

RESEARCH ARTICLE

Social debt and the quasi-contract: the solidarism of Léon Bourgeois as a form of liberal solidarity

Virgile Chassagnon¹, Benjamin Chapas² and Naciba Haned³ 

¹Grenoble Alpes University, Grenoble, France, ²ESDES Business School, Lyon, France and ³ESSCA School of Management, Angers, France

Corresponding author: Virgile Chassagnon; Email: virgile.chassagnon@univ-grenoble-alpes.fr

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Abstract

This paper studies the ‘liberal solidarity’ of Léon Bourgeois through two fundamental and interlinked ‘liberal solidarist principles’: (i) social debt and (ii) the quasi-contract. No real work has been proposed in economics in English in the context of Bourgeois’s work. It is this shortfall that we wish to fill in this article by restoring a little-known ancient thought and proposing an initial contribution to investigating future avenues of research in institutional economics. The solidarism of the Third French Republic allows us to rethink social democratic liberalism from an open and ongoing view of institutions as the driving force behind both individual rights and the collective order. Bourgeois solidarism is an interesting doctrine for rethinking from a moral perspective the role of human duty in economics and, more largely, in society.

Keywords: Léon Bourgeois; liberal solidarity; social debt; solidarism; quasi-contract

Introduction

Our societies have experienced a succession of major economic, social, environmental, health, and security disorders. A manifestation of these upheavals is the now regular use of the word solidarity in political discourse. By this observation, we are in fact rejoining the introductory remarks of Léon Bourgeois in his 1896 essay *Solidarité*, a short book of great influence (see Hayward, 1959; Scott, 1951).

Bourgeois (1851–1925), a French intellectual with a Ph.D. in law and a politician of great influence during the Third Republic, contributed greatly through his diplomatic activity to the birth of the League of Nations (Bourgeois, 1910; Bourgeois, 1919; Bourgeois, 1923), which he chaired beginning in 1919. As an ardent defender of human fraternity and, therefore, of both peace and solidarity, he became a Nobel Peace Prize laureate in 1920. He attempted to theorise solidarity by devoting a social doctrine to it that was intended to develop the central principle of the triptych of the revolution – the fraternity – in the republic.¹ Bourgeois was neither an academic nor a scientist; he was not a professional academic intellectual. As president of both French parliamentary chambers (the *Sénat* and the *Assemblée Nationale*), Bourgeois was a political intellectual in action whose ideas have direct societal and economic ramifications, seeking to make republican solidarity the political-ideological basis of a non-laissez-faire market economy, which extends a desire of solidarity expressed by several French socialist

¹However, under the Second Empire in France (from 1851 to 1870), several philosophical thoughts of the republic were also interested in both fraternity and solidarity (Hazareesingh, 2001).

theorists at the turn of the 1830s and 1840s (Dolino-Brodiez, 2022) and very early on by thinkers of the Second Regime (see Hazareesingh, 2001).

The republican solidarism developed by Léon Bourgeois at the end of the 19th century is rooted in both political and philosophical traditions – drawing on the ideals of the Second Republic and nourished by currents of French social liberalism. Politically, Bourgeois takes up certain ideas from the social republicans of 1848 – such as Louis Blanc, Pierre Leroux, or Edgar Quinet – who sought to supplement civil and political rights with concrete social guarantees in areas such as labour, education, and solidarity. Philosophically, his thinking is grounded in a moral tradition that extends from Rousseau to Kant but also in the social positivism of Auguste Comte, whose vision of an organic link between individuals and society, as well as his emphasis on duties toward the social whole, strongly influenced solidarist thought. Like Léon Duguit, in his critique of subjective law, Bourgeois adheres to the idea of a substitution of duties for rights in the thought of Auguste Comte (Cingolani, 1992).

This influence is evident in the central role of duty, intergenerational solidarity, and social order in Bourgeois's work. However, Bourgeois also draws on neo-Kantian philosophers such as Charles Renouvier, who reaffirmed moral freedom within a republican framework, and Alfred Fouillée, whose theory of 'idéas-force' connected social progress with individual responsibility. By weaving together these influences – the political legacy of 1848, Comtean positivism, and spiritualist moral philosophy – Bourgeois crafted an original doctrine: that of the individual as a debtor of a 'social debt' owed to the collective, to be repaid through republican policies of solidarity.

