

SOCIAL POLICY/*ÉCONOMIE SOCIALE ET SOLIDAIRE* AND HISTORY, WITH SPECIAL REFERENCE TO XIXTH CENTURY FRENCH AND BELGIAN DOCTRINE, PART ONE: CONTINENTAL EUROPE

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Para citar este artículo puede utilizarse el siguiente formato:

María del Carmen Amaya Galván (2011): "Social Policy/*Économie Sociale et Solidaire* and History, with special reference to XIXth century French and Belgian doctrine, Part One: Continental Europe", en *Revista Crítica de Historia de las Relaciones Laborales y de la Política Social*, n.º 3 (noviembre 2011), pp. 58-75. En línea: www.eumed.net/rev/historia/02/mcag.html.

ABSTRACT: The aim of this article is to share with English-speaking readers a number of considerations regarding the definition of Social Policy, essentially, within XIXth century French doctrine, where it was firstly known as *Économie sociale* and, secondly, as *Économie sociale et solidaire*. We turn to Th. Villard's writings, among which a very interesting book from a conceptual viewpoint can be consulted to approach the main notions of Social Policy. Moreover, some of Pierre-Joseph Proudhon's ideas on the division of labour and on what he calls sociantism have been explored, together with the story of the birth of cooperatives in France and Flanders through P. Hubert-Valleroux. The distinction between Political Economy and Social Economy is a matter that gave rise to various comments by Camille Rimbaud, although we believe her work is very willful, that is, goodwill, but its scientific conceptual results are clearly unsuccessful. On the contrary, Baron Colins did achieve noticeable results in his work devoted to the study of Political Economy as the source of revolutions and utopias that may have been called Socialist. A significant step, from a terminological standpoint and scientifically speaking, was provided by Pierre-Guillaume-Frédéric Le Play (1806-1882), who has undoubtedly contributed enormously to the construction of Social Policy science. There are also some interesting comments by the legal scholar Raymond Saleilles, and by Jules Pollen, A. Saléta, and even Ludwik Gumplowicz. Our last considerations refer to two current examples of two NGOs which carry out Social Solidarity activities in Latin American and in French-speaking countries in Africa. One of them is the Spanish Cooperación Internacional and the other one is the Belgian ACTEC, which was founded in Brussels by the Catalan Andrés Garrigó and, currently, thanks to its chief executive officer (CEO), Daniel Turiel, and to Guy Caeymaex, Cécile Bourgeois and Laetitia Gilot is managing to apply, in Haiti, Democratic Republic of the Congo and Ivory Coast, real social policies, according to, mainly, Frédéric Le Play, von Ketteler and John Paul II's doctrines. Turiel, ACTEC's ideologist and CEO, does not share Pierre-Joseph Proudhon, Louis Blanc or Auguste Blanqui's social ideas, but neither does he adhere to Jean-Guillaume-César-Alexandre-Hippolyte de Colins, Baron Colins's, who coincidentally was born in Brussels in 1783, where ACTEC is headquartered.

KEY WORDS: Social Policy, *Économie sociale et solidaire*, ACTEC, Women's Work, Cooperatives, Cooperación Internacional, Georges Sorel, P. Hubert-Valleroux, Charles Gide, Charles Fourier, Camille Rimbaud, Auguste Barbet, Évelyne Pisier,

Sara Brimo, Agathon De Potter, Jules Michel, Frédéric Le Play, Raymond Saleilles, Jean-Guillaume-César-Alexandre-Hippolyte de Colins.

RESUMEN: Con el presente artículo tratamos de poner al corriente de los lectores del mundo de la anglofonía de una serie de consideraciones sobre lo que, fundamentalmente, dentro de la doctrina francesa del siglo XIX, se ha considerado que es la Política Social, así conocida terminológicamente primero como *Économie sociale* y, en un segundo momento doctrinal, como *Économie sociale et solidaire*. Acudimos a los escritos de Th. Villard, que cuenta con una obra conceptualmente muy interesante para acercarse a lo que son las nociones principales de la Política Social. Igualmente, algunas ideas de Pierre-Joseph Proudhon sobre la división del trabajo y lo que denomina el socialismo. La historia del nacimiento del cooperativismo en Francia y en Flandes la seguimos a través de P. Hubert-Valleroux. La distinción entre Economía Política y Economía Social es una cuestión que dio origen a variados comentarios de Camille Rimbaud, aunque a nuestro juicio su obra tiene mucho de voluntarismo, es decir, de buena voluntad, y es de un resultado conceptual científico claramente infructuoso. El barón de Colins sí que obtuvo unos resultados notorios en su obra dedicada al estudio de la Economía Política como fuente de las revoluciones y origen de las utopías que han podido denominarse socialistas. Un escalón significativo, desde la óptica terminológica científicamente hablando, lo proporcionó Pierre-Guillaume-Frédéric Le Play (1806-1882), quien sin duda ha contribuido extraordinariamente a la construcción de la ciencia de la Política Social. No faltan tampoco algunas interesantes observaciones hechas por el jurista Raymond Saleilles y otras salidas de la mente y de la pluma de Jules Polen, de A. Saléta e incluso de Ludwik Gumplowicz. Completamos nuestras observaciones con dos ejemplos actuales de dos ONG que desarrollan actividades de Solidaridad Social en el mundo latinoamericano y en el África francófona. Una es la española Cooperación Internacional y la otra la belga ACTEC, que fue fundada en Bruselas por el catalán Andrés Garrigó y que, actualmente, gracias a su director ejecutivo, Daniel Turiel, y a Guy Caeymaex, Cécile Bourgeois y Laetitia Gilot está logrando aplicar en Haití, República Democrática del Congo y Costa de Marfil verdaderas políticas sociales, conforme a las doctrinas de Frédéric Le Play, de von Ketteler y de Juan Pablo II, fundamentalmente. Turiel, ideólogo y principal responsable ejecutivo de ACTEC, no comparte las ideas sociales de Pierre-Joseph Proudhon, ni de Louis Blanc, ni de Auguste Blanqui, pero tampoco se adhiere a las de Jean-Guillaume-César-Alexandre-Hippolyte de Colins, el barón de Colins, que precisamente nació en Bruselas en 1783, donde tiene su sede central ACTEC.

PALABRAS CLAVE: Política Social, *Économie sociale et solidaire*, ACTEC, Trabajo de la mujer, Cooperativas, Cooperación Internacional, Georges Sorel, P. Hubert-Valleroux, Charles Gide, Charles Fourier, Camille Rimbaud, Auguste Barbet, Évelyne Pisier, Sara Brimo, Agathon De Potter, Jules Michel, Frédéric Le Play, Raymond Saleilles, Jean-Guillaume-César-Alexandre-Hippolyte de Colins.

The Spanish technical term for Social Policy is *Política Social*, whereas in French the concept partially changes and the term used is *Économie sociale*, which has a long-standing scientific tradition. In Italian *Politica Sociale* is used, which seems to be closer to Sociology and is taught as a subject in Political Science faculties.

Teaching tradition in French universities has resulted in classical authors defining the main concepts in *Économie Sociale*, that is to say Social Policy. Therefore, it has

been defined as: «The science which observes, classifies, compares and combines all phenomena in social life, that is living together.»¹ As for the aim of Social Policy, Th. Villard states it is «achieving man's best conditions regarding health, nutrition, education and labour so that he can carry out all activities he is capable of.»² Moreover, Social Policy main function or role should be taken into account, which has been identified as «defending people and their rights, and allocating higher salaries to the best labourers» but, at the same time, three other functions have been pointed out: i) supplying «the emerging industry with the means to develop itself»; ii) obtaining «an occupation for the unfortunate» and for those who need it; and, iii) providing «protection and assistance» to «the poor and the ill.»³ Consequently, Social Policy's «principle is human will» so as to «meet our aspirations for justice and the search for practical means to provide people with welfare and material comfort»⁴. Social Policy «points out to society, in the name of solidarity, the efforts needed to mitigate and provide aid against misery, just as an army on the march would take care of the wounded it has left behind.»⁵

There is not much information on Social Policy in the Middle Ages given the lack of a conceptualization of what social policies were back then, although pauperism was given a special treatment. Eugène de Girard⁶ has written about it.

