

Chapter Title: France

Chapter Author(s): Manlio Cinalli and Carlo de Nuzzo

Book Title: Solidarity as a Public Virtue?

Book Subtitle: Law and Public Policies in the European Union

Book Editor(s): Veronica Federico, Christian Lahusen

Published by: Nomos Verlagsgesellschaft mbH. (2018)

Stable URL: <https://www.jstor.org/stable/j.ctv941sdc.5>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



This book is licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/4.0/>.



JSTOR

Nomos Verlagsgesellschaft mbH is collaborating with JSTOR to digitize, preserve and extend access to *Solidarity as a Public Virtue?*

France

Manlio Cinalli and Carlo de Nuzzo

Introduction: Solidarity as a Fundamental Value

‘Solidarity’ has a central place in French politics. This complex notion has entered a large number of policies and provisions, such as new family arrangements beyond traditional marriage (*Pacte Civil de Solidarité*), income policies (*Revenu de Solidarité Active*), housing (*Fonds de Solidarité pour le Logement*), and fiscal policies (*Impôt de Solidarité*). Indeed, the concept of solidarity has become entwined with so many different meanings such as brotherhood, social justice, or community. Yet, beyond the popularity of its label, the fact is that solidarity is facing a very difficult time in France regarding its substance and scope. In particular, the economic crisis has followed in the wake of an even stronger rise of widespread neo-liberal opposition against social aid and welfare expenses. Major politicians, as well as many economists and prominent corporations, have thus put the finger on the obsolete French welfare state. Its generous social protection, in their argument, is the ultimate cause for falling competition and profit on the French market and globally. Within this context, the attack against solidarity has gone as far as forcing into the broader public debate a mischievous confusion between solidarity and parasitic assistentialism.¹

In this chapter, however, we will also see that solidarity can remain a relatively widespread value and practice even in this constraining context, for example, through the social action of associations and activists that nurture solidarity more informally and through bottom-up agencies, rather than more formally or through top-down policies. Most crucially, solidarity is a key notion that crisscrosses the long historical experience of France, and hence, shows some strong resilience among actors in general. Solidarity has been flagged during the occasion of the Revolutionary birthday of

1 In the words of President Sarkozy in his letter to French electors “*nous avons consacré des milliards à maintenir des gens dans l’assistanat*”.

the *Republique*, with some major thinkers famously framing the concept of solidarity as an undisputed Republican principle. Solidarity has a long history that finds its maturity in more recent history. Thus, Labour and Christian movements have reworked the notion of solidarity according to their own political understandings, and have left an enduring legacy that has nurtured the political tradition of the European welfare state. This paper will also show that this long historical trajectory developed as a succession of steps that were tightly intertwined with each other. Here suffice it to mention that the emphasis being put on notions such as redistribution (most strongly in the labour movement) and subsidiarity (most strongly held in the Christian movement) can be linked to much earlier developments, well before mass politics become dominant.

This chapter will examine some crucial dimensions for contemporary thinking and practices of solidarity, focusing in particular on the distinction between a more individual and a more collective perspective, as well as between solidarity in private and public law. For example, in private law, solidarity is often cast as a constraint when it comes to relationships between individuals, one that is completely detached from morality, often resulting from a contract, and therefore, the outcome of an explicit intention. By contrast, we will treat solidarity in public law as a bond of mutual assistance that refers to the notion of national solidarity; a special characteristic of French Republicanism is the strong association between solidarity and the French people (the nation). Not surprisingly, then, this paper will put emphasis on solidarity as a fundamental basis of law, which may still have a key role for the future of French politics. Suffice it to say that still today, during an era of profound socio-economic crises and political contrasts, solidarity could continue to provide, just as in the past, the main mechanism that helps to reconcile individual freedom with justice more broadly (La Rosa 2011). At a time when many French citizens, and Europeans more broadly, cannot decide between defending public services or getting rid of them, the concept of solidarity is of pivotal importance not only for the framework of the state and its relations with society, but also for rethinking the major neoliberal assumptions of individualism and autonomy.