As a social doctrine, solidarism draws on the biological analogy to provide what Bourgeois calls a 'scientific proof' of the solidarity argument; as a fact, solidarity is natural, but as a duty, it is by nature social. Overall, Bourgeois considers that solidarism is built on the synthesis of 'the scientific method and the moral idea' (ibid.: 16). In reality, Bourgeois's scientific approach needs to be put into perspective. What matters to the economist is his strong and situated intuitions about a solidarism compatible with and protective against excess market economies that marked the regime of the Third Republic in France and gave institutions a major role in the search for solidarity between people. To our knowledge, no real work has been proposed in economics in English in the context of Bourgeois's work. It is this shortfall that we wish to fill in this article by restoring a little-known ancient thought and by proposing an initial contribution to investigating future avenues of research (from both a historical perspective and an analytical perspective) for thinking about liberal solidarity in institutional economics, an economic science that is open to political and moral philosophies useful for preserving the collective order (see Hodgson, 2013).

Solidarism, namely, the social doctrine of radicalism in France, is an interesting perspective for conceptualising in the political economy a new view of capitalism that, like the democratic order, requires institutions to survive. It is thus interesting to shed light on the particular principles of solidarism in the economic institutional analysis of democracy and public reason. This is notably a necessary academic initiative to contribute to the modern debate on the state of Western democracies from a 'liberal solidarity' perspective, as Geoff Hodgson does in his 2021 book *Liberal Solidarity: The political economy of social democratic liberalism*. In this book, Hodgson reminds us that the core ideas of liberal solidarity are not new and argues that there are similarities with the solidarism of the French politician and doctrinarian Léon Bourgeois. We agree with this concept and propose in this paper that the philosophy of the French Third Republic also offered milestones for thinking about a form of liberal solidarity. Although Hodgson makes this observation in his book, he does not develop the main principles of this school of thought. For Hodgson, eight points characterise liberal solidarity.² In this

²These points are (1) liberal solidarity views liberty as freedom from arbitrary power, with opportunities for personal development; (2) liberal solidarity promotes equality of opportunity; (3) liberal solidarity defends human rights and dignity; (4) liberal solidarity sees private property and markets as necessary but not sufficient for democracy and freedom; (5) liberal solidarity appeals to moral sentiments, a sense of duty and collective cooperation as well as self-interest; (6) liberal solidarity understands that the State plays a vital role in society and economic development; (7) liberal solidarity defends representative democracy; and (8) liberal solidarity is committed to international cooperation.

article, we strive, more precisely, to focus our attention on the contribution of solidarism in the conceptualisation of the fifth major principle, namely, the fact that 'liberal solidarity appeals to moral sentiments, a sense of duty and collective cooperation as well as self-interest' (Hodgson, 2021: 4–5), even if certain aspects of our argument may concern, at least indirectly, others of these principles. These intellectual concerns about solidarity are useful in the normative analysis of institutions; thus, institutional economics must question the principles of our 'modern social contract' to build the foundations of a more reasonable (to return to the original institutionalism of John Commons) and more representative (to return to John Dewey) capitalism. From this perspective, the 'liberal solidarity' of Léon Bourgeois should be studied through two fundamental and interlinked 'liberal solidarist principles': (i) social debt and (ii) the (societal) quasi-contract.

To this end, the section 'From solidarity to social debt' presents the Bourgeois principle of solidarity in relation to biological evolution to shed light on the mutual social debt resulting from human associations. Section Law and the institutions of capitalism: the interest of the principle of the quasi-contract explains that in market economies, this association of persons must go through a special quasi-contract (of association) that is found in positive law. The section 'Liberal solidarity, fraternity, and economics' extends the argument to the role of solidarism in the analysis of what could be modern liberal solidarity.

From solidarity to social debt

The French President of the Republic Emile Loubet made solidarity a major aspect of the 1900 Universal Exhibition with the following phrase: 'I have the pleasure to announce to you that all governments pay tribute to this higher law' in reference to solidarity (see Hayward, 1961). The term solidarity – from the Latin *solidum*, meaning the compact whole – was first developed theoretically in the 1840s by Charles Fourier and Constantin Pecqueur. However, it experienced true political consecration after the publication of Bourgeois' work (1896), in which it was presented as the universal bond that dominated other community attachments. Bourgeois' project drew on the work of the economist Charles Gide (1890) but, more largely, on a multiplicity of sources,³ and his clearly stated aim was to elaborate an overall theory of the rights and duties of people in society, thereby forming the basis of political legislation that would answer the social question and ensure the survival of a republican regime that was threatened from all sides. Between the refusal of liberalism and the will to counter the ideological domination of socialism, this doctrine (see Blais, 2014) took the name solidarism and experienced a rapid infatuation that went far beyond the radical circle to which Bourgeois belonged until the solidarism doctrine finally became the 'official philosophy of the Third Republic' (Bouglé, 1907).