Hence the importance of solidarity in connection with Social Policy becomes quite clear and, not least, that of cooperation, through a model of cooperatives. It is known that the first cooperative in France dates back to 1834, although it was not called a cooperative but a workers' association⁷. Nevertheless, the origins of workers' associations were not directly related to either business or workers but to a school of thought created by a bourgeois, J. P. Buchez, who, being aware of «the disorder in the world of work by 1830», tried to find a solution, since «as a witness of a time of great material prosperity» he had noted it was due to the capitalist profit at the expense of the proletariat's sweat. He developed his ideas through the monthly journal *Nationale*⁸. The idea of cooperation is defined with remarkable clarity by Th. Villard as «working together for mutual benefit.»⁹ Hence «cooperation is a type of association which aims at eliminating intermediaries and establishing a direct relationship between producers and consumers.»¹⁰

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** Unless otherwise stated, English translations of quotations are ours.

¹ Th. Villard, *Premières notions d'Économie sociale*, Armand Colin et C^{ie}, Éditeurs, Paris, 1896, pp. 5-6, No. 4. Social Policy differs from Political Science since the latter «deals with the relationship between states, governments, citizens» whereas «Social Policy attends to men's relationships with one another within the functions of social life» (p. 6, No. 9). However, for many decades, Political Science lecturers have been researching on specific contents of Social Policy thus exceeding the limits of their original field of study.

² Th. Villard, *Premières notions d'Économie sociale*, p. 6, No. 6.

³ Th. Villard, *Premières notions d'Économie sociale*, p. 6, No. 9.

⁴ Th. Villard, *Premières notions d'Économie sociale*, p. 6-7, No. 10.

⁵ Th. Villard, *Premières notions d'Économie sociale*, p. 29, No. 122.

⁶ *Histoire de l'économie sociale jusqu'à la fin du XV^e siècle. Antiquité, moyen âge, renaissance, réforme*, V. Giard and E. Brière, Paris, 1900.

⁷ P. Hubert-Valleroux, *Économie sociale. La Coopération*, Librairie Victor Lécoffre, Paris, 1904, p. 1.

⁸ P. Hubert-Valleroux, *Économie sociale. La Coopération*, pp. 2-3.

⁹ Th. Villard, *Premières notions d'Économie sociale*, p. 50, No. 234.

¹⁰ Th. Villard, *Premières notions d'Économie sociale*, p. 50, No. 235. On the other hand, the lawyer before the Court of Appeals in Paris, P. Hubert-Valleroux, states something similar when he specifies that «the aim of cooperation is to avoid intermediaries ... A genuine cooperative is an association formed to buy in bulk or semi bulk consumption goods and, then, distributes them among its members.» (*La Coopération*, pp. 120-121). The reason is clear, labourers in the first half of the XIXth

But, naturally, one thing is the cooperative society founded in the XIXth century and something different is the idea of cooperation which has medieval origins¹¹. The cooperative movement has been one of the most significant instruments for the implementation of social policies. We will not dwell on so vast a field of study, but will outline its origins. The most primeval ideas, from a scientific point of view, regarding the system of cooperatives can be traced back to Charles Fourier (1772-1837) and his phalansteries¹². There are those who deny that Fourier was the father of cooperatives, who, the same as Pierre-Joseph Proudhon, was born in Besançon, and there are others who believe that his system, the phalansteries, and his conception of industrial anarchy, his division of work, his profit sharing, the socialization of life, which he refers to as “sociantism” [*sociantisme* in French] and the proletarian organization he proposes are completely absurd ideas, although they will influence the system of cooperatives and the journal *La Démocratie pacifique*. In any case Fourier is an important benchmark in so-called cooperative production¹³ and workers’ associations¹⁴. However, many point out that cooperative societies were known, under this name, in England before 1840, while, in France, they will not appear before 1863¹⁵, and, besides, the model was imported to the Continent from England and Scotland. Nevertheless, Hubert Valleroux states that the first French cooperative society was from 1843, although the term used to call it was workers’ association, and only after 1863 the term cooperative society¹⁶ would start being used in that country. He adds that J. P. Bouchez started the initiative of workers’ associations on French soil. The political change following the 2nd December 1851 coup d’état was terrible from every point of view for workers’ associations in France. The difference between the English and the French cooperative movements, in the first half of the XIXth century, was that the English workers’ associations are consumer companies, while the French are production companies¹⁷. In Belgium, in

century in France were truly chained to their employers, as regards their wages, their dignity. Incomprehensibly, when reading a classic author like Franz Kafka (1883-1924), we find that the author stresses that «it is better to be chained than free.» See Kafka, *The Trial*, Spanish edition of his *Obras completas*, Galaxia Gutemberg, translated by Miguel Sáenz, Barcelone, 1999, Vol. I, p. 626. However, in this case, this complex writer’s assertion was commented by the editors by saying that it could come from a diary belonging to the author where the reference «having the feeling of being bound, and, at the same time, the feeling that, if being unbound, it would be harder» (p. 1,046) can be found. Others interpret it differently since in *The Trial*, Kafka reflects his personal situation regarding an engagement which bound him to Felice Bauer (p. 1,406).

¹¹ Th. Villard, *Premières notions d’Économie sociale*, p. 51, Nos. 241 and 242. In any case, Villard concludes that Social Policy allows us to «learn that the child, who would later become a soldier in life, should carry the best weapons to overcome difficulties; by realising and understanding the conditions of the social context in which s/he is set to live, the study of Social Policy will provide the means to pave her/his way throughout her/his existence and to enable her/him to victoriously march through life.» (p. 66, No. 315).

¹² See Charles Fourier, especially, his *Traité de l’association domestique-agricole*, Bossange Père, Paris, 1822. An important classical work on Fourier’s thought is Charles Pellarin, *Charles Fourier: sa vie et sa théorie*, Librairie de l’École sociétaire, Paris, 1843. See also the annotated summary written by Abel Transon, *Théorie sociétaire de Charles Fourier ou art d’établir en tout pays des associations domestiques-agricoles de quatre à cinq cents familles*, Bureau du Phalanstère, Paris, 1832.

¹³ Charles Gide, *Fourier, précurseur de la coopération*, Association pour l’enseignement de la Coopération, Paris, 1924.

¹⁴ Edmond Coutard proved this in his PhD thesis, submitted on 21st March 1900 in the Law Faculty of the University of Paris, *La production coopérative pas les associations ouvrières*, published by Éd. Arthur Rousseau, Paris, 1900.

¹⁵ P. Hubert-Valleroux, *La Coopération*, Lib. Victor Lecoffré, Paris, 1904, p. 1.

¹⁶ P. Hubert-Valleroux, *La Coopération*, p. 1.

¹⁷ P. Hubert-Valleroux, *La Coopération*, p. 13.

Flemish territory, there is a paradigmatic historical example, the *Voornit* in Ghent, which served as a model for other socialist cooperatives and was founded in 1881, in the historic city where Emperor Charles V had been born. The *Voornit* was the origins of many socialist associations of the same type in Belgium¹⁸. The socialist cooperative in Austria, *Vorwaerts*, used the *Voornit* in Ghent¹⁹ as a model.

Auguste Barbet had already written on Social Policy in France, in 1848, in times of high revolutionary tension²⁰. This political pamphlet, which is full of social demands, is worth dwelling on²¹. Constantin Pequeur (1801-1887) is the author of one of the first studies on Social Policy with his book *Économie sociale. Des intérêts du commerce, de l'industrie et de l'agriculture, et de la civilisation en général, sous influence des applications machines fixes, chemins de fer, bateaux à vapeur*, Édit. Desessart, Paris, 1839. This book received an award by the French Academy of Moral and Political Sciences in 1838. A study on begging and another study on war prisoners' moral regeneration, along with some other examples of Social Policy considerations are what Auguste Barbet (1792-1872) includes in his *Mélanges d'économie sociale*, published by Impr. D. Brière, from Rouen, in 1832.

