with an all too obvious ulterior motive – the bankruptcy of science, these doctrines were self-confidently being utilised to secure rational rectifications of natural and social disharmonies for which "original sin" had been all too easy and sterile a justification. Bourgeois invoked in support "Science et Morale", the work of the "official scientist of the Third Republic", the pioneer of chemical synthesis, Life-Senator and Secretary of the *Académie des Sciences*, Marcellin Berthelot, who had served as Foreign Minister in his Radical Government and who was second in renown only to Pasteur among French nineteenth century scientists.[3] Berthelot's scientism, allied to an ardent anti-clericalism, led him to proclaim that hitherto "the superior and more illustrious notion of human solidarity had been paralysed for so long by that of Christian charity", but the time had come when rules of conduct had to be based upon ineluctable laws of natural determinism which could alone command the free consent of rational beings and at the same time provide an impregnable, objective foundation for ethics.[4] It was this reformist, social scientism, centred upon the synthetic notion of solidarity, that inspired Léon Bourgeois' social philosophy.

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[1] D. W. Brogan, The Development of Modern France 1870-1939, 1940, 1945, ed., p. 445. On Bourgeois and Clemenceau, see J. A. Scott, Republican Ideas and the Liberal Tradition in France, 1870-1914, 1951, pp. 156, 191; D. Halévy, La République des Comités, 1934, pp. 22, 47-49, 85-96.

[2] Assistance publique et bienfaisance privée, article in: Revue des Deux Mondes, 15.12. 1900, p. 777; cf. J. Lemaître, Les Contemporains, 6e série, 1896, 21st ed. 1919, pp. 378-79. Lemaître founded in 1899 the anti-Dreyfusard "Ligue de la Patrie Française". For a detailed reply to d'Haussonville by the Solidarist C. Brunot, see "Solidarité et Charité" in the Revue Politique et Parlementaire, June 1901.

[3] F. Maury, Figures et Aspects de Paris, 1910, p. 175; cf. Léon Bourgeois, La Politique de la Prévoyance Sociale, I, 1914, pp. 19, 67, 70.

[4] Science et Morale, 1897, p. 28; cf. pp. XI-XII, 34, 43.

Applying what he took to be scientific method to social problems, Bourgeois claimed that society was responsible for the good or evil conditions into which the individual was born and within which he lived as a result of spatial and temporal interdependence. This gave rise to a social duty that was wider than the traditional conception of justice but more precise, rigorous and obligatory than charity. As a result of the findings of biology, economics and sociology (represented by Milne-Edwards, Perrier and Worms, by Comte, Secrétan, Gide and Fouillée) as opposed to the Social Darwinists such as the sociologist Spencer and the economist Yves Guyot, association not competition was the predominant characteristic of all life. Furthermore, as Fouillée had pointed out, social organisation amongst men was based upon a conscious solidarity which was capable of modifying the forces of natural determinism on the one hand but was itself subject to the influence of these forces when fixing the rights and duties of the members of such a society. As Worms forthrightly expressed it: "At the root of every moral problem is a problem of solidarity. Behaviour is always... characterised by positive or negative solidarity. The notion of solidarity is to ethics what the notion of value is to economics; it is the point from which all starts and all ends."[1]

However, as well as being impressed and influenced by the naturalistic scientism fashionable in the late nineteenth century, Bourgeois, with Berthelot and so many other latter day exponents of the idea of solidarity, conceived Solidarism as an extension of the fraternitarian French Revolutionary tradition from civil and political to social rights. It sought to achieve social justice by a reparation of the evils engendered by a blind and amoral natural solidarity. Like Fouillée, as well as accepting the contributions of a Comte and a Milne-Edwards, he considered it necessary to correct them by an appeal to the moralistic critique of a Proudhon and a Renouvier. Far from wishing, with Comte, to replace the notion of rights by that of duties, which he regarded as reciprocal, Bourgeois affirmed: "The Revolution made the Declaration of Rights. We must *add to it* the Declaration of Duties...

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[1] R. Worms, Philosophie des Sciences Sociales, III, 1907, pp. 152-53. Réné Worms, who championed organicist sociology in his best known work Organisme et Société, published in 1896, was the founder and editor of the Revue Internationale de Sociologie from 1892 and also founded the International Institute of Sociology in 1893. The fame of the Durkheimian school of French sociology has dwarfed his work which was Spencerean in method. However, he repudiated Spencer's individualistic deductions, writing in retrospect: "In France, organicism had the good fortune to be linked with solidarism." (La Sociologie, 1921, p. 50.)

Natural solidarity is unjust. The aim is precisely to redress the injustice of this natural solidarity by the application of the principles of justice to the exchange of services between men." [1] However, the principles of the Revolution had not been given the right order of priority; and in the light of the consequences of the industrial revolution it was imperative to reverse the places of liberty and fraternity as well as substituting for the latter the more "scientific" notion of solidarity. "*Solidarity* first, then *equality* or *justice*, which amounts to the same thing; finally *liberty*. Such, it seems to me, is the necessary order of the three ideas in which the Revolution sums up social truth".[2]

THE POLITICAL DOGMA

French political and social thought are often couched in excessively legalist terms and Bourgeois' formulation of the doctrine of Solidarism was no exception, suffering from a confused mingling of juridical and naturalistic elements. Throughout his writings, Bourgeois could not resist the naturalistic temptation to treat solidarity as a "normative fact" – simultaneously "is" and "ought", a datum and an imperative – but there was an evolution in face of criticism towards an increasing emphasis upon the non-naturalistic principle of justice. Though in 1908, in his opening address to the Second National Congress on Social Education, he could still regard social justice and solidarity as identical, in the interim, he had (following Fouillée) recognised that natural solidarity – the fact of interdependence – was amoral and that it was only through the rational intervention of men that it could be made the foundation of social justice. He declared that "the only common purpose that beings endowed with *conscience* (conscience or consciousness?) can pursue is justice".[3] However, though he groped his way, like Fouillée, towards a synthesis of a priori justice and naturalistic solidarity, the nearest he came to achieving it was in his theory of social debt and "social quasi-contract" in which (as in the case of Fouillée) solidarity became a means to achieving the aim of social justice. As Bourgeois expressed it, "it is in the law of solidarity that we ought to seek justice, i.e. the means of establishing an equilibrium between moral and social data", for the just man was one who freely accepted the limitations upon his liberty and the increased social duties which were the consequences of social interdependence.[4]

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[1] Solidarité, p. 120. Not stressed in the text.

[2] Ib., p. 105; cf. pp. 2, 71-72, 96, 139-42.

[3] Ib., p. 229; cf. pp. 166-70; La Politique de la Prévoyance Sociale, I, pp. 123, 215, 219-20.

[4] Solidarité, p. 191; cf. Politique de Prévoyance, I, pp. 16-17.