Solidarity and the political economy

Bourgeois gives solidarism its formulation and its societal impact, whereas Leroux claims paternity (Le Bras-Chopard, 1992). Indeed, Leroux wrote, 'I first used the term solidarity to introduce it into philosophy, that is, according to me, into the religion of the future. I wanted to replace the charity of Christianity with human solidarity' (Leroux, 1859: 254). More precisely, Bourgeois proposed a novel idea of solidarity, which is visible in each human association. Bourgeois' solidarity is more than a philosophical utopia, and Bourgeois considers that what he called the political and social economy (an economic science interested in social and political issues) must be understood by the means through which it can transform its ideas into practices that serve the general interest. Bourgeois (1896: 47)

³These included the writings of Alfred Fouillée and Henri Marion as well as the republican socialism of Pierre Leroux, the work of the Kantian Charles Renouvier, the positivism of Auguste Comte, and the sociology of Emile Durkheim. According to Bourgeois, this diversity of approach was the best way to reconcile the fact and the ideal (see below).

called this ‘the consciousness that marks the goal and pushes us there’. Bourgeois further argues that the evolution of the market economy requires finding a lasting political solution to ensure social cohesion. In this spirit, solidarity asserts itself as a principle of the political and moral philosophy necessary for the development of market economies.

It is, of course, perfectly permissible to question the viability and theoretical coherence of Bourgeois’ solidarism and, notably, to debate the practical mechanisms for implementing this solidarity (particularly in relation to the calculation of social debt)⁴ and the limits of collective responsibility, thus contributing to the emergence of a rich and complex debate on social justice and the respective roles of the state and individuals in society. Therefore, although Durkheim (1893) quickly noted the challenge of moving from theory to practice with respect to solidarity, Pareto (1902) criticised solidarism for its idealistic approach, arguing that societies are marked by natural inequalities that cannot be regulated without leading to possible economic inefficiencies – a criticism later taken up by Aron (1967), who argued that solidarity forced by the state risks the development of social tensions and excessive bureaucratisation.

Moreover, although Bourgeois’s ideas were well received and even enthusiastically embraced by moderate republicans and progressives as an approach to social justice and solidarity, they also provoked much criticism that reflected the social and political tensions and dynamics of his time, marked by rapid change and complex socioeconomic challenges (Blais, 2007, 2014). Notably, liberals saw Bourgeois’s proposals as a threat to individual liberties and excessive state intervention in economic and social affairs, which, under the guise of social solidarity, inevitably led to forms of collectivism that undermined individual initiative and economic prosperity. Therefore, they criticised Bourgeois solidarism as a disguised form of collectivism that could lead to stifling bureaucracy and a restriction of private initiative. Conservatives were also sceptical of, and even opposed to, solidarism, fearing that the emphasis on social solidarity would threaten the traditional social order and establish hierarchies. In their view, Bourgeois’s egalitarian and revolutionary proposals risked overturning the very foundations of society.

Paradoxically, the socialists were also critical of solidarism, but for reasons opposed to those of the liberals and conservatives. Although they shared certain social justice objectives with Bourgeois, Jean Jaurès and other socialists found solidarism too reformist and criticised its timidity in the face of the structural changes necessary to achieve genuine economic and social equality (Jaurès, 1902). Without going so far as to regard solidarism as a Bourgeois approach that did not attack the roots of capitalist exploitation, according to a Marxian-based critique for which only a socialist revolution could resolve fundamental inequalities, solidarism did not sufficiently challenge the capitalist structures and property inequalities, which is why they advocated for more radical changes and a fairer redistribution of wealth.

In a type of ‘liberal socialist’ synthesis, solidarism therefore remains inscribed in a capitalist economic regime but defines a political, social, and legal programme that aims to counter the negative aspects of free competition. This affirms that the unconditional right of individuals to freedom is not lacking a counterpart and that the democratic world cannot move toward a society of mutual aid without all individuals being penetrated by the feeling of their social duty, ‘of which for a long time we seemed to be no more conscious than of the pressure of the air which envelops us’ (Buisson, 1896: 59). This social duty is the counterpart of the ‘fact of association’, from which a new conception of responsibility follows: ‘To the very individual conception of the absolute responsibility of the person, the facts of solidarity that we have observed substitute a more complex idea (. . .) We have toward each other a duty of mutual responsibility since, no more in the moral field than in that of physical things, we cannot isolate ourselves absolutely’ (Bourgeois, 1902: 39).