The Long-Term Socio-Cultural Dimensions of Solidarity

A full engagement with the concept of solidarity in France requires us to look at the long-term continuous re-elaborations of this notion. Solidarity is symbiotically intertwined with the notion of ‘fraternity’, this latter being one of the three main pillars of French Republicanism together with ‘Freedom’ and ‘Equality’. It is noticeable, then, that under Revolution, the National Assembly set up a committee for the extinction of poverty. This latter explicitly condemned the indifference of previous monarchy vis-à-vis poverty and misery, while at the same time introducing the right to assistance complementary to work.² Yet it should be emphasised that fraternity, with all its implications, was included in the official dogma of Republicanism only with some delay, as late as 1848, with the formulation of the Constitution. At this time, the “social question” emerged with force in political debate. The worst outcomes of industrialisation were starkly apparent to everybody, for example in terms of hunger, disease, and inhuman deprivation among the most vulnerable groups such as children, the sick and the poor. Indeed, new provisions emerged to establish some minimal protection of children on the labour market in terms of minimum age, working times, and school attendance.

Afterwards, the tight relations between solidarity and the French revolutionary roots were explicated once and for all by Léon Bourgeois, who famously framed the concept of solidarity as an undisputed Republican principle.³ The full engagement of Bourgeois with solidarity has thus opened space for a number of questions, inquiring into solidarity as a guide for public action, as moral duty of mutual aid, or as a laicisation of

2 Cf. the Law 19 March 1793, which says that “Tout homme a droit à sa subsistance par le travail s’il est valide; par des secours gratuits s’il est hors d’état de travailler. Le soin de pourvoir à la subsistance du pauvre est une dette nationale”. Similarly, Article 21 of the Declaration of the Rights of Man and Citizen of 1793 states that “Les secours publics sont une dette sacrée. La société doit la subsistance aux citoyens malheureux, soit en leur procurant du travail, soit en assurant les moyens d’exister à ceux qui sont hors d’état de travailler”.

3 “*Le mot de solidarité est partout aujourd’hui. Est-il plein de sens ou vide de contenu? Quelle est la portée, quelles sont les conséquences de cette idée?*”. Cf. Bourgeois 2008.

charity.⁴ The pre-existing idea of mutual solidarity among all human beings acquired a new stronger force as social action to counter-balance the otherwise uncontrolled market processes. It is not surprising then, that all these discussions on solidarity and the role of the state have brought about a new wave of social policies at the end of the XIXth century, dealing with abused children, the sick, the old, and the poor. Since then, solidarity could be developed in a way not only to describe the objective reality of human interdependence with its psychological and moral consequences, but also to underscore an altruistic ideal to replace Christian charity. The goal has been that of nurturing an institutional doctrine both scientific and practical, capable of producing political legislation and acquiring full centrality within French thinking.⁵

As a consequence, a new obligation has appeared, previously unknown: the strict duty of each individual towards the community, or social solidarity. It was this commitment that guaranteed the Republican affiliation of people coming from different political experiences, including French Socialists. The French approach has thus seen solidarity as growing through social action organised by the state. The state could be seen as being at the service of society, as the source of “public service” through its own institutions and decision-making (Duguit 1913, 15).⁶ In fact, the concept of solidarity conciliated the ideas of freedom and equality, allowing for internal contradiction that had brought about the failure of Second Republic to be overcome.⁷ It has thus provided essential components of French political mytho-motricity, that is a “*idée force*” that goes beyond the political divisions and the different republics that have followed up to the present

4 Léon Bourgeois had an outstanding political career, covering various positions such as President of the Council, Minister of Public Education, Minister of War, and First President of the Society of Nations. He won the Nobel Peace Prize and pushed for policy reforms such as the law of 1898 on accidents at work, and the 1901 law on the right of associationism. See also Berstein 2006.

5 Cf. work by H. Marion [1880] 1896, who has referred to the concepts of social debt (*la dette sociale*).

6 ‘the notion of public service covers any activity that those who govern must execute, regulate and control, because the proper carrying out of these activities is essential for the realisation and development of social interdependence, while being of such a nature that it can only properly be carried out through the intervention of the authorities.’ Duguit 1913.

7 In the words of Jean-Fabien Spitz “le solidarisme est donc à nouveau une tentative spécifiquement républicaine pour harmoniser dans un seul ensemble les notions apparemment contradictoires de justice et de liberté” (2005 :180).

day (Agulhon 1993).⁸ By the time the Third Republic consolidated at the beginning of the XXth century, solidarity was part of its “*philosophie officielle*” (Bouglé 1907).⁹ The long process of political rethinking of solidarity in terms of state-driven action had translated into the implementation of many social policies in a large volume of issue-fields ranging from health and safety to pension schemes.