A lawyer from Perpignan, A. Saléta, stated in an essay on Social Policy²², in 1849, that he had been able to find a solution to the problem posed by industry and agriculture, and he had located it in a journal, *Démocratie sociale*, according to which «it is a question of finding institutions which, while preserving and subsidiarily enhancing the current regime in industry, ensure, equitably to all, the right to work.»²³ But Saléta also pointed out, on his own account, leaving aside those considerations by *Démocratie sociale*, that «this right entailed the moral necessity of carrying out some work and to provide a price or salary for it; it will become a bilateral contract between the owner and the labourer»²⁴ and the compensation must be proportional to life real needs and to the type of work performed. However, according to this conception, formulated in such a significant moment as 1849, after the revolution of the previous year, for Saléta «the right to work cannot be absolute.»²⁵ But he opts for the mentality by which work is «a source of comfort for everyone», where it may establish itself as «one of the great laws of social harmony.»²⁶ Jules Polen explained, in 1871, a moment of paramount importance because of the Paris Commune²⁷, that one of the major problems of Social Policy in France at the time, in

¹⁸ P. Hubert-Valleroux, *La Coopération*, pp. 175-187.

¹⁹ P. Hubert-Valleroux, *La Coopération*, p. 196.

²⁰ Auguste Barbet, *Au peuple. État de l'Économie politique et social de la France*, Imp. Schneider, Au Bureau du Peuple Constituant, Paris, 1848, 31 pp.

²¹ See Pierre-Simeon Lelong, «Économie sociale. Essai pour parvenir à la solution de la plus grave question qui puisse préoccuper les amis de l'ordre et de l'humanité, amélioration du sort des travailleurs», in *Revue de Rouen et de Normandie*, September 1848, 1-24 of the offprint.

²² A. Saléta, *Essai sur l'économie sociale*, Imprimerie de Jean Baptiste Alzine, Perpignan, 1849.

²³ A. Saléta, *Essai sur l'économie sociale*, p. 31.

²⁴ A. Saléta, *Essai sur l'économie sociale*, p. 31.

²⁵ A. Saléta, *Essai sur l'économie sociale*, p. 32.

²⁶ A. Saléta, *Essai sur l'économie sociale*, p. 32.

²⁷ But what became of some of them? The Parisian Eugène-François Bestetti, born on 14th April 1817, was regarded as «an old bonze of democracy» on the occasion of the Commune, who was exiled and had to return to Paris when amnesty was granted to revolutionaries, was a delegate in the Marseille and Le Havre Workers' Congress (p. 72). Alphonse Humbert eventually became an editor for *Petit Parisien* (p. 89). Joffrin was a significant case of evolution. In 1869, he would shout «Long live the Republic!», in 1971, «Long live the Commune!», and, in 1885, «Long live the community!» (p. 92). Joffrin proposed among other things: i) «The on-the-spot struggle of social classes and the creation of a purely workers' party, as opposed to other parties which were merely political, and this included the radical socialist party, which was also suspected of being bourgeois»; ii) «The conquest of elective

order to achieve social balance, was the remuneration of labor, i. e. trying to find a balance between the labourers and employers' interests²⁸. Polen correctly picked up Rossi's idea, according to which the salary is intended as remuneration for work; in the implementation of Social Policy emerging ideas one should refer to it with the term compensation. Thus, he noted that «from a philosophical point of view, *remuneration* means the integral, accurate, payment for the service rendered; on the contrary, *compensation* differs from the term remuneration in the fact that it is not an exact reflection of the resulting service, or, in other words, *compensation* is not an absolute but a conventional payment which may not completely satisfy the service provider.»²⁹ For Polen it was clear that labourers performed their work but earned little, while the factory owners became extremely rich, and benefits were multiplied according to the number of products.

Polen also defended, as a Social Policy measure, that the education offered by the Republic included a second degree of vocational studies which would allow a deeper understanding of the various professions. In fact, this is an idea which had already been put forward by Condorcet³⁰. The more varied the labourer's knowledge is, the easier it will be for her/him to find a job and become a part of the production system, when faced with an economic crisis in various productive sectors. In short, «the capitalist and the labourer are united when it comes to producing wealth, but the antagonism begins at the time of sharing out.»³¹.

Camille Rambaud distinguished in 1887 between Political Economy and Social Policy, and she did so in a book which was considered extensive³² at the time when it was published. She believed that Social Policy is the science of life. She defined social policy as «the in-depth study of everything that constitutes what is called the country, the State, the nation, or to put in one word, the mother country»³³ or, put another way, Social Policy «is precisely the only science that can provide these essential concepts and reasoned knowledge of countless concepts and institutions, thanks to which we are civilized people and not barbarians or savages.»³⁴ However, she clearly indicates the diversity there is, on the one hand, between the natural progression of things and, on the other, in the unlimited duration of social peace³⁵. The endless improvement of means of production has generated social inequalities and poverty.

offices» taking them away from the State and the municipalities so as to achieve iii) «the socialization of the instruments of labour» (p. 99). See Charles Chincholle, *Les survivants de la Commune*, Éditeur L. Boulanger, Paris, 1885, who also deals with the Commune major resistant survivors, such as Louise Michel (pp. 131-245) and Leonie Rouzade (pp. 247-249), among the most significant ones.

²⁸ Jules Polen, *Économie sociale du salaire*, Imprimerie Nouguiès et Carayol, de Albi, Paris, 1871, p. 7.

²⁹ Jules Polen, *Économie sociale du salaire*, p. 9.

³⁰ Jules Polen, *Économie sociale du salaire*, p. 11.

³¹ Jules Polen, *Économie sociale du salaire*, p. 13.

³² Camille Rambaud, *Économie sociale et politique ou science de la vie*, Eds. Vitte Perrussel et Victor Lecoffre, Lyon-Paris, 1887, 359 pp.

³³ Camille Rambaud, *Économie sociale et politique on science de la vie*, p. 1.

³⁴ Camille Rambaud, *Économie sociale et politique on science de la vie*, p. 3. However, before him, Jean-Baptiste-Ambroise-Marcellin Jobard (1792-1861) in his book, *Nouvelle économie sociale, ou Monautopole industriel, artistique, commercial et littéraire, fondé sur la pérennité del brevets d'invention, dessins, modèles et marques de fabrique*, Imp. Mathias, Paris, 1844, stated that «no progress is possible without the guarantee of the works of intelligence» (p. 16). Jobard was director of the Belgian Industry Museum.

³⁵ Camille Rambaud, *Économie sociale et politique on science de la vie*, pp. 129-131.

Camille Rimbaud condemns working on Sundays based upon ancient principles which existed in all civilizations and led to a day of the week devoted to rest³⁶. Her considerations reach a point of believing that working on Sundays destroys the balance between production and consumption³⁷. C. Rimbaud regarded foreign labour, 124 years ago, as beneficial to enrich a country³⁸.

Moreover, she notes that women's work resulted in the lowering of men's wages³⁹, in the second half of the XIXth century, which had also been highlighted by Gustav Schmoller. This fact did not prevent Rimbaud from admitting in 1887 that «women have the same rights as men, and this is unquestionable.»⁴⁰ Which does not mean to say that, in French Law during the last third of the XIXth century, the above statement was not true, as it could be implied by the numerous inequalities for the female gender since the 1804 Civil Code, as Évelyne Pisier and Sara Brimo⁴¹ had highlighted. We will not refer to marriage, motherhood, sexist insults, divorcees' rights, etc., but to purely social rights in the last third of the XIXth century. Then, Jules Ferry promoted the Law, dated 28/29th March 1882, which established compulsory primary education for boys and girls from six to thirteen⁴². Another Law, dated 9th August 1879, established that all departments in France should have a school for governesses⁴³. A later decree, dated 14th January 1882, organized women's secondary education in five years⁴⁴. However, certain professions were banned for women, such as law practising. Only a Law, dated 1st December 1900, allowed women who held a bachelor's degree in Law could practice Law⁴⁵. Women's social protection was included in the Law, dated 19th May 1874, prohibiting night work for women, aged 16 to 21 years, in factories and workshops⁴⁶. This is the picture that the last third of the XIXth century in a country as significant as France, with its Third Republic, offers in terms of gender social policies, in which radical Socialists obstinately opposed to women's, both active and passive, suffrage.