Bourgeois' legal training and the recognition by Saleilles and Gény of the importance of judge-made law even in countries with a written Code, combined with the prevailing political needs, directed his attention towards the attempt to find a text which could be interpreted as justifying the application of sanctions to compel citizens to perform a range of social duties which the idea of solidarity had brought to the forefront of political preoccupations. The law was to be regarded as a positive instrument for rectifying injustice as well as for preserving liberty. Within the ferment of jurisprudential thought provoked by the dynamic conception of flexibility through explicit interpretation, some jurists, such as Duguit, went as far as transforming the whole Civil Code by challenging its basic principles – the supremacy of the will of the sovereign state, sacrosanct individual rights of property, etc. – and substituting for its subjective voluntarism an "objective", naturalistic notion of social solidarity whose legal implications in terms of specific social duties it was the task of jurists to deduce. By contrast, Bourgeois pushed prudence to the point of timidity in his ingenious attempt to "socialise" the ultra-individualist Civil Code from within the framework of the prevailing statist-individualist orthodoxy, by utilising the obscure notion of "quasi-contract" and inflating it, by association with the doctrine of social debt, into an eclectic conception of the nature of society. However, its practical implications in terms of an extension of the sphere of state intervention to enforce social obligations, provoked intense hostility on the part of those who felt their privileged position threatened as a consequence, whilst the "disinherited" looked forward eagerly to recovering their "share of the social heritage".[1] Depending upon whether they expected to be on balance social creditors or social debtors, opinions varied.

In contrast with Rousseau's theory of social contract, Bourgeois regarded society as based merely on an implicit contract. Upon the foundations of natural and involuntary solidarity, men superimposed the rational and ethical implications of this state of affairs in terms of guarantees of equality of obligations and rights which they would have regarded as preconditions of association if, historically, they had been able to make a social contract.[2] In contrast with the total alienation of individual rights in favour of the "General Will" demanded by Rousseau, Bourgeois sought the explicit limitation of these rights by reciprocal social duties. These duties were conceived as "debts", the counterpart of the social advantages enjoyed by the individual, especially in childhood and old age, before and after he was able to contribute by his own efforts to social activity and without which he could not exist. In the wake of Comte and Fouillée, Bourgeois proclaimed: "Man does not only become the debtor of his contemporaries in the course of his life; from the very day of his birth, he is a debtor. Man is born a debtor of human association. On entering such an association, he takes his share of an inheritance built up by his own ancestors and those of all others; at birth, he begins to benefit from an immense capital which previous generations have accumulated." [1] Each generation only had the right to the use of the social heritage – "a legacy of all the past to all the future" – which it was incumbent upon each generation to preserve and develop for the benefit of its successors. The debt it owed to past generations was paid to future generations, with both of which it was linked by temporal solidarity. In return for the advantages derived from the solidarity between members of the same generation, "each person should agree to guarantee all others against the injustices, the evils, the risks of all kinds which arise at the same time from this solidarity".[2] This mutual guarantee or insurance of each other against the profits and risks arising out of social interdependence, Bourgeois regarded as the prerequisite of social peace based upon a sharing of burdens and benefits which could not be imputed to individuals or precisely calculated. It was an indispensable measure of social planning, implicit and inseparable from the existence of society and to which, consequently, all would and/or should give their consent.

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[1] In Les Idées Solidaristes de Proudhon (1912, p. 69) A.-G. Boulen went so far as to exclaim: "L'homme naît débiteur! Cette proposition est en train de causer plus d'émoi que le fameux: La propriété, c'est le vol... Vous pouvez être bien sûrs que de toutes les assemblées, de tous les discours, toasts et rapports qu'elle traversera, elle ne sortira pas muée en une formule de défense de la propriété".

[2] Solidarité, pp. 42-44, 51-52, 84, 176-77, 200-01.

To give this "restoration" of the equality of advantages and disadvantages (which would have existed had society been founded on the principles of contractual justice) an imperative legal basis and to ensure through a reparative justice which redistributed fairly the "common capital" of society amongst all its members, an approximation to the abstract natural-rational ideals of the Revolution, Bourgeois invoked the notion of a "quasi-contrat d'association" on the basis of which the presumed will of all citizens to accept their social obligations could be tacitly inferred and legally enforced. Articles 1370-2 of the French "Code Civil" recognised the existence of quasi-contractual obligations in matters which could not be assimilated either to voluntary contract or legal obligation. Firstly, "gestion sans mandat" or control without authority, was applied by the Solidarists to the effects of social division of labour in which interdependence gave unauthorised control now to one, now to another key industrial group or interest over the others. (The rôle of pressure groups in enforcing political and economic decisions favourable to them and preventing dicisions hostile to their "sinister" interests has become too much of a commonplace to require elaboration here.) Secondly, "communauté d'indivision", or collective ownership, was interpreted by the Solidarists as implying the obligation to provide equal access for all citizens to the social inheritance of civilisation and culture. This principle was applied particularly to the need to provide a positive equality of opportunity through education, and negatively through guaranteed employment and comprehensive welfare and social security services. Thirdly, "réception d'indû" or unjust enrichment, was applied by the Solidarists to the prevailing maldistribution of this social inheritance and the consequent need for fiscal redistribution of wealth.[1] The attraction for Bourgeois of the notion of "quasi-contract" was that it described a situation which was neither wholly voluntarist nor determinist; which retained a link with liberal contractualism whilst recognising its distortion in practice, owing to the presupposition of the equality of bargaining power between the parties, which required to be remedied by state intervention. However, under the onslaught of the orthodox jurists, who only recognised two (separate) sources of obligation, contract and law, classifying "quasi-contract" as part of the latter, Bourgeois' attempt at avoiding the dilemma of considering society and social duties as based either on the subjective force of will (of individual or state) on the one hand and natural determinism on the other, was abandoned after a brief vogue and the moralistic appeal to equity openly made.[2]

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[1] Ib., p. 54; cf. pp. 54-57, 63-64. – On Fouillée's Radical transformation of Comte's traditionalist conception of the social debt (as expounded, for example, in Comte, Système de Politique Positive, 1851-4, I, p. 335; II, p. 363) see his La Science Sociale Contemporaine, 1880, 5th ed. 1910, pp. 369-78.

[2] Solidarité, pp. 57, 177; cf. pp. 191, 197-98, 203-05, 232-33.

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[1] C. Bouglé, Le Solidarisme, 1907, p. 77; cf. Chapter 3 passim, and C. Gide, La Solidarité, 1932, Chapter 6 passim; Bourgeois, Solidarité, pp. 61, 196, 206, 208-10, 230-31.

[2] In R. M. Jackson, The History of Quasi-Contract in English Law, 1936, the term is stated to derive from Justinian's classification of legal obligations not arising from contract or delict, carried over into English law as liabilities not based upon either contract or tort, and so interpreted in the Courts since the seventeenth century (pp. xxi-ii, 127). In particular, the rise of the count of ***indebitatus assumpsit*** led the Courts to interpret the fact of indebtedness as a ground for legal obligation because of an implied promise to repay, i.e. a "fictitious" or "constructive" contract. Quasi-contract should not, however, be regarded as meaning "like a contract", because "The essence of contract has come to be agreement, whilst the essence of quasi-contract has remained a duty imposed by the law irrespective of agreement." (Ib. p. 129; cf. pp. xxii, 128-9). – In his preface, H. D. Hazeltine drew attention to the fact that Chancery Equity, rather than the Common Law on which Jackson concentrated, might be a particularly significant source