This state-driven practice of solidarity was stressed even further over the following decades. First with the consolidation of the welfare state in the aftermath of WWII, and then throughout thirty years of steep economic growth and social appeasement under the “*Trentes Glorieuses*”, which opened up even further the boundaries of the French Republic (Cinalli 2017). Since the end of the *Trentes Glorieuses*, however, the idea of solidarity in public and political life has met with growing discussion, resistance, and confrontation, while continually being enriched by the many objections made to it. Of course, some opposition pre-existed the post-WWII welfare state, and is mostly linked to specific historical periods. Other opposition, however, is especially characteristic of stronger processes of individualism of contemporary times, based on a stronger mobilisation of ideologies of individual freedom and autonomy, which have tended to mistake the notion of solidarity with unrelated practices such as “assistentialism”, “paternalism”, “parasitism”, and so forth.

More space is thus opened to inquire into how much solidarity is still a useful notion to understand and intervene in contemporary politics. Is, for example, the Republican state still a strong enough force to intervene in the redistribution of wealth in the name of solidarity, going as far as impinging on increasingly stronger creeds in freedom and autonomy of individuals? How can social solidarity and individual responsibility be reconciled in an era where the political force of autonomy and freedom seem capable of shaking off the collective ‘chains’ of social responsibility?

8 Pour Maurice Agulhon: « *Fait-on agir les peuples et les sociétés sans une éducation de la cohérence? C'est à dire sans un minimum de mythologie collective? Probablement pas!* », 1993 :8.

9 On the importance of the philosophical paradigm of solidarism as a pillar of official Third Republic doctrine, see: Hayward, 1961.

The Socio-Cultural Dimensions of Subsidiarity Principle

In spite of its long-term development and continuous re-elaborations, the concept of solidarity nowadays is often used in a restricted sense in administrative, legislative and governmental vocabulary. Sometimes it loses connection with its original meaning to such an extent that it excludes the idea of mutuality, and the broader principle of subsidiarity.¹⁰ This latter was theorised by philosophers of antiquity (Aristotle) and the Middle Ages (Thomas Aquinas), but also by jurists and thinkers of the *Ancient Régime* (Johannes Althusius), as well as by thinkers affiliated to the Roman Church. Later, subsidiarity came to be conceived as a fully-fledged theoretical construct in the nineteenth century, at the same time as the concept of solidarity was developed. This combination of solidarity and subsidiarity was itself the legacy of the distinct emphasis that Catholicism kept on Christian charity. Suffice it to remember that in previous centuries the Protestant social doctrine had called for the 'sovereignty of the social spheres', thus opposing the Catholic ideas about "higher" spheres in relation to other "inferior" spheres. While the principle of subsidiarity was based on a creed in collaboration, which aimed at a harmonious participation in all social sectors only in view of the good of the person, the sovereignty of social spheres supported the independence of the social sectors as absolute value. Accordingly, there was less space for the state to support the intermediate bodies, as it was instead invoked by the principle of subsidiarity. This also revealed the difference between an individual action of charity and larger public decision such as redistribution and solidarity policies.

France has thus maintained the traditional meaning of Catholic charity, which has been combined with much of the solidarism. French theorists of solidarism like Bourgeois have been crucial to reinstate that social progress should be achieved through collaboration between the classes, deepening a vision that came to combine doctrinal developments in the Catholic Church with the dominant egalitarian aspirations of pre-Marxist socialism (in particular, Saint-Simon's thought). In particular, the birth of the principle of subsidiarity can be considered to be in line with the princi-

10 Stretching the definition of the word can go as far as referring to the word 'solidarity' as compulsory levies without compensation, which does not allow taxable persons to benefit directly from a solidarity mechanism. For example, the 'solidarity tax' on wealth is no more solidarity-based than many other taxes.

ple of social organisation, as expressly stated in the social doctrine of the Catholic Church in the 1891 *Rerum Novarum* encyclical. By virtue of that principle, the "superior" social bodies must stand in support, of *subsidium*, of the "minor" ones, without having the monopoly of carrying out social utility functions. In this way, the social intermediary bodies were no longer hindered by a system in which the right of initiative is exclusively in the hands of the "superior social orders".