An author who has undoubtedly contributed to lay the foundations of Social Policy was Jean-Guillaume-Alexandre-César-Hippolyte de Colins, Baron Colins, who was born in Brussels on 24th December 1783 and died in Paris on 12th November 1859⁴⁷. From 1833, he devoted himself to the scientific study of several various fields of knowledge, thanks to his diversified training and multidisciplinary studies. In 1835, he

³⁶ Camille Rimbaud, *Économie sociale et politique ou science de la vie*, pp. 241-244, No. LXXVIII.

³⁷ Camille Rimbaud, *Économie sociale et politique ou science de la vie*, pp. 244-246.

³⁸ «It should be noted [this was written in 1887] that foreign workers usually perform strenuous and arduous work, or with a low economic reward, which the French do not want or cannot perform. In this regard foreign labourers provide a real service» (Camille Rimbaud, *Économie sociale et politique ou science de la vie*, p. 263, No. LXXXV).

³⁹ Camille Rimbaud, *Économie sociale et politique ou science de la vie*, pp. 229-233, No. LXXV.

⁴⁰ Camille Rimbaud, *Économie sociale et politique ou science de la vie*, p. 235, No. LXXV.

⁴¹ Évelyne Pisier y Sara Brimo, *Le droit des femmes*, Imp. La Tipografica, Varese y ed., Dalloz, Paris, 2007. Évelyne Pisier has been a professor and, then, a professor emeritus in the Faculty of Law of the University of Paris I-Sorbonne. The collective work by Elinor A. Accampo, Rachel G. Fuchs, Mary Lynn Stewart, Linda L. Clark, Theresa McBride and Judith F. Stone, *Gender and the Politics of Social Reforms in France, 1870-1914*, Johns Hopkins University Press, Baltimore, 1995, 241 pp. is also a well documented book but not as clear and precise as that of Evelyne Pisier and Sara Brimo's.

⁴² Évelyne Pisier y Sara Brimo, *Le droit des femmes*, p. 104.

⁴³ Évelyne Pisier y Sara Brimo, *Le droit des femmes*, p. 105

⁴⁴ Évelyne Pisier y Sara Brimo, *Le droit des femmes*, p. 108.

⁴⁵ Évelyne Pisier y Sara Brimo, *Le droit des femmes*, p. 109.

⁴⁶ Évelyne Pisier y Sara Brimo, *Le droit des femmes*, p. 130.

⁴⁷ See Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, Imprimerie Monnom, Bruxelles, 1912, p. 2, who provides many Colins' biographical data. It is an different edition from the summary offered by De Potter in *Revue du Socialisme rationnel*, No. 355 (February 1912).

published in Paris a book entitled *Problème social*, where he defended collective land ownership⁴⁸. In 1850 he would start a major piece of work, in several volumes, entitled *Qu'est-ce que la science sociale?* In addition, Colins has managed to go down as a very remarkable author in Social Policy with his work *L'Économie politique, source des révolutions et des utopies prétendues socialistes*. In 1835, another of his books, *Du pacte social et de la liberté politique*, had been published, which was unexperienced but significant, although the greatest achievement of Baron Colins's social theories was his monumental work *La science sociale*.

Colins starts from his rejection of the Aristotelian concept by which society must distinguish people «from slaves and other animals»⁴⁹, which, in the XIXth century, had been replaced by the idea of «the proletariat and other animals.» To this purpose, Colins suggests an absolute distinction between human beings and things. Another key aspect in his thought is the distinction drawn between wages and capital, depending on their destination, for, even though both of them are the result of labour, wages «are used for the upkeep and development of intellectual and physical life», while capital is «accrued wages» and it is related to «production, wealth, and property», unlike wages, which are intended for «consumption, labour, and mankind.»⁵⁰

On the other hand, Baron Colins notes that «individual land ownership is the source of incipient poverty which is simultaneous to the development of widespread wealth.»⁵¹. At the time, Colins suggested various measures, which have been assumed today by Social Policy, in different countries. One such measure would be that «society should be in charge of the general education and tuition of children until their coming of age.»⁵² In addition, he created the concept of social endowment, according to which children should have a social endowment provided to each of them by society itself before joining the «grown-ups' society»⁵³. How could such an endowment be established? The solution he proposed is through a mechanism of «socialization of a certain amount of movable wealth that allows society to provide each child, before their coming of age, with an endowment that allows them to avoid, from the beginning, any type of domestic exploitation of labour.»⁵⁴ Jean-Guillaume-Alexandre-César-Hippolyte de Colins, being aware of the reality of his time, stated that society should change, from a model «where its organization, as a whole, favours wealth and wealth holders, while the individual labourer is exploited both domestically and socially» to a future society, in which, in accordance with other approaches and other realities, «on the contrary, the individual labourer will not be exploited either domestically or socially, and workers' associations will be allowed and protected.»⁵⁵ With the latter he refers to what will later become class unions. Logically, in this line of thought, some of the measures proposed by Colins are suspiciously socializing, as the social protection of labour cannot lead to «the land and capital being available to everyone», nor is it acceptable «prohibiting companies with limited liability and only allowing workers' associations»⁵⁶, or measures as

⁴⁸ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 3, note 1.

⁴⁹ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 6.

⁵⁰ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, pp. 8-9.

⁵¹ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 9.

⁵² Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 13.

⁵³ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 13.

⁵⁴ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 14.

⁵⁵ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 17.

⁵⁶ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 23.

radical as «limiting capitalists-merchants' profits.»⁵⁷ Nevertheless, the argument regarding the monopoly of culture and science development not being monopolized by wealth⁵⁸, as it used to be, to a large extent, in the first half of the XIXth century, is undoubtedly a success as far as Social Policy is concerned.

A particular doctrinal sector within social thought⁵⁹ started talking about Utopian Socialism as opposed to Scientific Socialism⁶⁰, which are now universally recognized doctrinal categories, but there are also those who have frequently used the notion of Rational Socialism. Specifically, Baron Colins⁶¹ would be part of this rational socialism which would involve three principles: i) The distribution of land; ii) The abolition of individual private property; and, iii) The abolition of inheritance⁶².

In this regard, «collective land ownership by the human race is rigorously logical, but practically impossible»⁶³, which would mean that something can «be true in theory and false in practice.»⁶⁴ Gabriel Bonnot de Mably (1709-1785) had already taken a similar stand, considering that the distribution of land as destroyed equality would be a task full of «insurmountable obstacles», but François Boissel (1728-1807) extended his principles of social equality not only to religion and marriage but also to land ownership, being convinced of a utopian universal regeneration of society⁶⁵. Another conclusion which may be reached by the implementation of the so-called Rational Socialism would be «transforming income into a tax, by attributing income to the State.»⁶⁶

The issue of land distribution in the society of the future would admit two varieties, according to Rational Socialism, either a universalized system of private property, which some call democratized property, or collective and communal property which is periodically shared⁶⁷.

De Potter's conclusion, glossing Baron Colins, is that «demanding the universalization of individual property is the same as requesting something impossible, absurd, because the elements are contradictory.»⁶⁸ Universality is

⁵⁷ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 23.

⁵⁸ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 23.

⁵⁹ On the nature of Real Socialism's social thought, Régis Jolivet wrote: «Men noemt het sociale vraagstukken, die betrekking hebben up de sociale ongelijkheid, de arbeidsregeling, en it het bijzonder op de betrekkingen tussen kapitaal en arbeid» (*Beknopt Handboek der Wijsbegeerte*, Utrecht-Nijmegen, 1948, p. 339).

⁶⁰ Something else can be added as a summary about the relationship between capital and labour in the theory of Scientific Socialism, by Régis Jolivet: «Hed kapitaal en de arbeid zijn twee factoren van de productie. Het kapitaal Kan men bepalen als een werkelijk economisch goed, onverschilling van welke aard, waarop de productie gericht is (een steengroeve, een eikenbor, een wijngaard enz.) of alle rijkdom, welke opeengehoopt is en voordeel (huur, rente) oplevert aan zijn ligenaar. De arbeid is de menselijke werkzaamheid, die aan het kapitaal een nieuwe economische waarde geeft, (de wijngaardenier, die de wijngaard bewerkt, verhoogt de waarde van de wijngaard bewerkt, verhoogt de waarde van de winjgaard; de arbeider in de steengroeve geeft door zijn arbeid meer waarde aan de stremen, enz.)» (*Beknopt Handbock der Wijsbegeerte*, Utrecht-Nijmegen, 1948, p. 340).