Though Bourgeois did not win the support of Duguit for his quasi-contractual formulation of the social obligation arising out of the fact of social solidarity, he shared with him the anti-individualist and anti-statist view that social relations consisted of a plurality of reciprocal ties of solidarity, a conception which shattered the traditional Roman Law distinction between Public and Private spheres, respectively dominated by the sovereign state and the sovereign individual. In place of the *a priori*, personified abstraction of the "State" – which the parallel movement to Solidarism in Germany accepted, culminating in a paternalistic State Socialism – Bourgeois focussed attention upon the pluralistic character of the functional institutions which sought to organise different aspects of social solidarity, the state becoming a transpersonal "primus inter pares" rather than a super-personal monolith. Its function was to sanction the social "quasi-contract" based upon spatial and temporal solidarity, and enforce the payment of the social debt.[1] The vagueness

of quasi-contractual law, referring to Lord Mansfield's assimilation of quasi-contract to "natural justice" in the key case of Moses v. Macferlan in 1760. (Ib. p. xiii-iv; cf. pp. 118-21.) This view seems to be shared by Jenks. He gave the following definition: "When the law imposes upon one person, on the grounds of natural justice, an obligation towards another similar to that which arises from a true contract, although no contract, express or implied, has in fact been entered into by them to that effect, such obligation is said to arise from Quasi-contract." (A Digest of English Civil Law, 2nd ed. 1921, I, Book 2, Part 3, p. 315.) – Jackson claims that Lord Mansfield's motive was essentially that "public policy requires ill-gotten gains to be restored" (loc. cit. p. 121), and his quotation of J. B. Ames' statement that "The equitable principle which lies at the foundation of the great bulk of quasi-contract, namely that one person shall not unjustly enrich himself at the expense of another" (ib. p. 162), makes clear that as compared with the three facets of quasi-contract in the Code Civil, only the third, unjust enrichment, is recognised in English law and is grounded on Equity. In the opinion of Léon Bourgeois, public policy had wider claims.

[1] Solidarité, pp. 39-41, 70, 93-94, 123, 207-10, 242-44. On the significance of solidarity for Duguit, see my article Solidarist Syndicalism: Durkheim and Duguit, Part II, in: Sociological Review, December, 1960. – For Duguit's criticism of the doctrine of social quasi-contract, see his L'État, le droit objectif et la loi positive, 1901, pp. 25, 39; Le Droit Social, le droit individuel et les transformations de l'État, 1908, 3rd ed. 1921, pp. 8, 80-81 note. On the significance of the breakdown of the distinction between public and private law, see Andler, Le Quasi-Contrat Social et Léon Bourgeois in: Revue de Métaphysique et de Morale, July 1897, pp. 520-30. For an exposition of a movement parallel with Solidarism which has a "succès de curiosité" in 1903-06, associated with the jurist Emmanuel Lévy, see J. Hitier, La Dernière Évolution doctrinale du Socialisme: Le Socialisme Juridique, 1906, also published in the Revue d'Économie Politique (edited by Charles Gide) in 1906. On Bourgeois' Solidarism as the forerunner of juridical socialism considered broadly – embracing Duguit and Morin as well as Lévy – see M. I. Barasch, Le Socialisme Juridique, 1923, pp. 9 sq.; cf. M. Sarraz-Bournet, Une évolution nouvelle du Socialisme doctrinal: Le Socialisme Juridique, 1911, pp. 135-40, on the affinity between the Solidarism of Bourgeois and the co-operativism of Gide, with juridical socialism traced back to Proudhon (ib., p. 48 sq.).

and imprecision of the limits upon state action that resulted from such a definition of the functions of government did not escape his critics who considered that his theory could be accurately described as "quasi-socialism" rather than "quasi-contract". The liberals objected to the flexible nature of the state intervention which denied the individual any sacrosanct sphere of his own, whilst the collectivists objected to what they regarded as the timid deductions which Bourgeois, in practice, made from his revolutionary juridical theory.

BETWEEN LIBERALISM AND SOCIALISM

Léon Bourgeois' Solidarism was consequently attacked by the laissez-faire economists and the revolutionary Socialists, each regarding his attempts at conciliatory social reformism as a thinly disguised form of its opposite extreme. Its raison d'être was the need, felt by most Radical voters of the political Left-Centre, to avoid being driven to either extreme. By acquiring a philosophy and programme of its own, Radicalism sought to prevent a polarisation of French politics into two hostile camps, as the result of whose conflict the Third Republic might be destroyed. It was Léon Bourgeois, by his temperament, intellect, experience and prestige, who was best fitted to satisfy this need by rallying, on a reformist platform, "the most resolute moderate republicans and the most prudent socialist republicans".[1] Whilst his social philosophy of Solidarism provoked on the Left the contempt of the revolutionary syndicalist Sorel, on the Right the future Prime Minister and President of the Republic, Raymond Poincaré, ironically remarked that it was always necessary to make sure that "beguiling and reassuring formulas did not conceal extreme and sometimes almost revolutionary theories".[2] In the discussion of social solidarity by the "Académie des Sciences Morales et Politiques" in 1903, Eugène d'Eichthal (son of the Saint-Simonian who interested J. S. Mill in the movement) led the attack by the individualistic economists, supported by Passy, Leroy-Beaulieu and Levasseur. They reiterated the usual criticisms: that solidarity had been discovered by the economists but that the Solidarists had perverted it into the stalking-horse of state socialism, instead of pursuing the policy of laisser faire towards the consequences of natural solidarity which these followers of Bastiat, in the face of incontrovertible evidence, continued to regard as necessarily harmonious.[1]

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[1] Bourgeois, Vues Politiques, article in: Revue de Paris, 15.4.1910, p. 695; cf. pp. 696-97.

[2] Hamburger, op. cit., p. 163; cf. pp. 17, 22, 262. For Sorel's scathing review of Solidarité, see Revue Philosophique, 1897, XLIII, pp. 652-55. Bourgeois' Radicalism, as distinct from the Opportunist Radicals, however, could not be embraced by A. Després' ironic etymological derivation of the term Radical: "Ça vient de Radis, rouge en dehors et blanc en dedans". (Manuel du parfait radical, 1896, cover.)

The social individualism of the Solidarists, however, asserted much stronger claims to conform to the classic eighteenth century individualist tradition than either the orthodox economists, the "administrative nihilists" or the Social Darwinists. The Bastiats, the Spencers, the Nietzsches, had sacrificed fraternity and equality on the altar of a monstrous misconception of liberty, scientistically reduced either to the dimensions of what Proudhon had called the "science of poverty", to biological struggle for survival, or romantically inflated into the will to power. Though the Solidarists demanded state intervention to repair the injustices engendered by natural interdependence, their ultimate aim remained that of the Revolution: the liberation of the personality, not merely nominally but effectively, through the creation of the positive as well as negative, social preconditions of freedom. To secure the same end, changed circumstances necessitated new methods. The complacent acceptance of the consequences of the division of labour, contractual exchange and free competition ignored the fact that as Lamennais' one-time disciple Lacordaire had said, in the inegalitarian economic sphere, it was laissez-faire that oppressed and social intervention that liberated. Bourgeois therefore concluded: "The solution is to transform the involuntary, blind and unequal interdependence that is the result of the antiquated social policy of the past, into a free and rational interdependence based upon equal respect for the equal rights of all".[2]

The criticisms of the reformist Socialists, such as Renard and Rauh were basically much more sympathetic. These non-Marxist champions of a neo-Proudhonian, federal, industrial democracy, based upon a pluralistic "mixed economy", in which co-operative institutions and voluntary associations in general played a leading part, reproached Solidarism with being too tender and timid towards private property.