Since its earliest days then, subsidiarity has been characterised by positive and progressive implications, in terms of economic, institutional, and legislative support provided to smaller social entities. This also meant that the state had decided to refrain from certain sectors in order not to hinder actors that could fulfil a particular need better than the state itself. Indeed, many aggregations of men and women may have something valuable to offer on the basis of their superior knowledge of peripheral realities compared to distant central administrators. Most crucially, the social doctrine of the Catholic Church has mixed the principle of subsidiarity together with a symmetrical principle of solidarity, so as to match human and Christian virtues with the aim of weakening social conflict and promoting union across interests, classes, and social divisions.

Solidarity as the Source of Different Types of Legislation

State-sponsored aid stressed the importance of solidarity with the passage between the XIX and the XX century. The law of 15 July 1893 established free medical assistance; the law of 9 April 1898 facilitated workers' compensation claims; the law of 27 June 1904 set up a childbirth assistance programme; and on 14 July 1905, an assistance programme for elderly and disabled persons was initiated. All these legal references to solidarity came together at the same time when there was the acknowledgement of freedom of association in 1901. This latter freedom made concrete a Revolutionary principle, providing the possibility for French citizens to set up associations in order to work towards a collective end. This vast programme built on solidarity also provided the bedrock on which a new social-democratic *entente* could be built in the aftermath of two World Wars. Thus, in the Preamble to the Constitution of 27 October 1948, the 12th article already declared that "The Nation proclaims the solidarity and equality of all French people in bearing the burden resulting from national calamities". Afterwards, the rebirth of the Republic for the fifth time in

1958 placed solidarity at the core of its Constitutional letter. In its first article, the French Constitution of 4 October 1958 thus stated that “The Republic [...] is based on the equality and solidarity of all the peoples that compose it”.

Subsequently, in line with the broader European post-WWII trust in welfare, solidarity has been a crucial cement of the *Trentes Glorieuses*. This has stood out as the basis on which citizenship, in line with a stronger belief in redistribution, can be refound. The point of arrival of this long-term process can be seen in the 1980s, at the time when the Socialists obtained full executive and legislative hegemony under the leadership of President Mitterrand. Under this hegemony, which lasted until the early 2000s, the government finalised a number of policies and specific provisions that drew heavily upon the notion of solidarity. Accordingly, the ‘Ministry of national solidarity’ was set up, together with a number of ‘*Directions départementales de la Solidarité*’ at the sub-national level. One may also refer to the explicit rationale on the occasion of measures against ‘*Pauvreté-Précarité*’, the institution of the ‘*Revenu minimum d’insertion*’, the *Allocation Personnalisée d’Autonomie*, as well as the ‘law for the renovation of socio-medical action’.

Drawing on a mixed tradition of solidarity and subsidiarity, France today allows for a dual application of solidarity (public and private) that is reflected in legislation. Thus, in the juridical field, solidarity corresponds to different notions in public and private law respectively. Starting with the latter, in family law, solidarity is “an imperative to provide mutual help, which creates a reciprocal obligation between close family members to offer each other assistance and help’. Solidarity in this way is “a moral bond, [...] a sense of family which unites relatives around their common values (family name, honour, traditions)”. While the foundation of solidarity in family law is not based on free will, in the private law managing the relationship between individuals outside the family the meaning of solidarity is rather a constraint completely detached from morality, often resulting from a contract and therefore the outcome of an explicit intention. In fact, in the civil code it is defined as follows by Art. 1200: “Debtors are in a relationship of solidarity when they all share the same constraints, in such a way that each one can be liable to satisfy all of them, and that a payment on the part of any of them also frees all the others from their obligations to the creditor”.

As regards public law, solidarity is understood as a bond of mutual assistance that takes the general form of national solidarity. A special trait of

French Republicanism is the strong association that exists between solidarity and the nation. In the French spirit, tolerance and respect are more important for peaceful coexistence than having “common values” or than the creation of a “common project”. In particular, the coexistence among individuals turns out to be the first concern of living together. This means that national solidarity is a guarantee of assistance between members of the same community. Not surprisingly then, this deep linkage between solidarity and the nation can entail an “*impôt de solidarité*” (solidarity taxan exceptional tax intended to help the State to face a crisis situation, as with the 1945 “*impôt de solidarité nationale*” (national solidarity tax). It can also be used to finance a sector of the economy particularly affected by an economic downturn, as was the case with the “*impôt sécheresse*” (drought tax) of 1976, or even to shore up a social system in deficit or to help a specific category of the population, as with the “*journée de solidarité*” (solidarity day). This latter was instituted by the law of 30 June 2004, Art. 2 and then renewed in the *Loi Travail* of 2016, implying the work of an additional day (seven hours) of solidarity by the employees without additional compensation.