⁶¹ See Jean-Guillaume-César-Alexandre-Hippolyte Colins, *Socialisme rationnel ou Association universelle des amis de l'humanité, du droit dominant la force, de la paix, du bien être général pour l'abolition du prolétariat et des révolutions*, Imp. Preve et C^{ie}, Paris, 1849.

⁶² Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 25.

⁶³ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 25.

⁶⁴ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 26.

⁶⁵ See Philippe Delaigne, «Droit naturel et transformations sociales: le naturalisme de François Boissel (1728-1807?)», in *Un dialogue juridico-politique: le droit naturel, le législateur et le juge*, Presses Universitaires d'Aix-Marseille, Aix-en-Provence, 2010, pp. 185-198, *ad casum*, p. 187.

⁶⁶ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 26.

⁶⁷ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 28.

⁶⁸ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 30.

contradictory to individuality. In addition, all such proposals of Rational Socialism would mean going back many centuries to social models characteristic of early civilizations, which have not provided positive solutions worthy of being imitated in XIXth and XXth century models.

Baron Colins⁶⁹ also condemned those situations in which labourers suffered not only material but also intellectual exploitation, which also involved personal, hereditary, domestic, and social exploitation⁷⁰.

The Société internationale del études pratiques d'Économie social was founded in 1856 by Frédéric Le Play (1806-1882)⁷¹. Its articles of association were drafted on 11th April 1856. It was declared as an institution of public interest and usefulness⁷² thanks to an Imperial Decree of His Majesty Napoleon III, dated 5th May 1869. In 1886 this institution became the owner of the journal *La Réforme sociale*, which had been founded by Le Play in 1881, and which changed its title to a larger one, *La Réforme sociale. Bulletin de la Société d'Économie sociale et des Unions de la paix sociale*. In addition, this institution promoted the publication of numerous books on Social Policy by authors such as Claudio Jannet⁷³, P. Hubert-Valleroux⁷⁴, Jules Michel⁷⁵, apart from many other authors on topics such as domestic work, workers' demands in France, consequences of collectivism, corporatism in Germany, influence of alcoholism in the working class, charity in France prior to 1789, and so on.

Réforme sociale was extremely interesting as far as Social Policy is concerned. From a doctrinal point of view, it proposed numerous reforms applicable to society, with the aim of protecting the lower social classes. In its pages, memorable articles were written by authors such as Maurice Vanleer, Paul Leroy-Beaulieu, Clément Juglar, Ernest Dubois, Arthur Desjardins, J. Imbart de la Tour, Paul Deloynes, among many others. *La Réforme sociale* echoed the XXth Annual Conference of the Société d'Économie sociale et l'Union des Ecoles de la paix sociale, held in Paris from 30th May to 6th June 1901⁷⁶. There were four main sections in this conference: The first section was devoted to women's economic status; the second, to women's moral status; the third, to women's intellectual status and to all kinds of initiatives in the field of female education regarding English women's coeducation, university, artistic, professional and social education. As for the first group of papers, they addressed topics as interesting as women's wages in French agriculture; women's work in industry; married women's work in the great German industry; women's professional association; or, women's domestic work. In the chapter including papers dedicated to

⁶⁹ A summary by several authors regarding Baron Colins's ideas and his doctrinal followers is provided in Ivo Rens, William Ossipow, Michel Brélaz y Ivan Muller, *Histoire d'un autre socialisme. L'École colinsienne, 1840-1940*, Éditions de la Baconnière, Neuchâtel, 1979, 207 pp. Long before, Gabriel Parent had devoted his doctoral thesis to *Socialisme de Colins*, Université de Paris, Paris, 1912, 85 pp., and if we go back further in time, Jules Noël had written *Un philosophe belge, Colins*, Éditions de la Société Nouvelle, Paris, 1909, 85 pp., and A. Hugentlober had published *Dialogues des morts entre Proudhon et Colins*, Guillaume et C^{ie}., Neuchâtel, 1867, 290 pp.

⁷⁰ Agathon De Potter, *Résumé de l'Économie sociale d'après les idées de Colins*, p. 22.

⁷¹ See Frédéric Le Play, *Économie sociale*, Imp. Guillaumin et C^{ie}., Paris, 1891, 252 pp.

⁷² See extensive information about it in the book *Société Internationale del études pratiques d'Économie sociale, Historique, Liste de Membres, Travaux de la société, Publications*, Secrétariat de la Société d'Économie Sociale, Paris, 1896, p. 4.

⁷³ Claudio Jannet, *Le Socialisme d'État et la Réforme sociale*, Second Ed., Paris, 1895.

⁷⁴ P. Hubert-Valleroux, *Le contrat de travail*, Imp. Rousseau, Paris, 1895.

⁷⁵ Jules Michel, *Manuel d'Économie sociale*, Paris, 1895, revised and enlarged fourth edition.

⁷⁶ See *La Réforme sociale*, No. 1, July 1901, 144 pp., which mainly includes conclusions and some papers, but, later, No. 16, November 1901, adds more papers and communications.

women's moral status, we would like to emphasize the attention paid to the impact of divorce on women, since divorce had been restored in France in 1884 as a result of the secularism policy in the radical Republican and radical Socialist political parties, as well as the attention paid to women and the fight against alcoholism, in a paper presented by Ms. Keelhof, general secretary of the Belgian Women Union against Alcoholism.

But the most interesting papers in this XXth Conference were those included in the fourth group, which focused on women's legal status and examined issues related to Christian women and Natural Law; Belgian Law published before 1901 on married women's protection; the marriage contract and marital property system; the husband's power in the management of the marital community assets; women's political constituency (it should be born in mind not only that, at this time in France, women had not been recognized either active or passive suffrage, but also the great open debate on proportional representation⁷⁷); French women's vote in municipal elections, and so on. In this section, the paper by the outstanding universal legal scholar Raymond Saleilles (1855-1912) on women's status in the *Bürgerliches Gesetzbuch (BGB)*⁷⁸ should be highlighted. Although some feminists in Germany were sympathetic to the Code, which came into force on 1st January 1900, then, in practice, it did not recognize many women's rights in certain areas. It established gender equality and it stated that women would have no special incapacity because of her gender. Pursuant to the *BGB* (we refer to 1896 version, not to later reforms of its articles), «compensation for moral damage in a special case», in the case of promise of marriage, the Code authorized «early cohabitation», but the breakdown of the relationship resulted in financial compensation⁷⁹.

The multifaceted legal scholar Raymond Saleilles⁸⁰, when he studied the *BGB*, noted that in marriage, being considered as a «two people partnership», a third party had been included in perpetuity, i. e. justice, «which has the right to decide on all matters corresponding to living together.»⁸¹ All previous bills to the Code's final text reversed the usual historical order by which the family was considered to be gathered around the mother in order to attribute this power to the husband. German feminists in the late XIXth century firmly fought this solution when the text was being drafted, to the extent that they partly achieved their purpose; thus a situation of equality between spouses was established since any explicit pronouncement in favour of men was removed⁸². Marital power, understood as man's abuse of power⁸³, was also

⁷⁷ See Thomas Martin, «Le droit mobilisé: les conditions d'impossibilité d'une connaissance juridique des modes de scrutin», in *La République et son droit (1870-1930)*, Presses universitaires du Franche-Comté, Besançon, 2011, pp. 281-297.

⁷⁸ See Raymond Saleilles, «La condition juridique de la femme dans le nouveau Code civil allemand», published in *La Réforme sociale*, 16 November 1901. We have consulted a reprint published in Paris, 1901, 28 pp. This paper was presented at the conference mentioned above on 6th June 1901. About, There is an extraordinary book about Saleilles, which contains part of his PhD thesis by Alfons Aragonese, *Recht im "Fin de siècle". Briefe von Raymond Saleilles an Eugen Hüber (1895-1911)*, Max-Planck-Institut für Europäische Rechtsgeschichte, Frankfurt am Main, 2007, 216 pp.