⁴Célestin Bouglé (2009 [1904]) notes, ‘Nothing is (. . .) more difficult than to disentangle, in this perpetual exchange of influences that constitutes life, what each person brings and what he receives, to determine his debt and his debt. In truth, it is impossible to draw up an individual balance sheet’ (p. 27).

The biological reference

Associations create a set of rights and duties among humans (Bourgeois and Métin, 1901), and the necessity for social cooperation calls on people to respect these rights and duties. In the nineteenth century, the theory of epigenesis⁵ established the principle that, in the natural order, there is always a passage from a lower to a higher degree of solidarity that results in the appearance of self-conscious solidarity. Bourgeois felt that it was necessary to add a corresponding declaration of duties to the declaration of rights born during the revolution. In an age in which the positive sciences were considered the highest of philosophies, the arguments developed in his approach to the phenomenon of solidarity are thus rooted in the biological domain. The evolutionary reference is clear (although controversial and questionable, see *infra*) and allows the foundation of an organicist philosophy of solidarity that, in its general formulation, is based on the deduction of the normative consequences of the law of general reciprocal dependence,⁶ which is formulated by biology, i.e., the passage from natural solidarity – the fact – to social solidarity (Bourgeois, 1914) – the norm – refers to nothing more than a degree of evolution.

The way in which Bourgeois derives an ‘ought’ from an ‘is’, that is, a norm from a fact to embody the duty of solidarity, is not scientifically rigorous. It lacks the development to contravene David Hume’s famous ‘is–ought’ fallacy, as a reasoning fallacy coming from descriptive premises to normative or prescriptive conclusions (see also Raymond Boudon’s argument according to which no reasoning in the indicative can generate a conclusion in the imperative, Boudon, 2008). This point deserves further development with respect to the indications given by Bourgeois himself, as in matters of education, to further understand the evolutionary foundations of this relatively naïve natural solidarity state of Bourgeois. Indeed, for Bourgeois, the ‘scientific observation’ is coupled with a moral prescription in the sense that the objective is to defend a concept of society within which everything is organised in such a way as to ‘replace the natural fact of iniquity with the social fact of justice’ (Bourgeois, 1902: 13). In his work, Bourgeois does not truly depart from the natural fact that solidarity constitutes the duty of solidarity. He starts from this belief in natural solidarity to propose a normative principle (a vision that Raymond Boudon does not consider contrary to Hume’s law). Similarly, what Bourgeois calls ‘the natural fact of inequity’ would merit more theoretical development to understand why the principle of solidarity stumbles on the pitfall of producing equity and social justice.

By superimposing ‘on the state of fact the state of law, on the savage battle of unleashed instincts the search for a common rule that is tutelary and advantageous to all’ (Buisson, 1908: 213), the term solidarity takes on its full weight at the point of reconciliation of science and morality.⁷ This means that for solidarism, the natural order of solidarity is certainly cooperative in nature, but it carries injustices within itself. This is why the position of Bourgeois consists of explaining that social nature imposes not market self-regulation but political regulation by the State to move toward reasonable values in society (see, later, Commons, 1934; see *infra*).

Bourgeois sees in the law of the general evolution of societies the source of social and political norms, which would be modelled on what he calls the general law of reciprocal dependence, which is supposed to call into question the foundations of economic liberalism (Béland, 1998). In so doing, he wanted to mix into the political discourse a type of scientific reality that was very popular at a time rocked by the repeated progress of science, without truly providing the elements of proof. To do this, he used his political posture more than proof and demonstration. This is why Bourgeois’ work is not a

⁵In contrast with the theory of preformation, which states that an organism develops from pre-existing structures, the theory of epigenesis defends the idea of a successive appearance of morphologically new parts throughout this development.

⁶Bourgeois (1896: 55) explains that ‘reciprocal dependency relationships between the parts of beings living things also exist between beings themselves, and between the whole of these beings and the environment where they are placed. The laws of the species – laws of heredity, adaptation, selection, laws of integration and disintegration – are only the various aspects of the same general law of reciprocal dependence, that is to say, solidarity, elements of universal life’.