Consequently, the Constitutional Council has referred many times to the notion of solidarity. In its jurisprudence, the term solidarity has a plurality of meanings. The Constitutional Council uses the terms “*mécanisme*” (mechanism) of solidarity, “*principe de solidarité*” (principle of solidarity), “*exigence de solidarité*” (solidarity requirement), “*objectif de solidarité*” (solidarity objective), sometimes relying on several of them in the same decision. It is therefore not a monovalent concept. The privileged applications of these notions obviously lie in the domain of social systems, spanning the routes that individuals make across their life, for example in and out of the labour market. Thus, in its decision of 16 January 1986, the Constitutional Council ruled, with regard to the “*Sécurité sociale*”, that it was the responsibility of the legislator to encourage solidarity between people in employment, the unemployed and those who were retired, and that it was also the responsibility of the legislator to ensure that the finances of the “*Sécurité sociale*” were well-balanced enough to allow its institutions to fulfil their role.

The overarching effect of this ubiquitous space of existence for solidarity, across public policies and jurisprudence, is evident when considering that solidarity is taken as a key mechanism that is capable of readdressing potential failures of redistribution. This is the background behind, for instance, the 1988 “*revenu minimum d'insertion*” and more recently of the

"*revenu de solidarité active*" introduced by the law of 21 August 2007 and generalised in 2008. In establishing these social systems, the legislature expressly and concretely referred to the principles of solidarity. Another example refers to the limitations of pension schemes: they incorporate various channels of redistribution, such as between generations and within a single generation. There are transfers between different schemes as well as mechanisms put in place to coordinate them. But the place of solidarity is still strong in the provisions that allow for payment of benefits to all seniors, having or not having been in employment

Promoting Civic Solidarity: The Legal Foundations of Voluntary Associations

The increasing role of association brings our focus back to the principle subsidiarity. Since the 1980s, the principle of subsidiarity in France has taken multiple steps forward (van den Bergh et al. 1995), allowing non-profit organisations to multiply in the past four decades in every field of public interest. This process has also matched the unstoppable retrenchment of public welfare, which has come under the attack of right-wing politics and has been legitimated more broadly by a general mistrust in politics and public action. Indeed, it was probably the reaction to this powerful attack against public welfare that has paved the way to new approaches to restore the lost force of solidarity. Various solidarity actions, by now more informal and driven from the bottom-up, could thus emerge, including different initiatives such as the *Téléthon*, *Sidaction*, 'food banks', *Restos du cœur*, as well 'micro-solidarity aids' and the development of the *économie sociale et solidaire*.

In particular, subsidiarity has especially gained a new interest owing to the process of Europeanisation and with it, some growing criticism for the welfare state. Subsidiarity fits the ambition of adapting more flexibly to the needs of the market as concerns autonomy, freedom, and self-enterprise. The strongest point consists of furthering collaboration between plurality and unity. By acknowledging the complementarity between the centre and the periphery, or otherwise the unitary State and a pluralist civil society, a renewed emphasis on subsidiarity is in line with the development of better governance that are adaptive to the devolution of competencies across various complementary levels of decision-making (Blanc 2015, 91). The underlying assumption is that when the common good is the in-

tent of all, then it can be constructed only through the cooperation of all actors participating in the construction of equality (Million-Delsol 1992 and 1993). The main assumption is that any actor may take a stand on favour of the general interest, and this regardless of its particular across the private/public divide and the specific interest which it may pursue.