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[1] See Comptes Rendus de l'Académie des Sciences Morales et Politiques, 1903, especially the contribution of E. d'Eichthal, La Solidarité Sociale et ses Nouvelles Formules (subsequently delivered as a lecture to the "Société d'Économie Politique") and Brunot's defence: La Solidarité Sociale comme principe des lois. See also D'Eichthal's retort to Bouglé's L'Évolution du Solidarisme (Revue Politique et Parlementaire, March 1903, pp. 480-505) entitled: Solidarité Sociale et Solidarisme (ib., July, 1903, pp. 97-116) and the hostile articles on Solidarity in: Journal des Économistes by Rouxel (March 1897, pp. 462-64), H. Léon (May 1897, pp. 176-86) and Pareto (Feb. 1898, pp. 161-71). For all their claims to having stressed prior to all others the phenomenon of solidarity, the Nouveau Dictionnaire d'Économie Politique, 1891-92, by Léon Say and J. Chailley did not see fit to mention it.

[2] Politique de Prévoyance, I, p. 21; cf. pp. 20-23, 129; Solidarité, pp. 172-73.

It was content to deal with the symptoms of social injustice rather than radically reconstruct the basic socio-economic institutions of capitalism. In the attempt in 1901-02 to elaborate a philosophy of solidarity at the "École des Hautes Études Sociales", in which they participated with Léon Bourgeois, their viewpoint was neatly summarized by the Belgian Senator H. La Fontaine, who proclaimed: "if solidarity is the ideal of socialism, socialism is the politics of solidarity".[1] Whilst reaffirming his belief that private property was an indispensable instrument of human liberty, Bourgeois was careful not to cut himself off from Socialism in as much as it indicated a constructive concern about contemporary social problems, but described himself as a "liberal socialist, the most liberal of socialists".[2] He posed as – and in fact represented – just that type of "bourgeois" political leader whom Proudhon, Renouvier, Secrétan and Fouillée had hoped would stretch out the open hand of friendship and co-operation to the proletarians rather than the clenched fist of class conflict. His political career, governed by the tactical maxim "pas d'ennemis à gauche", did not belie his political philosophy.

THE AGENDA OF SOCIAL RADICALISM

We have already seen that Louis Blanc and Clemenceau had paved the way for the Liberal-Socialist Radicalism of Léon Bourgeois. In 1891, the left-wing Radicals issued a programme of social reforms, including the limitation of the working day and the provision of pensions and public assistance, to be paid for by a progressive income tax, as a basis upon which Radicals and Socialists could collaborate. This policy bore electoral fruit in 1893, in which year both Radicals and Socialists made substantial gains, and led to a turning point in the history of the Third Republic with the formation of the first solely Radical Government in 1895, under the Premiership of Léon Bourgeois.[3] It enjoyed enthusiastic and faithful Socialist support, favourably impressed by the "allures jacobines du nouveau ministère". Bourgeois, in his declaration of policy on taking power, had proposed progressive income and inheritance taxes to pay for social insurance and pensions schemes. He planned to organise them as an earnest that his government was convinced that "The Republic is not merely the name of a political institution, but the instrument of moral and social progress, the permanent means of reducing the inequality and increasing the solidarity between men".[1]

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[1] Essai d'une Philosophie de la Solidarité, p. 272; cf. pp. 66-70, 163 sq., 254 sq. for contributions of Renard, Rauh and La Fontaine. See G. Pirou, Les Doctrines Économique en France depuis 1870, 1930, p. 165. The "École des Hautes Études Sociales" department of social studies was heavily weighted with Solidarists or sympathisers: Bouglé, Duguit, Durkheim, Séailles.

[2] Essai d'une Philosophie de la Solidarité, p. 34; cf. pp. 25, 44-45.

[3] F. Buisson, La Politique Radicale, 1908, pp. 70-76. A. Rastoul, in: Histoire de la Démocratie catholique en France (1789-1903), 1913, p. 299, wrote of Bourgeois' programme: "It is the sole example of a progressive government preferring the implementation of a democratic programme (i.e. social and economic reform) to the facile diversion of anticlericalism."

All that Radical-Socialist collaboration lacked was the organisation that was subsequently developed with the aid of Jean Jaurès, the "Délégation des Gauches", which helped to keep the Combes government in power from 1902-05. Bourgeois was forced to resign, partly because of this chink in his government's armour, but principally because he did not have sufficient political courage and firmness to resist the Senate's persistent attempts to seize every pretext to hamstring his programme, particularly the progressive income tax bill.[2] He failed to take advantage of the favourable issue of the financial supremacy of the Chamber elected by universal suffrage which, over a decade later, in Britain was to culminate in a severe curtailment of the power of the House of Lords (with a similar record to the Senate of resistance to progressive bills) following the rejection of the Lloyd-George 1909 Budget. As in the Dreyfus Affair, Bourgeois, by a fault of character and judgement, was to sacrifice justice (fiscal in this case) on the altar of the desire to preserve spurious solidarity, spurious because based upon injustice. Though undefeated in the Chamber of Deputies, Léon Bourgeois' government refused to call the Senate's bluff, as its Socialist allies wished it to do, and resigned in April 1896. However, it represented a signpost indicating the potentialities of Radical-Socialist collaboration which was periodically to recur in the twentieth century, a policy of which Jaurès, the patron saint of Parliamentary Socialism in France, was an ardent champion, but which he was forced to abandon in 1905 as the price of Socialist unity. To pursue the analogy with events in Britain, had Bourgeois and Jaurès joined forces (which their social reformism and internationalist pacifism would have facilitated) they might have given France a "Lib-Lab" party which would have carried out a Solidarist programme the equal if not more farreaching than that of the Liberal Governments of 1906-14 in Britain.

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[1] See the testimony of a hostile critic, E. Ferré, Un Ministère Radical, 1896, pp. 19, 26; cf. pp. II, 17, 20-22, 45.

[2] See Hamburger, op. cit., pp. 167 sq., especially pp. 195-202, 208-12 on Bourgeois' conflict with the Senate. On the policy of Radical-Socialist collaboration symbolised by the slogan "Pas d'ennemis à gauche", see A. Charpentier, Le Parti Radical et Radical-Socialiste à travers ses congrès, 1901-11, 1913, pp. 425 sq.

In a speech to the "Ligue de l'Enseignement", of which he was President, entitled "La politique de ceux qui pensent aux autres", Léon Bourgeois, then Prime Minister, claimed that his governmental programme of social reforms was an attempt to secure social solidarity between rich and poor by going beyond the abstract proclamation of equal rights to the concrete diminution of the inequality of opportunity over and above the subsistance minimum that should be guaranteed to all. Such action was to be undertaken not on grounds of charity or even fraternity, but as the restitution of their quasi-contractually sanctioned share in the social inheritance. This placed upon the state (social as well as political legislator) the duty of redistributive justice which involved the "mutualisation" of social debts and credits through the provision of free education, social insurance and public assistance, paid for out of progressive taxation levied on income and property. Such were the principal legislative concomitants of the attempt to realise a just social solidarity.[1] Beginning (as all too few subsequent French governments have had the honesty to do) by demanding the financial means of carrying out his reformist programme, Léon Bourgeois presented a Bill in 1896 establishing a progressive income tax which he justified as a "compensatory tax" to be paid by those who had disproportionately profited from the social instruments of production. The money would be used to provide those services indispensable both to social health, social harmony and social justice. In reply to the traditional taxpayer obsession with a shortsighted, narrowly conceived economy, in which they were encouraged by the orthodox economists, Bourgeois pointed out: "We are the guardians of our country's finances, but at the same time we are the guardians of social peace".[2]

Amongst his numerous preoccupations, Léon Bourgeois found time to establish in 1893 and preside over the Social Insurance Committee of the Chamber of Deputies, and was a member of the "Conseil de surveillance de l'Assistance publique". First and foremost among the social services, implicit in his attempt at giving practical application to the idea of solidarity modified by that of reparative justice, was social insurance: insurance of the able-bodied against the risks of accident and unemployment and insurance against the consequences of illness and old age. This latter task was already partly performed by voluntary friendly societies, but their inadequate though laudable efforts, Bourgeois told the Radicals, ought to be supplemented and seconded by state intervention, through the organisation of "national solidarity insurance against the risks of injustice, whether natural or social, if they are humanly avoidable, that our party has the duty to establish". When Prime Minister, he had proposed a scheme for old age pensions, but the rapid fall of his government prevented him from implementing it. After its enactment in 1910, the right-wing Socialist Paul-Boncour and he, as Ministers of Labour between 1911-13, were responsible for its application, Bourgeois piloting through the Assembly an amending Act in 1912 which reduced the age-limit to 60 and increased the state's contribution.[1]

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[1] Politique de Prévoyance, I, pp. 5-9, 40; Solidarité, pp. 48-49, 87-90, 94-95, 108-09, 112-16, 125-26, 214-17.