⁷Natural social laws are not that manifestation, to a greater degree, high physical, biological laws, and psychic according to which they develop living and thinking beings’ for Bourgeois (1896: 27).

scientific work but rather a societal work that today should be developed by scientists, particularly those in the social sciences and institutional political economy. This vision constitutes an intuitive part of an evolutionary perspective of social cooperation while being based on a distantly ancient biological approach that does not correspond to more contemporary approaches (this argument is developed in Hawkins, 1997).

Solidarist doctrine seeks to reconcile the factual and the ideal by calling for the retention of only those conditions of natural association among humans that will create conditions that conform to the moral idea. In other words, these are the conditions that people would have adopted together if they had been free beforehand – and equally free to discuss among themselves, with equal morality, the conditions of their agreements. This is why education itself had to be social and had to have the ambition of raising people to the notion of social duty and creating in them a state of mind in which they would understand that every social act, that is, every act of mutuality and solidarity, is an act of greater morality (Bourgeois, 1897, 1902).

For Bourgeois, economic and social phenomena obey ineluctable causal laws ascertainable through scientific inquiry (see Hawkins, 1997). However, solidarism considers the evolution of man to be a continuing evolution such that the struggle for existence coexists with solidarity as another biological law. This also means that individuals are linked to their predecessors in economic processes and to their contemporaries through the social division of labour. From this perspective, as Hawkins (*ibid.*: 180) explains, ‘mutual reciprocity did not contradict, but complemented, the struggle for existence. The latter was undoubtedly essential to evolutionary progress, but if left unchecked, it would lead to harmful consequences for the social body as well as for the individual. The components of the social organism had to be organized, as did the multiple cells comprising each organism’.

For Hawkins (1997), if solidarism is, in its organic structure, compatible with social Darwinism, the theory of Bourgeois ‘should be seen as critiques of Social Darwinism which perceived nature as a model for social relations but drawn upon alternative theories of nature and evolution’ (*ibid.*: 181). Solidarism is based on ‘the authority of Darwin’ but leads to the formation of a natural selection that is weak (Hawkins, 1997). On this point, we do not agree, as the intuitive perspective of Bourgeois is not opposed to the position of generalised Darwinism. The argument of Hawkins is not the position of Bourgeois, who, without truly citing the processes of natural selection *à la* Darwin, shows that the complementarity of biological laws makes it possible to understand the fact that the fitness of the group supersedes that of the individual (for discussions on the modern theory of group selection, see Brette and Chassagnon, 2021; Hodgson and Knudsen, 2010).

Principle of social debt

The core idea of solidarism is that ‘social debt’ becomes fully meaningful only once we move beyond the ordinary notion of debt as a bilateral relationship between individuals. It is reconceived as a debt to society as a whole – that is, to the material, social, cultural, and symbolic heritage transmitted to each person at birth and to the institutions that safeguard individual freedoms. These institutions, in turn, ground a duty of redistribution and transmission of this heritage to future generations. This principle of reciprocity – unbounded by space or time – forms the linchpin of the entire solidarist architecture. Is this idea entirely unprecedented? Perhaps not. However, it certainly reverses the classic social-contracting perspective inherited from liberalism. The point is not anti-liberal; rather, it shifts the focus: the individual is not first and foremost a creditor of rights but a debtor toward a society from which they immediately receive material, cultural, and institutional resources. Thus, Bourgeois writes, ‘Every man, upon entering the world, partakes in the enjoyment of a social capital, the work of preceding generations. From the moment of his birth, he becomes a debtor to society’ (1896: 46).

Social rights are therefore not merely juridical guarantees; they are embedded in an ethics of reciprocity and a social morality grounded in the empirical analysis of human interdependence. Because those interdependencies are neither natural nor fixed and are constantly being reshaped, the social debt can never be fully ‘paid off’. Its normative force lies precisely here: it does not aim at a closed,

accounting-style settlement but at keeping alive an ethical imaginary of mutual dependence and social justice. From this vantage point, faulting the concept of social debt for being impossible to ‘operationalize’ misses the mark. It is the very task of politics and institutions to give concrete form to this regulative idea – through compulsory solidarity mechanisms (taxation, redistribution, social insurance) and voluntary cooperative arrangements (mutual-aid societies, associations, cooperatives). Bourgeois explains that it is the normative interpretation, underpinned by the idea of a social debt, that gives substance to political reflection and the roles of institutions in the search for a ‘political-institutional design’ capable of bringing about social justice. Social debt is hence fruitful for institutional economics because it invites us to view institutions as embodiments of a political economy of solidarity. Historically, this vision has taken shape in the context of progressive income tax, compulsory social insurance schemes (old age, sickness, workplace accidents), public health and hygiene policies, and support for mutualist and cooperative movements and popular education in solidarity. In practice, solidarism thus prefigures both the modern welfare state and the foundations of the modern social economy (Chassagnon, 2022a).