Mechanisms of subsidiarity can be highly beneficial for associationism and volunteering. As regards associationism, it implies a “convention according to which two or more individuals choose to share their knowledge and to coordinate their activities, on a permanent basis, to a non-lucrative end. Its validity is subject to the same general legal principles that apply to contracts and to obligations”.¹¹ This type of simple ruling has had a positive impact on fostering the number and the development of associations (Archambault et al. 1999). Today there are an estimated 1.3 million active associations in France and, each year, 70,000 new associations are created.¹² Accordingly, associations have been considered to have the best resources to deal with the limitations, weaknesses and shortcomings of public interventions, following the increasing disengagement of the State and the rise of many private actors across different territorial levels. As regards volunteering, the prevailing definition in France refers to both terms of “*bénévolat*” and, “*volontariat*”. *Bénévolat* refers to the free commitment of individual citizens for non-remunerated activities, outside the normal framework of family, school, professional or legal relations and obligations. *Volontariat* is closer to the notion of voluntary service. It is a commitment of a more formal nature (for example, through the structures of a non-profit organisation); it has a specific duration, and some form of professional training is usually involved. *Volontariat*, however, is associated with a specific set of 'difficulties'. These include the right (or not) of volunteers to receive certain indemnities and advantages during the period of their commitment, and certain forms of social protection such as for example pension rights etc. This means that only certain forms of *volontariat* are currently recognised and covered by the French legislation on volunteering.

Associationism and volunteering illustrate well the idea that Republican democracy is not only a ‘form of government’ but also a ‘form of organi-

11 <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEX-T000006069570&dateTexte=vig>.

12 <http://www.associations.gouv.fr/la-france-associative-en-mouvement-2016-est-paru.html>.

sation for the whole society”, or “a welfare state based on universal freedom and solidarity (Bourgeois 2008). Associations stand together according to their political, sectorial, or statutory affinities, in order to act collectively and nurture processes of citizens’ awareness through volunteering. In particular, associations have become an important interlocutor of the State for socio-economic development, which has reinforced a long-lasting co-operation between non-profit organisations and public authorities, especially in employment policy, as well as in health and social activities. Thus, associations have helped the State’s employment policy by running job-training programmes for unskilled workers (paid for by public funding). With the establishment of the CNVA, the associative sector had to develop a united stance on important issues, and to suggest concrete proposals on issues such as tax regulations, volunteering, and public funding.¹³ In the words of Patrick Kanner (ministre de la Ville, de la Jeunesse et des Sports): “*Je considère avant tout qu’il m’appartient de dire haut et fort que les associations sont une richesse pour la France. [...] Certaines rendent la vie plus supportable par des actions de solidarité; d’autres la rendent plus joyeuse, plus épanouissante, à travers leur engagement pour la culture, le sport, le jeu, l’éducation. Ce qui est accompli quotidiennement par les associations n’est pas mesuré et n’est tout simplement pas quantifiable, mais j’ai une certitude : ça compte*”.¹⁴

Conclusions

The largely historical contextualisation of this chapter has been useful to demonstrate that solidarity has its origins far back in time, at least as far

13 Volunteering across Europe, SPES, 2006.

14 “I feel that what I need to do first of all is to proclaim loud and clear that associations represent a great source of riches for France [...] Some make life more bearable through practical actions of solidarity; others make life more joyful, more fulfilling, by promoting culture, sports, play, education. No-one measures what is achieved every day by associations because their action is not quantifiable, but of one thing I am sure: they make a difference”.

http://www.associationmodeemploi.fr/PAR_TPL_IDENTIFIANT/23847/TPL_CODE/TPL_REV_ARTSEC_FICHE/PAG_TITLE/%AB+Je+me+sens+%E0+ma+place+en+tant+que+ministre+en+charge+de+la+Vie+associative+parce+que+ce+parcours+est+le+mien+%BB%2C+Patrick+Kanner%2C+ministre+de+la+Ville%2C+de+la+Jeunesse+et+des+Sports/2465-les-articles-de-presse.htm

back as the French Revolution. Since then, the main question has been how individual independence can go together with collective enterprise. This tension has been played within a broader dialectical relationship between the political sphere and French society. The treatment of a long-term idea of solidarity has also been useful to compensate for the isolating nature of processes of individualisation that make people lonely, unable to voice their concerns collectively and consistently across historical time. In fact, the passage to general interest, which is so crucial under the French Republican framework, is only possible for a citizen inserted into a collective dimension, which at the same time acknowledges its own individuality. In addition, a diachronic perspective makes it possible to assess whether the law institutionalises a moral consciousness. The issue at stake is not the establishment of a new morality, but the sturdy foundation for positive legislations. The bond of solidarity is presented as a universal bond that dominates other community attachments in French society, but at the same time can only be formulated adequately in the political sphere, freed from its traditional ties with theological and metaphysical approaches.