[2] La Politique de la Prévoyance Sociale, II, 1919, p. 378, speech in 1912 as Minister of Labour; see also Solidarité, pp. 244-46. For important extracts of the debates on the income tax bill, see Hamburger, op. cit., pp. 96, 137-39, 144-45, 149-58, especially pp. 156-58. Not until 1914 did the Radical Caillaux finally secure the enactment of the progressive income tax.

He exulted in the fact that it was the Radicals that had secured the passage in 1905 of the Act – described by a commentator, Mirman, as "Une loi de solidarité sociale" – organising public assistance for the aged, ill, invalids and incurables.[2] As for the Act of 1898 on industrial accidents, it represented a Solidarist-inspired juridical revolution because it substituted the principle of occupational risk for personal fault; and by imputing the responsibility solely to the employer, forced him to insure himself against industrial risks, creating that "professional guarantee" which Sismondi had advocated in the name of solidarity eighty years in advance of its realisation.[3] Whilst recognising the imperative need to tackle the social disaster of unemployment, Bourgeois, living in the pre-Keynesian era, did not advocate specific legislative measures over and above insurance, employment exchanges and the collection of statistics. However, he stressed the need for international agreements on wages and working conditions which he sought to achieve through the "Association Internationale pour la Lutte contre le Chômage" (of which he was President) and action by the trade unions, "home of mutual aid and of solidarity".[1]

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[1] Bourgeois, Lettre au Congrès Radical et Radical-Socialiste de Nantes, 1909, pp. 14-15; cf. Hamburger, pp. 33, 128-32, 135-37; G. Scelle, Précis Élémentaire de Législation Industrielle, 1927, pp. 79-80, 324-28, 347.

[2] Bourgeois, Vues Politiques in: Revue de Paris, 15.4.1910, p. 699; cf. Lettre au Congrès Radical, p. 11; Solidarité, pp. 114-15, 125-26; La Politique de la Prévoyance Sociale, II, pp. 316 sq. For Mirman's article Une loi de solidarité sociale, see Revue Politique et Parlementaire, July 1903, XXXVII, pp. 49-73. For a detailed analysis of the provisions of this Act, see the article entitled Social Solidarity in France, by C. R. Henderson, in: The American Journal of Sociology, 1905, Vol. XI, pp. 168-82.

[3] See the lecture by the eminent civil servant, G. Paulet, Directeur de l'Assurance et de la Prévoyance Sociales, in the series on Les Applications Sociales de la Solidarité (1903, especially pp. 164-68, 173-79) delivered at the École des Hautes Études Sociales in 1902-03, under the presidency of Léon Bourgeois and following on the 1901-02 theoretical lectures Essai d'une Philosophie de la Solidarité. – On Sismondi's anticipation of late nineteenth and early twentieth century legislation on occupational risk in particular and social reform in general, see especially his Nouveaux Principes d'Économie Politique, 1st ed. 1819, 2nd ed. 1827, pp. 354-69 and R. Jeandeau, Sismondi, précurseur de la législation sociale contemporaine, 1913, pp. 1-3, 12, 33-38, 84.

Léon Bourgeois set great store by the right of employees to associate to defend their interests. Having by his vote helped to unseat the Casimir-Périer government in 1894 on the issue of the right of civil servants to form trade unions, he strenuously opposed, as Prime Minister, an attempt by the Senate to deny to employees of the state and railways the benefits of the Act of 1884, piloted by Waldeck-Rousseau as Minister of the Interior, which legalised trade unions. Bourgeois had restored these rights to them by revoking a decree made by the preceding government. Retracing the history of industrial associations since the Revolution in the same spirit as Waldeck-Rousseau, Paul-Boncour and Duguit, in the face of an intensely hostile Senate, he declared: "We think that the 1884 Act is good, that it should be retained, that it is a means for securing (industrial) peace not war; we believe that its provisions should be approved and that it ought increasingly to permeate public behaviour".[2] In his policy declaration on assuming office in 1895, he had proposed a bill on the freedom of association which was eventually enacted by Waldeck-Rousseau in 1901. Their contributions to the promotion of what Bourgeois, occupying in 1912 the post of Minister of Labour which Louis Blanc had sought to create over half a century earlier and echoing Louis Blanc, described as "the rational and equitable organisation of work",[3] were complementary and rendered fruitful by cross fertilisation. Whilst rejecting state regulation of wages, he was strongly in favour of the compulsory limitation of working hours on grounds of health, education (to whose development leisure was indispensable), and technology (because it necessitated the introduction of labour-saving devices). As Minister of Labour in 1912, he secured the passage of an Act belatedly fixing the maximum number of working hours per day at ten, pointing the way to the eight-hour day which the C.G.T. secured after the First World War.[4]

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[1] La Politique de la Prévoyance Sociale, II, p. 312; cf. pp. 310-12, 410-16; I, pp. 206-07. Employment Exchanges were reorganised by an Act of 1894. (Scelle, op. cit., pp. 74-75.)

[2] Quoted in Hamburger, pp. 127-28; cf. pp. 106-13, 122-28. See also A. Zévaès, Le Syndicalisme Contemporain, p. 212.

[3] Politique de Prévoyance, II, p. 244.

[4] Ib., pp. 215, 244, 248-57; cf. ib., I, pp. 204-05; Solidarité, pp. 236-37. In 1906, the Radicals pushed through an Act guaranteeing at least one day's holiday a week to all employees, two-thirds of a century after the publication of Proudhon's De la Célébration du Dimanche.

He was also in favour of the state expropriating the unearned surplus value created by urban development suggested by Fouillée, and the nationalisation of monopolies, which represented the worst of both worlds: "du collectivisme au profit d'un seul".[1]

As well as advocating an extension of state intervention in social activity by the transformation of social institutions, Bourgeois sought to transform the individuals who would be called upon to operate these new institutions. His chosen instrument was lay social education, pioneered by Jean Macé, founder of the "Ligue de l'Enseignement" who personally designated Léon Bourgeois his successor. Helped by the masonic lodges, which had encouraged the policy of increased state intervention in the spheres of education, employment and social security, first Macé and then Bourgeois (aided by the Radical educationist and politician Ferdinand Buisson) sought to make such associations as the "Ligue de l'Enseignement", the "Association Philotechnique", the "Société pour l'Instruction Élémentaire", the "Société pour l'Éducation Sociale", the "Universités Populaires", the means for promoting the upsurge of associations inspired by Solidarist ideals: reformist Trade Unions, producer, consumer, credit and housing co-operatives, friendly societies (especially in the schools). Whereas a Buisson concentrated on giving education a Solidarist orientation, a Cavé concentrated upon promoting friendly societies in the schools and a Gide devoted his energies to inculcating in the consumer co-operatives a consciousness of their potential rôle in reorganising society into a "Co-operative Republic", Bourgeois sought in his political philosophy of Solidarism to embrace the whole of the "great, accelerating movement of associations which overlap and interrelate, forming a network of just and voluntary solidarity and will, in due course, constitute the definitive social tissue".[2] Society became a neo-Proudhonian, solidarist federation of federal associations: Popular Universities, co-operative societies, trade unions and friendly societies. Associationism, which at the end of the eighteenth century was proscribed by Le Chapelier as a crime and at the beginning of the nineteenth century was demanded by Fourier as a liberty, had become increasingly powerful, first insinuating itself between the terstices of hostile legislation, infiltrating, undermining and finally sundering the doctrinaire individualist attempt to suppress it. By the late nineteenth century, it had secured legal recognition, and increasingly asserted a tendency to become comprehensive and obligatory.