As Bourgeois (1902) explains in *L’idée de solidarité et ses conséquences sociales, deuxième conférence de l’Essai d’une philosophie de la solidarité*, solidarist theory does not intend only to extend natural solidarity in the social, moral, and legal domains, as certain passages from solidarity could still suggest. Rather, faced with his critics, Bourgeois places emphasis here, more than before, on this point: it is a question of straightening out or correcting the natural solidarity that generates, left to itself, the worst as well as the best. As a theory of justice, solidarism aims to ensure that the situation of the privileged is corrected for the benefit of those who are wronged, which raises the crucial question of how to determine what everyone owes to society. Bourgeois’ response is that we are unable to make an exact calculation; therefore, it will be necessary to carry out generalised pooling, following the insurance technique, to socialise social risks. Another question concerns how we will organise the payment of the debt without falling back into the failure of collectivism. Bourgeois does not address the question of how social debt could be measured and provides little detail on the precise methods of operationalisation in the social sciences. However, beyond the comparison with insurance, the question of taxation seems central. To return to the current French political–economic debate, some taxes should be strengthened, as should the establishment of a special solidarity tax on high net worth individuals (the famous Zucman tax defended in 2025 in France by many economists, including the foreign Nobel Prize laureates in economics such as Stiglitz, Krugman or Acemoglu).

Indeed, Bourgeois considers that ‘obedience to social duty is only the acceptance of a burden in exchange for a benefit. It is the recognition of a debt’ (Bourgeois, 1896: 102), for the payment of which associates are called upon to set up a more equitable distribution of profits and social charges. Thus, the objective is to create persons in solidarity through the mutualisation of the advantages and risks that natural solidarity provides to each person. In other words, ‘it is the equitable evaluation of the services exchanged, that is, the equitable distribution of profits and expenses, of social assets and liabilities, which is the legitimate object of the social law’ (Bourgeois, 1896: 138).

In the elaboration of a ‘narrow and dry’ theory of justice in which the egoism of individuals – ‘this poisoned root [from which] come out poisoned fruits, sordid passions, indolent or violent, varying and combining to infinity, according to the circumstances and the characters’ (Mazel, 1882: 14) – competes with the ambition for a successful material life, solidarism substitutes a theory of social justice that can triumph over the intransigence of economic liberalism and that offers an arsenal of justifications for acting against the height of certain privileges and the depth of numerous undeserved miseries. It is presented as a doctrine based on the notion that social justice can exist among people only if they understand what they owe each other and behave as partners united by the bond of reciprocal justice. For solidarists, society always precedes the individual – ‘this is a fact of natural order prior to their consent, superior to their will’ (Bourgeois, 1896: 136–137) – and as such, humans owe part of what they are, as individuals, to the human association itself.

Indeed, the individual can develop only through collective, intellectual, or material resources that are placed at his or her disposal by society and that constitute a social, cultural, and economic heritage

accumulated by preceding generations, as it is up to him or her to transmit and improve. ‘The principle of solidarist morality is that each sociable living being, by the very fact that he is born and develops his individual life within a society, truly benefits from all the previous social efforts and must, rationally, contribute to the common good’ (Fouillée, 1905: 300). In this respect, solidarists do not emphasise the socialisation of goods but rather the socialisation of people, with each individual agreeing to pay the price of what he or she owes to his or her fellow humans. It is in this spirit that they (solidarists) developed the notion of social debt, which, in addition to evoking the feeling that one is obliged to give back what one has received, makes it possible to insist on the fact that an individual living in a society on which he or she depends is at all times indebted to that society – which Auguste Comte had already noticed. This is the basis of the individual’s duties and the burden of his or her freedom for Bourgeois to remind us that the obligation of each person to repay his or her debt to society cannot be optional; it is the counterpart of the benefits that are derived from it.