⁷⁹ Raymond Saleilles, «La condition juridique de la femme dans le nouveau Code civil allemand», pp. 2-3 of the offprint.

⁸⁰ Raymond Saleilles lectured in Legal History in Dijon, in Criminal Law in Paris, in Civil Law also in Paris, and, later, he became a Comparative Law lecturer, which was then understood as a comparison of legislations.

⁸¹ Raymond Saleilles, «La condition juridique de la femme dans le nouveau Code civil allemand», p. 9.

⁸² Raymond Saleilles, «La condition juridique de la femme dans le nouveau Code civil allemand», p. 9.

⁸³ Raymond Saleilles, «La condition juridique de la femme dans le nouveau Code civil allemand», p. 10.

abolished. On the other hand, the historical right of women's power within the family, known as «the power of the keys», suffered a substantial reduction in the *BGB*, too. Women's business activity was very limited since the husband's authorization was needed, according to the 1807 French Commercial Code. The German Commercial Code also held this view, which was modified in the German Code, according to the reform introduced in the *BGB*, which meant the disappearance of a restriction to women's rights⁸⁴. All these reforms can be considered as Social Policy measures. It seems curious that in France, where a woman, Marie Curie-Skłodowska, had been the first one to receive a Nobel Prize in 1903, in collaboration with her husband, Pierre Curie, and, then, in 1911, on her own, during the Vichy government, a Law, dated 11th October 1940, prohibited «the hiring of married women in administrative jobs or State services, departments, municipalities, public institutions, colonies, protectorate countries or [France's] mandated territories, general or local railway networks, and subsidized sea or air navigation.»⁸⁵ This law, incomprehensible from so many points of view, was abolished by another legislative provision, dated 12th September 1942.

On the other hand, a significant dimension of Social Policy is children and women's work. Children's work is regarded as an intolerable form of human exploitation by the Catholic Church's social doctrine, according to Leo XIII and John Paul II's writings, even though it has also admitted that certain part-time jobs performed by children can help increase the family budget and cover basic needs. Nevertheless, generally speaking, the Church's social doctrine has reported the fact that certain forms of child labour exploitation⁸⁶, which can be considered as a real type of slavery, still exist today, and this is not something that happened during the second half of the XIXth century and the years prior to 1939.

Luis Olariaga Pujana's (1885-1976) PhD thesis, who had studied in Germany with Adolf Wagner and Franz Oppenheimer, was submitted in 1916 in the Faculty of Law of the Central University in Madrid, and was entitled *En torno al problema agrario* but was not very long (it only had 77 pages). However, it included interesting ideas from the German social doctrine applied to the world of agriculture. Olariaga was the first Social Policy professor in Spain. His approach is completely different from other PhD thesis models such as Mariano Ruiz-Funes García's thesis (1889-1953), which was devoted to Common Law in Murcia's farmland, and was submitted in 1912 in the Faculty of Law of the Central University in Madrid, which is a type of memory that follows the model of thesis dedicated to Common Law and Popular Economy that were very fashionable then.

Rafael Campalans, a Catalan Socialist politician and a businessman, was the author of two books, one devoted to Socialism and Catalonia, which was published in 1923, and another one on the meaning of Politics when considered as Pedagogy,

⁸⁴ Raymond Saleilles, "La condition juridique de la femme dans le nouveau Code civil allemand", p. 12.

⁸⁵ Évelyne Pisier and Sara Brimo, *Le droit des femmes*, p. 115.

⁸⁶ «Kinderarbeid, in zijn onduldbare vormen, is een soort van geweld die minder zichtbaar is dan andere, maar die daarom niet afschuwelijk is [...] Zelfs in het bewustzijn dat, tenminste op dit moment, de bijdrage van de kinderarbeid tot het gezinsinkomen en de nationale economie in verschillende landen anontbeerlijk is, en dat hoe dan ook bepaalde vormen van deeltijdse arbeid voordelig voor de kinderen zelf kan zijn, veroordeelt de sociale leer van de kerk de toename van "de uitbuiting van kinderen op de arbeidsmarkt gepaard met toestanden van onmiskkenbare slavernij" (Johannes Paulus II, 1998). Deze uitbuiting is een ernstige schending van de menselijke waardigheid waarvan elk individu, "hoe klein of hoe ogenschijnlijk onbelangrijk hij vanuit utilitair perspectief ook mag zijn (Johannes Paulus II, 20 september 1990), de drager is» (Pauluselijke Raad voor Rechtvaardigheid en Vrede, *Compendium van de Sociale Leer van de kerk*, Libreria Editrice Vaticana, Brussel, 2008, pp.177-178, No. 296).

from 1933, which were positively valued in Catalonia at the time but have not had any doctrinal impact in the field of Socialist doctrines or Social Policies.

His criteria when considering Socialism were as follows: «If Socialism were a closed and final system, I would not be a Socialist. I understand Socialism as a, clearly improvable, method to achieve the consolidation of individual emancipation.»⁸⁷

Pere Font i Puig (1888-1959) is one of the most curious Catalan intellectuals with a very broad training and production, in which it must also be specified some contributions in the field of Social Policy, on the occasion of his PhD thesis on Ludwik Gumplowicz (1838-1909). Pere Font i Puig focused on the French version of a book by the Polish legal scholar and sociologist Gumplowicz, who was professor at the Austrian University of Graz. Font i Puig's thesis was entitled *Estudios de las cuestiones principales de la "Sociologie et Politique" de Gumplowicz*, and was submitted in the Faculty of Law of the Central University in Madrid, on 20th June 1913. *Sociologie et Politique* is a translation from the German original version by Gumplowicz, which was published in Paris in 1898, by V. Giard and E. Brière publishing house, and has a preface by René Worms. Other books by this Polish author were also translated into French language⁸⁸.

The now deceased Civil Law professor, Amadeo de Fuenmayor Champín (1915-2005), reflected on many topics throughout his life. On the occasion of his competitive examination to become a professor in 1942, he wrote a dissertation, *Memoria sobre el Concepto, Método y Fuentes del Derecho civil español, común y foral*, which remains unpublished, where he addressed such significant issues as Social Law and its contents, conceiving it in its different varieties and concepts, and reviewing Huig de Groot, George Gurvitch, Nettelbladt, Ickstadt, Hoffbauer, Pierre-Joseph Proudhon (an author whose ideas he regarded as "sloppy"), Ahrens, Maurice Hauriou, Santi Romano and many others⁸⁹.

⁸⁷ Rafael Campalans i Puig, *Política vol dir Pedagogia*, Biblioteca d'Estudis Socials, Barcelone, 1923, p. 33.

⁸⁸ Ludwik Gumplowicz, *Aperçus sociologiques*, French translation by Léon Didier, Lyon-Paris, 1900, 244 pp.; *Précis de sociologie*, translated by Charles Baye, Paris, 1896; *La lutte de races: recherches sociologiques*, translated by Charles Baye, Paris, 1893, 381 pp.

⁸⁹ In 1942, Amadeo de Fuenmayor pointed out what follows, which is particularly relevant for being unpublished: «In our opinion, this third category, Social Law, is of great importance, which is aimed at building a bridge between Public and Private Law, in these last few years of compromise solutions, and reconciling such antithetical trends as individualism and collectivism./ However, this new category presents no fixity character thus making it difficult to describe it accurately, mainly because of the ambiguity of the term 'social' which is given to it. On the other hand, the absolute novelty of the doctrine cannot be affirmed, since its background can be identified without much effort in authors from centuries ago, who, even though they did not raise this issue – as could be expected – in the same terms as modern scholars do, they based their constructs on a pluralism which is worth to be taken into account. Because of Gurvitch, a 'Natural Social Law' school has been mentioned, which was headed by Huig de Groot and Leibnitz, and counted among its ranks with distinguished representatives from the XVIIth and XVIIIth centuries. Groot, in his efforts to secularize Law free from Theology, tried to find new concepts to replace fundamental ones in scholasticism. Thus, he spoke about 'societas' (also 'communitas' or 'universitas') instead of 'corpus mysticum', as a 'whole' ground composed exclusively of human beings, in order to defend, by ending medieval monism, a pluralism which is a combination of individualism and universalism, and which recognises a 'ius naturale sive sociale' within each social group's actual empirical 'whole'./ These ideas are picked up by Leibnitz, who rejected the Roman classification of Public and Private Law, and substituted it for that of 'ius proprietatis' and 'ius societatis' or 'ius sociale', subordinating the former to the latter; 'ius proprietatis est infimus juris gradus' [we would like to point out that Fuenmayor used the term *proprietatis*, all the time, instead *proprietas*, which is how 'property' is said in Latin; we have taken the liberty to correct these mistakes in this professor and academician's Latin]./ Following earlier doctrines, Wolf,