A vast intellectual elaboration around the theme of solidarity has accompanied its actual practice in France. This chapter has presented Léon Bourgeois as one of the main founding fathers of French solidarity. Bourgeois embodied in his own person both intellectual reflection and government action concerning solidarity. Yet we have seen that the concept of solidarity continued to grow in the wake of Bourgeois' innovations, thereby permeating the political thinking even before words such as welfare and redistribution were taken as the basis of post-WWII reconstruction. Thus the *Dictionnaire encyclopédique Quillet*, in its 1938 edition, notes that solidarism is a: "social and ethical system founded on solidarity".¹⁵ Even if solidarism suffers the extraordinary decline of radicalism with the Third Republic, the political developments that followed the Second World War show that solidarism has continued to be more than ever present in political discourse, together with the system of values that implies.

This resilience of solidarity under a progressive liberalising regime has been possible due to the equilibrium that the solidarity doctrine had maintained between its collective nature and its own strictly individualistic ba-

15 *Dictionnaire encyclopédique Quillet*, "solidarisme", p 4446.

sis. By granting preeminence to the individual person, the liberalising developments (soon organised into a consistent neo-liberal project) have allowed for the original re-appropriation of contractual individualism. Liberal ideology is hegemonic today, but a resilient legacy of solidarism maintains the truth of a radical individualism rethought in the light of the whole social body. Put simply, the idea of solidarity has maintained its original ambition to overcome the liberal limits, by showing how liberty can generate positive obligations that preserve this freedom. In this sense, solidarity is still at the roots of a democratic-liberal synthesis, in spite of the difficulties met in terms of its practical applications as regards the distribution of obligations between individual citizens and the collective State (Blais 2007).

Having outlined the historical and intellectual complexities of the concept of solidarity this chapter has also analysed the mode of operation of the principle of solidarity in French institutions. Solidarity has indeed led to concrete norms applicable to society. It has been working in terms of genuine legal principles, in the same way as other major principles of the French Republic such as freedom and equality. At the state level, the practical implementation of the principle of solidarity translates into the principle of subsidiarity: the "superior" social bodies must stand in support, of subsidium, to the "minor" ones, without having the monopoly of carrying out social utility functions. The final step is indeed played by the association subsidiarity, that is to say, the key mechanism through which active solidarity is put in place day by day. Associative subsidiarity is not only an *ad hoc* response to a shortage of resources, but it is supposed to cope with inequalities by fostering a citizenship of action (Million-Delsol 1993). With it, civil society: "*à gagné de nouveaux galons*" (Blanc 2015, 94). This type of stimulus for a citizenship in action is possibly the strongest counter-force that can be detected nowadays, at a time when neo-liberal ideologies are most vigorously eroding the appeal of solidarity vis-à-vis self-pleasing ideas of a boundless freedom and autonomy.