In other words, social debt is a logical and necessary consequence of the social fact, which implies for all individuals the right to an education, a base of the basic goods needed for existence, and insurance against the main risks of life. All these rights cannot exist without solidarity being exercised vertically, among generations, and horizontally, among contemporaries. There is, indeed, a debt that comes from our ancestors and is therefore immense (from language to tools, thoughts, institutions, arts, and religion, there is nothing that we do not owe them). This is the debt of which Alfred Fouillée proposed an evocative example in a famous quotation: ‘The one who invented the plow is still plowing, invisible, beside the plowman’ (Fouillée, 1884: 21). However, there is also horizontal debt that is linked to the fact that, in addition to being an heir, every human is also an associate who benefits from the actions of his or her fellow humans and from the fruits of the social division of labour (see Durkheim’s thesis on organic solidarity).

Law and the institutions of capitalism: the interest of the principle of the quasi-contract

For Bourgeois, the struggle for existence is necessary for understanding human evolution, in contrast to Jean Jacques Rousseau and his peaceful state of nature. In this solidarist view, as Hawkins (1997: 180) explains, ‘as mankind developed intelligence and morality, the idea of voluntary association gradually became paramount’. The logic of solidarists is entirely contained in this equation, which starts from the notion of social debt, thus reappropriating political contractualism to show that freedom and solidarity are part of one and the same anthropological reality and contribute together to the genesis of a democracy that is no less social than liberal. It is social insofar as it contributes to the development of an economy that, through the intersecting action of public authorities and the associative and cooperative fabric, intends to respond to the social question. However, it is also liberal because the objective is not to put freedom on trial but to encourage the emergence of a city of autonomous conscience. The concept of social debt has nonetheless been bitterly debated because of the practical questions of the distribution of the burdens associated with its repayment and the difficulty of wanting to base law and positive obligations on solidarity. This is why, as the author of a thesis on civil law dealing with juridical acts inherited from Roman law, Bourgeois borrowed from the French Civil Code a very old notion little known to his contemporaries to succeed in the tour de force aimed at reconciling the fact and the norm and making the repayment of the debt obligatory: the notion of the quasi-contract (Bourgeois, 1896). Bourgeois uses a concept from French civil law⁸ in a particular way by making it not a positive category *stricto sensu* but a normative technical category.

⁸In France, Ordinance No. 2016-131 of February 10, 2016 introduced again Article 1300 into the Civil Code, defining quasi-contracts as ‘purely voluntary acts which result in an obligation for the person who benefits from them without having a right to them, and sometimes an obligation for their author towards another’.

Quasi-contracts: a clarification

The concept of the quasi-contract is the product of an essential analogy between private law and public law and serves as a reminder that certain obligations are formed ‘either on the part of the person who obliges himself, or on the part of the person who has undertaken to do so’ [art. 1370–1371 of the French Civil Code]. Thus, the notion of a quasi-contract differs from that of a classical contract in that it grounds obligations not in any explicit agreement between parties but rather in a presumption of will. In the context of Bourgeois solidarism, this presumption does not reflect formal consent but rather an implicit acceptance of the benefits provided by society: ‘It is not an explicit contract; it is a quasi-contract, arising from a tacit – but necessary – agreement between the individual and the social group from which he benefits and to which he belongs’ (Bourgeois, 1896: 51). It is clear that the idea of a quasi-contract is not, however, a category of positive law with hard principles of implementation and enforcement. Moreover, Bourgeois does not say much about the notable differences in this area between classic contracts of positive law and the quasi-contract because, for him, the interest of the quasi-contract lies elsewhere. It is precisely the absence of this formal framework that gives the concept its interest in a goal of normative adherence based not on obligation but on republican will.

As soon as an individual draws advantage from the social order – education, security, public infrastructure, and so on – they are presumed to recognise its value and, in return, to bear responsibility for its preservation. This logic, which echoes certain Rawlsian intuitions regarding reciprocity and justice as fairness, serves to objectify the structure of mutual dependence among members of society. On this basis, it provides a justification for implementing solidarity-based policies within a framework of progressive social reform that seeks to reconcile individual liberty with collective responsibility.

The quasi-contract thus constitutes a flexible legal form located at the crossroads of civil law and political philosophy. In legal terms, it refers to obligations that arise independently of any prior agreement – as in the obligation for an heir to settle the debts of an estate they accept. This juridical model allows Bourgeois to articulate, in accessible legal language, a conception of collective moral obligations that transcends the voluntarism and subjectivism typical of the (Locke’s) classical social contract.⁹ The quasi-contract does not rest on the kind of *a priori* universality found in Kantian moral philosophy; rather, it acknowledges an empirical universality grounded in the factual interdependence of social life. It is therefore an inductive form of universalism, based not on abstract moral reasoning but on the concrete conditions of human coexistence.