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[1] Solidarité, p. 214; cf. pp. 241, 247-48.

[2] Politique de Prévoyance, I, p. 88; cf. pp. 71, 169.

Like Charles Gide, Léon Bourgeois regarded the combined consumer-producer co-operative as representing the most "Solidarist" of voluntary associations, though he welcomed the credit co-operatives in an auxiliary capacity. Their task would be to supply the capital that could not be provided in sufficiently large quantities or quickly enough out of the profits of the consumer co-operative, as recommended by Gide. In the tradition of Louis Blanc, the Radicals had begun in 1893 to provide subsidies for producer co-operatives, as well as giving them priority in public works programmes, whilst in 1902 loans were provided by "La Banque Co-opérative de Paris", based upon their conviction, expressed by Bourgeois, that "Cooperation is the legitimate form of the organisation of work" founded on the solidarity of labour and capital.[1] Invited to speak at a ceremony in 1896 by the "Chambre consultative des Associations ouvrières de production et de la Banque coopérative", whose President, H. Buisson, was an admirer of his Solidarist ideas, he proclaimed that the producer co-operatives (for which Bourgeois himself, as Under-Secretary of State to the Minister of the Interior in 1888, had by decree facilitated the procedure of tenders for government contracts) were a practical manifestation of solidarity. The co-operatives had given Radicalism "not merely a vacuous, vain and verbal formula of the society of tomorrow; you give it the living image, and it is the society which you have created and which we recognise with you as the ideal society, that we would like to see born".[2]

Far from contenting himself with preaching voluntary association to remedy social evils, throughout his life Bourgeois actively participated in many of the associations which came together in 1904 to form the "Alliance d'Hygiène Sociale" to whose Presidency Bourgeois succeeded in 1907. It was based upon the attitude that "Just as social hygiene is used to deal with social evil, so against the solidarity of social evils must be mobilised all the branches, all the federations, all the forces of social hygiene".[3] Situated in the "Musée Social" – whose

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[1] Solidarité, p. 130; cf. pp. 100-02, 131, 143-49, 278-83; Preface to Girard, Vers la Solidarité par les sociétés coopératives de consommation, 1904.

[2] Politique de Prévoyance, I, p. 118; cf. pp. 111-29; G. Hoog, La Coopération de Production, I, 1942, pp. 115-116; II, 1943, pp. 48-50.

[3] V. Dubron, in the opening speech at the Second Congress of the "Alliance" in 1905. (Annales de l'Alliance d'Hygiène Sociale, March 1905, p. 13.) The main associations in the Alliance were: the "Fédération Nationale de la Mutualité Française" (Mabilleau); "Association Centrale Française contre la tuberculose" (Bourgeois); "Société Française des Habitations à Bon Marché" (J. Siegfried); "Ligue contre la mortalité infantile"; "Ligue Nationale contre l'Alcoolisme"; "Ligue Française de l'Enseignement" (E. Petit); "L'Association Polytechnique"; "Le Musée Social"; "Ligue Française d'hygiène scolaire"; "L'Association des Industriels de France contre les accidents de travail"; "L'Association

Director, Mabilleau, and President, Jules Siegfried, were Vice-Presidents of the "Alliance" – it sought to co-ordinate the struggle against unemployment, tuberculosis, alcoholism, infant mortality, inadequate housing and nutrition by means of education and mutual aid on the one hand, and by promoting legislative intervention on the other. Bourgeois played an active part in the friendly society movement led by Mabilleau and the "Habitations à Bon Marché" movement championed by Jules Siegfried. To attempt to enumerate the many other worthy causes to which Bourgeois lent his name and his eloquence would be tantamount to calling the roll of the efforts of a lifetime of self-sacrificing service, from the charitable organisation of the "Maison Maternelle", born under his patronage, of which he was Honorary President, via his Presidency of the "Association Internationale des Assurances Sociales", to his Presidency of the "Association Internationale pour la lutte contre le chômage". Through the last-named association, he tackled the most urgent social and economic problem of his generation – if not in underpopulated France, in the world as a whole.[1]

THE INTERNATIONAL PROJECTION

At the turn of the century, when the campaign for Solidarist education aimed at placing the principle of solidarity at the centre of the pantheon of political and social imperatives within France was reaching its climax, Léon Bourgeois had already begun to concern himself with the task of organising international solidarity. The first manifestation of the new preoccupation that was increasingly to monopolise his attention – particularly after 1914 – was the Hague Conference of 1899, at which Bourgeois, at the head of France's delegation and elected President of the Committee on Arbitration, sought to substitute for the traditional balance of power diplomacy an attempt to sanction International Law by the creation of an effective International Court. It was calculated to provide a less precarious bulwark against war within the "Society of Nations", just as the "state of war" between individuals and groups within a society could only be transferred into a "state of peace" if justice ceased to be an abstract ideal and became a judicial reality. It was essential to subordinate "sovereign" states as well as individuals to the ethical corollaries of human and social solidarity. Though he failed, owing to German

des Cités-Jardins" (C. Gide); "L'Association Française pour la lutte contre le chômage" (Bourgeois). For a brief statement of the purposes of the above-mentioned societies and their leading members, see Annales, Jan.-March 1913, pp. 12-49.

[1] Annales, Jan.-March 1913, p. 44; Politique de Prévoyance, II, p. 417.

opposition, to secure the acceptance of the principle of obligatory arbitration in 1899, he obtained the official recognition, by all the nations participating, of "the solidarity that unites the members of the society of civilized nations" (reaffirmed at the 1907 Conference) and the consequent desirability of utilising the pacific methods of "good offices", of conciliation and of arbitration by an International Court. Reliance upon violence, in the prevailing conditions of international interdependence, would lead to the global generalisation of conflict as unprecedented in scale as it would be lethal in intensity.[1]

Unable to preside at a banquet of the French Peace Societies, Bourgeois affirmed his sympathy with their principles. He wrote a preface for the 1901 "Almanach de la Paix" in which he gave his adhesion to the "Association de la Paix par le Droit" (of which he was subsequently made Honorary President) whose petition he had presented at the 1899 Hague Conference.[2] Bourgeois' contention that disarmament would not take place as long as international insecurity was not allayed by a system for pacifically resolving conflicts, focussed attention at the Second Hague Conference of 1907 upon the need to render arbitration obligatory. Though Bourgeois, once again France's plenipotentiary and President of the Arbitration Committee, managed to secure partial acceptance of this principle, he could not secure its extension to cover the major causes of war. Though a beginning had undoubtedly been made, and the faint heart-beats of a humanity seeking to replace by association the struggle for life could be detected, the outbreak of the First World War provided a bitter disappointment for those, such as Bourgeois, who had hoped that the recognition of the economic, cultural and ethical bonds of human solidarity would prevent a reversion to militaristic barbarism. However, they were sufficiently realistic to appreciate that war was always imminent as long as the "legal organization of the Society of States" was not created.[1] Consequently, the blood bath into which power politics had plunged the world strengthened rather than slackened his efforts to persuade the nations that it was imperative to reorganize the de facto international interdependence that represented a permanent threat of war. It was to be transformed into a juridico-moral international solidarity in which the reciprocal rights and duties of each would be reconciled through political, economic and social measures comparable to those which the social quasi-contract and social justice dictated within each nation.