Nettelbladt, Ickstadt and Davies evolved the notion of a 'Natural Social Law', and Koehler, Höpfner y Hoffbauer, albeit with an eclectic approach, also mentioned it./ Physiocrats, although based on different grounds – against mercantilists' individualism –, also recognized the existence of a Natural Social Law, as an independent Economic Law, as an International Law above the States, as an autonomous Law emanating from regional groups./ Proudhon's Economic Law, which was strongly influenced by the Physiocrats, the French revolutionaries and the Socialists Saint-Simon and Fourier's ideas, marked a new stage; but his doctrine was not systematic and was only interesting as a background of Duguit and Hauriou's formulations./ Krause clearly used the term Social Law (*Gesellschaftsrecht*), who conceived it as emanating from every 'social organisation', every 'association', without exception, to govern its inner life and directly involve it as a whole in legal relationships, without fully separating it from its members./ Using Puchta and Savigny's notions, which were left either incomplete or timidly developed, especially the notion of Popular Law (*Völkerecht*), Germanists spoke of Social Law with a changing meaning./ Thus, Beseler turned to the idea of statutory compliance, recognizing the autonomy of organized associations' Law as opposed to State Law: "The statutes are the laws that exist in partnerships (*Genossenschaften*) autonomously. The setting up of each *Genossenschaft* should be interpreted according to its own statutes and under the 'Observanz' (the association's particular custom)." In the same vein, Maurer, trying to reconcile Fichte and Krause's systems with the Historical School's conclusions, put Social Law on an equal footing with Statutory Law, since he opposed the "mechanical centralization of legal life effected by the monopoly of Law"./ Bähr also talks about Social Law, but with a different meaning, for, in order to justify the Rule of Law he considered it as a very broad category that includes Public Law./ By applying Krause's doctrine, Ahrens complained about the assimilation of State and Society, and defended Social Law, as emanating from every organized social group; Social Law, which, in his opinion, is a proof of "the usual division of Law into Public and Private, made by Roman Law, is not fundamental", because Private Law may contain important areas of Social Law, and "Public Law, in the broadest sense, includes not only State Public Law but also all communities or social institutions' Law." Another German author, more of an economist than a legal consultant, in the same vein as Ahrens, opposed 'Social Law' (*Soziales Recht*) to State Law (*Regales Recht*) but maintained the distinction between Public and Private Law./ Mohl declared himself against the dichotomy between Public Law and Private Law, and introduced a third term called Social Law (*Gesellschaftsrecht*), which was not dependent upon the State's will and emanated from an organized society which was independent from the State./ Stahl dialectically defined Social Law as State Law aimed at combating social inequality, and, in that sense, it is made up by Public Law and Private Law rules./ Gierke's doctrine is singularly relevant since he opposed Individual Law to Corporate Law, which emanated from legal entities with a collective will, as a result of being real entities; but he considered – and this is important – that the distinction between Social and Individual Law, and between Public and Private Law did not coincide at all. Public and Private Law classification is purely formal; it does not depend on the internal structure of Law, but solely on the State's will, according to which, and at its discretion, certain areas of Law are risen to the level of Public Law and others are relegated to the status of Private Law. And while Public Law is the purest expression of Social Law, Private Law is made up of partly Individual and partly Social Law./ It is worth mentioning the contrast between Gierke's system and Bourgeois's solidarist doctrine, who, by means of the idea of a quasi-contract, attacks and dissolves the Public Law-Private Law antithesis. In his view, Public Law is reduced to a series of pure Private Law relationships.» (Amadeo de Fuenmayor, *Memoria sobre el Concepto, Método y Fuentes del Derecho civil español, común y foral*, Madrid, June 1942, unpublished manuscript, pp. 127-137). Then, Fuenmayor reviews Social Law definitions prior to 1942, with Maurice Hauriou, among others, and Santi Romano and Hans Kelsen. Amadeo de Fuenmayor concludes: «Democratic style Social Law represents a desperate formula to reconcile individualism with collectivism, by creating the concept of social solidarity, which limits Individual Law for social interest reasons. Some results of it are those doctrines on the abuse of Law, certain types of contracts, etc./ Pluralism professed by fascists, without realizing it, bases its construct on the same idea of democracy, which is barely renovated with organic attempts; as for social interest, as the sum or average of individual interests, it is changed to the concept of social interest as a complex of category interests, represented by aggregates of economic utility, which are corporately designed. And this leads to the drawing up of collective labour contracts, standard contracts and cartel contracts.» (Fuenmayor, *Memoria*, pp. 142-143). On Maurice Hauriou see a paper recently published by Jean-Louis Clément, "La théorie juridique de Maurice Hauriou: l'adhésion de la démocratie chrétienne 1919-1930", in *La République et son droit (1870-1930)*, cit., pp. 147-163.

Luxury has a *raison d'être* and it is not a useless profession for those who work in this production sector, but a complementary profession to agricultural, industrial and commercial labour; it is not a consumption of useless objects, and a consequence of the fact that if «labour is absolutely necessary for humanity's moral life, and labour should be provided to everyone», this will logically entail that luxury professionals are entitled to it and their work must exist⁹⁰. The implication is clear: «an object is not a luxury in itself; it is or it is not, depending on the social status of whoever uses it.»⁹¹ Nevertheless, luxury can lead to ruin⁹².

NGO International Cooperation is a Social Policy partnership model, which was declared of public usefulness on 8th January 1999, whose headquarters are in Madrid and which has been awarded significant distinctions in the world of Social Solidarity. It has been promoting among young people «a culture of solidarity, integration and a desire to excel» for twelve years. It has implemented projects in developed countries but also in other countries with very low income and a low Gross Domestic Product such as the Ivory Coast, Haiti, Paraguay, Nicaragua, Ecuador, El Salvador, Guatemala, Peru and Uganda. As regards Development Cooperation, it has worked with the Ecuadorian immigrant population in the Valencian community, with the aid received from Conservative Valencia Government. It has also fostered the development of the productive fabric in the province of Bolivar, specifically with the financial support of the progressive government then ruling in Aragon. Moreover, it has promoted fostered social and educational activities in Suchitepéquez and Solola in Guatemala; Cooperación Internacional has a food safety programme in Tacaba (El Salvador). They have supported and funded a School of Public Management to train civil servants in Peru and Ecuador. In Paraguay, they have promoted a values training program in school settings. There are other examples of their work in the field of international cooperation, but we think it is also significant Cooperación Internacional's task in the field of so-called corporate social responsibility, with the support of the Labour Relations Chair at IESE Business School, and the financial sponsorship of companies such as Iberdrola, Repsol and the Fundación Antena 3.

Many examples of private initiatives in the sphere of Social Policy can be given, but we are going to focus our attention in one non-Spanish example, which is paradigmatic of its kind, the Association for Cultural, Technical and Educational Cooperation, better known as ACTEC. In 1982, a Catalan journalist, Andrés Garrigó, who was forced into exile to Belgium, in the late sixties of the XXth century, after having had several clashes with Franco's censorship, with kidnappings, closings and fines to the publication *Gaceta Universitaria*, of which he was editor-in-chief, he had the idea of promoting development cooperation as an initiative from the heart of Europe aimed at Third World countries. He knew how to surround himself with a series of influential professionals and, after explaining what the project was about, ACTEC was set up. In the beginning, it was run by the lawyer, Benoît de Montpellier; the university professor, Jacques De Cuyper; the architect, Jan Frateur; an entrepreneur, Baron Bracht; a doctor, Antoine de Brabant; and, several other professionals from various sectors of the world of economy and finance in Brussels, which had a sense of subsidiarity, that is, to ensure social welfare in poor countries with financial aid from First World countries, through funds coordinated by private associations which were supported by individuals and state and municipal institutions, and even the European Community, later called European Union. The

⁹⁰ Camille Rambaud, *Économie sociale et politique on science de la vie*, pp. 306-311.