References

- Agulhon, M. (1993)* "Fait-on agir les peuples et les sociétés sans une éducation de la cohérence? C'est à dire sans un minimum de mythologie collective? Probablement pas!" in "Nation, patrie, patriotisme en France du Moyen-Âge à nos jours." Paris: La Documentation française, n°7017, juin 1993.
- Amiel, O. (2009)* Le solidarisme, une doctrine juridique et politique française de Léon Bourgeois à la Ve République. Paris: L'Harmattan.
- Anheier, H.K., É. Archambault, M. Gariazzo and L.M. Salamon, (1999)* "France". In Global Civil Society. Dimensions of the Non-profit Sector, Vol. I.
- Asselain, J. C. (1984)* Histoire économique de la France du XVIIIe siècle à nos jours. Paris : Seuil.
- Berstein S. (2006)* "Léon Bourgeois et le solidarisme" In Alexandre Niess et Maurice Vaïsse (eds.), Léon Bourgeois. Du solidarisme à la Société des Nations. Langres : Editions Dominique Guéniot.
- Blaise, M. (2007)* La Solidarité – Histoire d'une idée. Paris :Gallimard.
- Blanc, A. (2015)* Sociologie du handicap. Paris: Armand Colin.
- Borgetto, M. (1993)* La Notion de fraternité en droit public français. Le passé, le présent et l'avenir de la solidarité, Paris: LGDJ.
- Bouglé, C. (1907)* Le solidarisme. Paris: Giard 2^e ed.
- Bourgeois, L. (2008)* Solidarité. Paris: Armand Colin, 1896. New augmented edition, Latresne: Le bord de l'eau.
- Borgmann-Prebil, Y. and M. Ross (2010)* Promoting Solidarity in the European Union Oxford: Oxford University Press.
- Brunkhors, H. (2002)* Solidarity: From Civic Friendship to a Global Legal Community. Cambridge: The MIT Press.
- Canivet, G. (2011)* 20-21 May 2011. Conference in honor of Charles Doherty Gonthier.
- Charmont, J. (1927)* La renaissance du droit naturel. Paris : Duchemin.
- Clergerie, J. L. (1997)* Le principe de subsidiarité. Paris: Ellipses.
- Cinalli, M. (2017)* Citizenship and the Political Integration of Muslims: The Relational Field of French Islam. Paris: Basingstoke.
- Cornu, G. (2005)* "Solidarité" in Vocabulaire juridique. Paris: PUF, 7e éd.
- Delsol, C. (1993)* Le Principe de subsidiarité. Paris: PUF.
- De Pasquale, P. (2000)* Il principio di sussidiarietà nella comunità europea. Napoli: Editoriale Scientifica.
- Domenico, R. P. and M.Y. Hanley (2006)* Encyclopedia of Modern Christian Politics. Westport: Greenwood Publishing Group.
- Doriguzzi, P. (1994)* L'histoire politique du handicap. Paris: L'Harmattan.
- Duguit, L. (1901)* L'État, le droit objectif et la loi positive. Paris : A. Fontemoing.
- Duguit, L. (1913)* Les transformations du droit public. Paris : Colin.
- Ferry, L. (1989)* "Droits de l'homme." in F. Furet (ed.), L'héritage de la Révolution Française. Paris : Hachette.

- Fourastié, J. (1979)* Les Trente Glorieuses, ou la révolution invisible de 1946 à 1975. Paris: Fayard.
- Gide C. and C. Rist (1947)* Histoire des doctrines économiques. Paris: Recueil Sirey.
- Hayward, J. E. S. (1961)* "The Official Social Philosophy of the French Third Republic: Léon Bourgeois and solidarism." *International Review of Social History*, VI: 19-48
- Heslam, P. S. (2002)* "Prophet of a Third Way: The Shape of Kuyper's Socio-Political Vision." *Journal of Markets & Morality*, 5 (1): 11-33
- Hocquard, D. (2008)* "La solidarité, idée politique et éducative: À propos de M.-C. Blais, La solidarité, histoire d'une idée (Gallimard, 2007)." *Les Études Sociales*, 147-148 (1): 219-223.
- La Rosa, A. (2011)* "La solidarietà come impresa pratica e teorica nella Francia della Terza Repubblica." *Bollettino telematico di filosofia politica*.
- Leone XIII (1891)* *Rerum novarum* encyclical.
- Malandrino, C. and F. Ingravalle (2005)* *Il lessico della Politica di Johannes Althusius*. Firenze: Olschki.
- Marion, H. (1880)* *De la Solidarité morale. Essai de psychologie appliquée*. Paris : Gallica.
- Million-Delsol, C. (1992)* *L'Etat subsidiaire*. Paris: PUF.
- Million-Delsol, C. (1993)* "Le principe de subsidiarité et les difficultés de son application", In Hugues Portelli (ed.), *La décentralisation française et l'Europe, Pouvoirs Locaux*, Boulogne: Billancourt.
- Nicolet, C. (1994)* *L'Idée républicaine en France*. Paris: Gallimard.
- Panarari, M. (2000)* "La terza via dell'Ottocento." *Reset*, 21: 86-87
- Pio XI (1931)* *Quadragesimo Anno* encyclical.
- Pombeni, P. (2003)* "The European Identity." *The International Spectator*, n. 1 January – March 2003.
- Segell, G. (2000)* *Is There a Third Way?*. London: Glen Segell Publishers.
- Spitz J.F. (2005)* *Le Moment républicain en France*. Paris: Gallimard.
- Stjernø, S. (2015)* "Solidarity beyond Europe?". In J. Salamon (ed.), *Solidarity Beyond Borders: Ethics in a Globalising World*. London: Bloomsbury Academic.
- van den Bergh, R., M. Faure and J. Lefevere (1995)* 'The Subsidiarity principle in European Environmental Law: An Economic Analysis', paper prepared for the Conference on the Law and Economics of the Environment, Oslo 8-9 June.