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[1] L. Bourgeois, Pour la Société des Nations, 1st ed. 1910, Dent ed., p. 40; cf. pp. 1, 10, 15-18, 41, 62, 122; G. Scelle, Le Pacte des Nations et sa liaison avec le Traité de Paix, 1919, p. 87. Scelle dedicated this work to Bourgeois.

[2] Pour la Société des Nations, pp. 261-64; cf. Paix par le Droit, 1899, pp. 264, 293; cf. pp. 308, 349-50, 366; 1900, pp. 78-80. For a detailed account of the work of the 1899 Hague Conference, see ib., 1899, pp. 301 et seq., 351 et seq. – The "Association de la Paix par le Droit" was founded in 1887 (though it was initially called "Jeunes Amis de la Paix par le Droit") at Nîmes at a time when this town was emerging as the centre of a resurgence of the consumer co-operative movement with its periodical Emancipation and of Social Protestantism with its periodical Le Christianisme Pratique, renamed in 1897 Revue du Christianisme Social. In both of these movements, Charles Gide, the principal exponent of Solidarist economics played a prominent part. Though he preferred to conduct his campaign for international peace through the "International Co-operative Alliance", he was a member of the "Association" and a contributor to its publication La Paix par le Droit.

As early as 1916, under the presidency of Léon Bourgeois, the "Comité National d'Études Politiques et Sociales" produced a plan of action to prevent the recurrence of world war, approaching with a greater sense of urgency matters which the pioneer work of the Hague Conferences had left undisturbed. In 1917, an official Commission was appointed on the initiative and under the presidency of Léon Bourgeois to prepare a set of proposals with a view to creating a "Society of Nations". In 1918, the "Association française pour la Société des Nations" was created with Bourgeois as President, Millerand and the reformist trade unionist leader Keufer as Vice-Presidents, Ferdinand Buisson and Albert Thomas (the future Director of the International Labour Office) as General Secretaries and Jules Prudhommeaux of "La Paix par le Droit" as Administrative Secretary. Bourgeois was appointed by the Prime Minister, Clemenceau, as the French representative on the Committee devoted to the creation of a League of Nations.[2]

The major lesson of the war was the necessity of sanctions: diplomatic, economic and, if necessary, military. Bourgeois envisaged the "creation of an international armed force" to enforce international law. The principle of international laisser faire or non-intervention in the "internal" affairs of each nation had become as outmoded as the affirmation of the same principle in relation to the individual, and for the same reason: the inextricable solidarity in which all were irremediably involved and from which isolation was impossible.[1] The existence of effective sanctions was indispensable if the aim of collective security by mutual guarantees against attack was to be as reliable an achievement as social security based upon mutual insurance against social risks. Within the framework of collective security, it would be possible to secure agreement to limit national armaments, guaranteed by inspection, to the point where no nation would be powerful enough to wage aggressive war.[2]

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[1] Paix par le Droit, Nov. 1907, p. 441; cf. Pour la Société des Nations, pp. 21-22, 55, 62, 79-80, 140-46, 154, 188, 196, 205; Hamburger, op. cit., Ch. 6.

[2] In referring to "l'Association française pour la Société des Nations, créée par Léon Bourgeois en 1889," J. and M. Charlot, in "La Ligue des Droits de l'Homme", Revue Française de Science Politique, Vol. IX, Dec. 1959, p. 1015, are probably confusing his 1918 initiative with the "Association de la Paix par le Droit" of 1889. The phrase "League of Nations" was launched in Britain after the outbreak of war in 1914 by Lowes Dickinson who played a prominent part in the creation, first of a League of Nations Society (1915) and later of the League of Nations Union. See E. M. Forster, Goldsworthy Lowes Dickinson, 1934, pp. 163 et seq. In the U.S.A., the comparable body was the League to Enforce Peace. In A History of the League of Nations, 1952, 1960 ed., p. 18 note, F. P. Walters wrote: "The name 'League of Nations', unknown in the autumn of 1914, had become current by the spring of 1915; I have not traced its origin with certainty. It may have been adapted from the French term "Société des Nations", which had been in use for many years, and was the title of a book published in 1908 by Léon Bourgeois."

Further indirect but nonetheless indispensable guarantees of international peace were the spread of political democracy and economic justice, for nations that were neither free nor equitable internally could not be relied upon to fulfil this obligation. Nor would they be entitled to the confidence or co-operation of nations that enjoyed the rights and performed the duties that had become a civilised social minimum. However, it was the lack of controlled disarmament, compulsory arbitration and effective sanctions – demands which Bourgeois presented on behalf of France but which were not adopted, owing to Anglo-American opposition, in the League of Nations Pact – that condemned the League to impotence.

Though Bourgeois was temperamentally a pacifist in both social and international relations, he was enough of a political realist to insist that the League Covenant had to be backed by detailed military sanctions. He therefore insisted upon the establishment of either a supranational armed force or the second best solution of requiring all member states to place a national contingent *at the disposal of the League*. Co-ordination of the training of these forces would be the function of a permanent International General Staff, which would be the instrument of the League's intervention in an interdependent world in which the mid-twentieth century shibboleth of a state's "internal affairs" was as anachronistic as the mid-nineteenth century talk about the self-regarding actions of the individual. In addition, the International General Staff would have the duty of supervising the armaments programmes of the member nations, a perennial problem with which the United Nations is still inconclusively struggling. Articles 43-47 of the Charter of the United Nations – in Chapter VII devoted to "Action with respect to threats to the peace, breaches of the peace, and acts of aggression" – closely resemble the collective security provisions advocated by Bourgeois in 1918. However, the unwillingness of the Security Council, normally hamstrung by the veto – a potent relic of the dogma of state sovereignty – to implement these articles has led to the unsatisfactory compromise of an improvised, piecemeal international force, with its constituent units owing allegiance to their several states rather than to the United Nations. Unlike most of his contemporaries and the statesmen who have succeeded him, Bourgeois appreciated that until sovereignty is finally relegated to the limbo of dead dogmas, international peace will be inescapably precarious.

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[1] Le Pacte de 1919, pp. 46-47; cf. pp. 43-47, 69-71, 91-92, 118-19; L'Oeuvre de la Société des Nations, 1923, pp. 108-13.

[2] Le Pacte de 1919, pp. 111 et seq.; cf. pp. 121-26, 132-33, 136.