⁹¹ Camille Rambaud, *Économie sociale et politique on science de la vie*, p. 311.

⁹² Camille Rambaud, *Économie sociale et politique on science de la vie*, pp. 311-318.

idea of a social and solidarity entrepreneurship, which proposed effective action with the help of public authorities to achieve its ends, comes in line with the Church's social doctrine in the sense that civil society, by means of structures or intermediate bodies, may contribute to the common welfare and cooperation with developing countries in a collaborative and complementary relationship with the market and the State⁹³. We believe that some of ACTEC's ideological premises, which are embedded within Christian social thought, are not far from some recent statements which can be read in an extremely significant pastoral letter: «the Second Vatican Council recommends the lay faithful to hold in the highest regard “the virtues relating to social customs, namely, honesty, justice, sincerity, kindness, and courage, without which no true Christian life can exist.” (Second Vatican Council, Decree *Apostolicam Actuositatem*, 4). A solid personality is built on the family, the school, the workplace, friendships, and the various situations of human existence. One needs, besides, to learn to conduct oneself nobly and uprightly. In this way, character is improved as a basis for strengthening the faith in the face of internal and external difficulties [...]. Currently it has become more necessary to rediscover the value and necessity of human virtues, since some regard them as opposed to freedom, spontaneity, and to what they wrongly think is “authentic” in man. They forget, perhaps, that those habitual perfections of intellect and will make it easy to act well and honestly, and make living together in society just, peaceful and pleasant.»⁹⁴ Social Policy cannot be understood without peace or charity or justice, and these expressions of international cooperation in the social sphere such as ACTEC and Cooperación Internacional, among several others, can be seen, as realities of solidarity which «are contributing towards establishing justice and peace on earth and bringing to tens of thousands of people “the strong and soothing balm of love” (*Christ is Passing By*, No. 183).»⁹⁵.

The result is that in 1984, according to ACTEC's own data, 90 people benefited from aid, and, in 1992, the number had increased to 24,060 beneficiaries, and, in 2010, it reached 115,327. An important moment for ACTEC was when the Spanish Daniel Turiel, who had studied Economics in a special school in Brussels, started working for this association, where reached the top position as managing director of the staff and chief executive officer of the Board. In 2011, the chairman of the Board of directors is Guy Caeymaex, and Turiel himself, Bernard Michelet, Julien Nagore and Ms. Véronique de Béthune are also part of the Council. One of its most amazing features as compared to other similar organizations' is the limited staff that runs everything, which is composed of seven persons: Daniel Turiel; Michel Garcia, who is director of projects; Roman Poniatowski and Julien Gerard, who are project managers; the friendly agronomist, Laetitia Gilot, who is in charge of awareness, which is so important in non-governmental organizations; and, Cecile Bourgeois, who is responsible for secretarial services and everything related to the education sector. The result of all this activity between 1982 and 2010 is that 903,877 people have benefited from ACTEC's solidarity action in various countries.

⁹³ «De burgerlijke maatschappij, georganiseerd in haar intermediaire groepen, kan bijdragen tot de realisatie van het algemeen welzijn door zichzelf in een relatie van samenwekking en effectieve complementariteit te plaatsen ten opzichte van de staat en van de markt» (Pauselijke Raad voor Rechtvaardigheid en Vrede, *Compendium van de Sociale leer van de Kerk*, Brussels, 2008, p. 211, No. 356).

⁹⁴ Bishop Javier Echevarría, *Pastoral letter*, 2nd October 2011, No. 6. Original version in Spanish. The translation into English is not ours. In No. 34 he insists on the convenience of a profound knowledge and the application of «bioethics, justice and charity in labour relations.»

⁹⁵ Bishop Javier Echevarría, *Pastoral letter*, 2nd October 2011, No. 34 *ad finem*. The translation into English is not ours.

In a country as poor as devastated by the horrific 12th January 2010 earthquake as Haiti, ACTEC has supported schooling programmes, from which nearly four thousand children have benefited. Furthermore, five grants were awarded to technical schools in Port-au-Prince, Les Cayes and Dory. In Guatemala and El Salvador aid has been substantial. Due to the particular historical relationship between the Democratic Republic of the Congo and Belgium, ACTEC has launched several projects, channeling financial support for Monkole Hospital Centre, in Kinshasa, as well as sent medicines and medical equipment. Monkole has also been recipient of numerous grants from the Spanish Government, thanks to José Luis Rodríguez Zapatero's social policies. In the Democratic Republic of the Congo itself, ACTEC has provided financial help to the Center for Support and Health Training whose aim is training doctors, nurses and other health professionals in that country.

Continuing with the Democratic Republic of the Congo, and referring now not to what has been accomplished but to what needs to be done, ACTEC has a three-year programme that will cover the current year and the upcoming 2012 and 2013, to try and develop training in medical research of both laboratory techniques and new technologies in the Salama Technical Institute, located in the south of the Democratic Republic of the Congo, in the province of Katanga, in the city of Lubumbashi, near the border with Zambia. This institution is run by the Congregation of the Salesian Fathers. Its technical equipment and computers, in particular, are completely outdated. ACTEC's first objective will be to modernize them. They are also in need of a replacement of the instruments used in the printing and all the mechanical section in this Institute of Technology. There will also be volunteers from the Don Bosco Institute, in Brussels, for the training of technical studies lecturers.

ACTEC has paid particular attention to the Higher Institute of Nursing Science (ISSI, Institut Supérieur in Science Infirmières), although it will not continue its aid to ISSI in its three-year programme, from 2011 to 2013, since ISSI has diversified its scope to develop other activities. However, ACTEC has spent years providing scholarships for nursing students who lack financial resources. ISSI provides medical personnel to institutions such as Monkole Hospital Centre. ISSI is located in the city of Mont Ngafula, in Kinshasa.

ACTEC also collaborates with Saint Michel School of Medicine, which is located in the province of Ruyigi, in Burundi. ACTEC's involvement includes technical assistance, training in family planning, infant feeding, hygiene and AIDS prevention. Alongside this, ACTEC has participated in the construction of a 1,939 m² building, and the implementation of a four-year secondary technical training programme in Health Sciences and Nursing Techniques.

Within French-speaking countries, ACTEC helped to create the Association Cameroun Entreprises Développement, in Cameroon, in 2001, which is aimed at the training of small entrepreneurs, who are taught marketing techniques, management, sales, trade, development, and so on. This programme has been implemented in cities such as Yaoundé, Donala, Mbalmayo and Ebolowa. ACTEC spent 415,320 euros in this initiative, in the period 2008-2010.

In the 2011 to 2013 three-year period, ACTEC will continue with the projects being carried out so far in Burundi and Cameroon, as well as its initiatives in Haiti. Even though the information provided is incomplete, we have consciously referred to the French-speaking African world and excluded other activities in the Spanish-speaking and Portuguese-speaking countries, such as Guatemala, El Salvador, Colombia, Peru, Venezuela and Brazil (in the latter country ACTEC has contributed financially to the "Alleança de Misericórdia", whose headquarters are in São Paulo). ACTEC

practices genuine solidarity in order to defend the dignity of both the person and the family, taking into account that, according to what Th. Villard wrote in 1896, solidarity allows for «an invisible bond among all members of the great human family. It manifests itself from man to man, from people to people; solidarity should help ensure that wars and dissensions among men are less frequent» and «if the ideas of solidarity are not increasingly developed, civilization will disappear and humanity will be doomed to struggle and destruction.»⁹⁶ If we imitated Émile Zola, we could say that *maintenant, en plein ciel de la République Démocratique du Congo, le soleil d'ACTEC rayonnait dans sa gloire, échauffant la terre de l'Afrique francophone qui enfantait.*

Recibido el 25 de septiembre de 2011, corregido del 27 de septiembre al 15 de octubre de 2011 y aceptado el 1 de noviembre de 2011.

⁹⁶ Th. Villard, *Premières notions d'Économie sociale*, p. 8, Nos. 20 y 21.