Stephen Bonsal, French interpreter to the American "delegates President Wilson and Colonel House" at Peace Conference League of Nations Commission, recalls that Bourgeois' plan for a permanent international force stationed on the Rhine was ironically referred to as the "Sheriff's posse of the league of law abiding nations".[1] Despite Bourgeois' reiterated and impassioned pleas for the military sanctions without which "our League and our Covenant will be filed away, not as a solemn treaty but simply as a rather ornate piece of literature", the coalition of President Wilson, Lord Robert Cecil, Orlando of Italy and Venizelos of Greece won; and the occasional support he received from Dmowski of Poland, Vesnitch of Serbia, Kramář of Czechoslovakia and Hymans of Belgium was prescient.[2] They were the first to be attacked, with France, in 1939 by Germany. Bourgeois was heartbroken when Wilson refused to allow any mention of the pioneer work of the Hague Conferences of 1899 and 1907, on the retrospectively ironical ground that they had been "talkfests" which had substituted pious hopes for binding agreements.[3] Minus the coercive sanctions for which Bourgeois pleaded, the League approximated very closely to Wilson's derogatory description of its forerunners.

In the centenary commemoration of Léon Bourgeois' birth in 1952, Paul-Boncour – a Committee member of the Paris section of "La

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[1] S. Bonsal, Unfinished Business, 1944, p. 27; cf. p. 171. See Walters, loc. cit., pp. 23, 36-37, 62-63.

[2] Ib. p. 49; cf. pp. 36, 56-57, 149-50, 170-72. Bonsal describes a revealing incident when, in reply to a question from Larnaude (Dean of the Paris Faculty of Law, and Bourgeois' fellow French delegate) about who would decide whether or not a treaty was consistent with the Covenant, President Wilson said: "The decision will lie with the court of public opinion." With a lawyer's disgust at this piece of naïve rhetoric from an ex-Professor of politics, Larnaude said *sotto voce* to Bourgeois: "Tell me, *mon ami*, am I at the Peace Conference or in a madhouse?" (Ib. p. 52.)

[3] Ib. pp. 58-59, 140-41.

Paix par le Droit" in 1900 – recalled how he had taken up Bourgeois' idea of an "international police force" with no greater success in the inter-war years. His efforts foundered, as had those of Bourgeois, on a narrow, egoistic conception of national sovereignty requiring unanimity, as short-sighted as it was illusory.[1] Thus, the man who was described by Lord Balfour as the father of the League of Nations and who received the Nobel Peace Prize in 1920 in recognition of twenty years of effort that had begun in 1899 (when he preferred to serve France through humanity at the Hague in the relatively humble rôle of French plenipotentiary, rather than accept the Premiership) suffered bitter disappointment at the end of his life. Despite all his persuasive arguments and oratorical eloquence, the nations obstinately refused to limit their sovereign pretensions, putting their unenlightened interests and prestige above the imperatives of human solidarity. Characteristically, however, he did not give way to despair, proclaiming: "The realisation of the Society of Nations will be the work of tomorrow".[2] "Tomorrow" has come and gone and though we now have an International Force, the U.N.O. has not provided a more successful answer to the problems of international interdependence than the ill-fated League of Nations, the Wilsonian version of Bourgeois' grander "Society of Nations".

CONCLUSION

At the commemoration of the centenary of the birth of Léon Bourgeois, the President of the "Académie des Sciences Morales et Politiques", the economist Jacques Rueff, said that the apostle of social solidarity and the society of nations had "the great merit of providing a sort of logical foundation to aspirations and feelings that were those of almost all his contemporaries... It is sufficient to look around us to recognise in all the most characteristic aspects of the social evolution of the last century, the developments of the idea whose seed Léon Bourgeois had provided in formulating the law of solidarity... If proof was necessary of the place of Léon Bourgeois in all our social legislation, would it not be provided in decisive fashion by the fact that all the laws that have reduced human misery are described (in France) as laws of social solidarity?"[1]

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[1] Commémoration solennelle du Centenaire de la Naissance de Léon Bourgeois, 1952, pp. 15-16; cf. Scelle, loc. cit., pp. 206 et seq., especially pp. 227-28, 325-34.

[2] Le Pacte de 1919, p. 181; cf. pp. 184-89. See also C. Dawborn's article Léon Bourgeois: An Apostle of Peace in: The Contemporary Review, 1919, CXV, pp. 304-08; Milhaud, op. cit., pp. 121-22, 126-27; Prudhommeaux's obituary on Bourgeois in: Paix par le Droit, Oct. 1925, p. 357. On Bourgeois' key rôle in determining the character of the Hague International Court in 1920, see L'Oeuvre de la Société des Nations, pp. 159-208.

Whereas at the turn of the eighteenth century the basic demand was for freedom from restriction, at the turn of the nineteenth century the irresistible pressure was for security against poverty, illness, unemployment, war. Solidarism, as a theory, and still more as a practical programme, gave expression to this tendency. It was partly thanks to the influence of Bourgeois that the programme of the Radical-Socialist party adopted at the Nancy Congress of 1907 proclaimed the need for legislation to implement the progressive income tax, nationalise important monopolies – especially the railways and insurance – promote voluntary associations in all their forms and strive to secure international arbitration. Above all, the affirmation of the principle of state intervention to secure greater economic justice and social security represented a response to Bourgeois' appeal that the "duty of social solidarity, which our party has had the honour of reaffirming so often, requires it to make further efforts" at social reform.[2] (It is interesting to note that the Radical leader of the inter-war years, Edouard Herriot, who occupied a similar position to Léon Bourgeois on political, social and international policy, had proclaimed in 1905: "One of the key principles of our Party is the duty of *solidarity*; it is from this affirmation and the application of this principle that our Party acquires its great moral value".)[3]

Chronic bad health and a temperamental preference for meditation and proffering advice to taking decisions and action, of intellectual persuasion to political command, made of Bourgeois the philosopher and social conscience rather than the effective leader of Radicalism. Unlike the many French politicians who discredited democracy by their lust for office, he frequently refused power when he could not count on the necessary broad support to carry through his programme, preferring the political wilderness to the betrayal of principle. Though the result was a failure permanently to impart to the Radicals a coherent social programme that survived him, by contrast with the bulk of Third Republic politicians, Léon Bourgeois emerges as a man of monumental political honesty and insight coupled with remarkable qualities of wisdom and foresight. His pervasive influence upon the social philosophy and institutions of twentieth century France has been beneficent. Unfortunately, like many another benefactor of humanity, Bourgeois has posthumously suffered from a bias in human memory which Shakespeare summed up when he wrote: "The evil that men do lives after them, the good is oft interred with their bones". To disinter a Frenchman whose words and deeds represent so characteristic an expression of the implicit social philosophy of the twentieth century is perhaps neither an unnecessary nor an unworthy task.

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[1] Commémoration solennelle, loc. cit., pp. 19-22; cf. Pirou, Les Doctrines Économiques, op. cit., pp. 165-66; J. A. Scott, op. cit., p. 171; J. Ribet: Vers la Solidarité Sociale, in: Revue de la Solidarité Sociale, July 1905, p. 185.

[2] Lettre au Congrès Radical, op. cit., p. 11; cf. Milhaud, op. cit., pp. 276-78 and pp. 302-03, for a list of social reforms promoted by the Radicals between 1884-1924. – However, by 1950, the Radical party had become a socially Conservative party, content, apart from a few modest proposals dictated by the Opportunistic rather than the Intransigent tradition, to rest on its laurels. The attempt in the mid-1950's by Pierre Mendès-France to revive the intransigent tradition of Louis Blanc failed, and the Radical party resumed its degeneration into a congeries of opportunistic office-seekers, switching its indispensable support now to the Left (generally at elections) and now to the Right.

[3] Charpentier, op. cit., p. 397.