Its flexibility is both its strength, in that it allows solidarity mechanisms to be adapted to historical and social realities, and its weakness, as it requires interpretive choices and political arbitration. This is precisely where the role of politics lies: as the mediating instance between the general principle of social debt and the concrete modalities of its implementation, it is the task of political authority to translate this moral imperative into context-sensitive institutions and policies. The quasi-contract thus offers a conceptual framework that is both operational and adaptable, enabling a form of republican solidarism deeply rooted in lived reality.

A quasi-contract is, in fact, a situation that gives rise, outside any prior contract, to legal obligations sanctioned by law. Importantly, this quasi-contract, which has never been formulated, consists of placing partners in a position of equivalence. Bourgeois explained it as a kind of contract that would respect the fair will of the partners if they were each capable of putting him- or herself in the other’s place. In other words, it is a retroactively agreed-upon contract, i.e., in cases where humans are brought into relation without having been able to discuss the conditions of the arrangement between them beforehand, the law that is to correct these conditions must be an interpretation of ‘the agreement that

⁹Bourgeois’s objective does not align with Locke’s, and his approach is, in our opinion, quite different. From a normative perspective, Bourgeois does not propose a theory of the social contract or analyse the foundations of the State’s political authority. Bourgeois’s solidarism is based not on English contractualism – in fact, Bourgeois does not refer to Locke – but on French positivist republican thought (see above) to study, outside the formal contract, the reciprocal obligations arising from the social interdependence of individuals. Bourgeois is driven by a regulatory impulse within a perspective of obligations and social justice that is not based on the principles of individual consent in Locke’s social contract.

could have been established beforehand between them if they had been able to be equally and freely consulted' (Bourgeois, 1896: 132–133).¹⁰

The obligation incumbent on each dependent to discharge his or her debt to others thus acquires an operative, effective character that allows the moral imperative to be transmuted into a legally sanctioned imperative, and it is incumbent upon apparatuses and institutions to ensure that this imperative is properly respected. Bourgeois considered, therefore, that the quasi-contract is perfectly applicable to his doctrine of social debt, an obligation of conscience now inserted into the law, and a law that obliges individuals, as co-associates, to mutualise their claims and debts. Whatever the inequalities of condition, the quasi-contract postulates an 'equality of value' among all individuals. Now, in a world where we have moved from the regime of status to that of contract (Maine, 1861), this recourse to the quasi-contract allows for reconciling the autonomy of individuals with a juridical obligation of solidarity that results for each of them from a state of debtor to all. This reconciliation is indispensable if individuals are to behave as partners united by the bonds of reciprocal justice. Moreover, its egalitarian implications are immediate, as what determines the associations is the hope of a certain equivalence in the social situation of each one and the hope of seeing the disappearance of the inequalities artificially added to the inequalities of nature (Bourgeois, 1901).

This notion of a quasi-contract, which refers to situations where an obligation is imposed on individuals who benefit from resources or services provided by the community without their formal agreement, is in line with George Klosko's argument that individuals who benefit from essential public services must contribute in return a logic of reciprocity (Klosko, 1987).¹¹ Klosko argues that essential public services create reciprocity obligations by virtue of presumptive benefits, i.e., benefits that citizens receive from the state even if they have not explicitly requested them. For example, if a person benefits from public work financed by the State, he or she may be obliged to contribute to these efforts even if he or she has not requested these services, as the mere fact of enjoying public benefits may be interpreted as implicit consent to respect political obligations. It is even possible to consider Klosko's theory as a specific application of the more general principles of distributive justice and social solidarity embodied in the solidarist notion of the quasi-contract, with the aim being that members of society share benefits and burdens to avoid undue individual enrichment and maintain a fair and equitable system.¹²

The legal dimension of solidarism is thereby established through the dissolution of the boundaries between public and private law: 'from the perspective of the quasi-contract, public law is in fact determined by notions inherent in private law, notably those of obligation and contract. More broadly, public law must govern interindividual relations and then extend concentrically to the association, which is assimilated to a collective contract, without ever leaving the moral orbit of obligation. In this way, Bourgeois sketches universalist and egalitarian elements by applying the filter of the quasi-contract' (Tixier, 2016: 10). Solidarism thus maps a path between contractualist logic, which tends to favour the execution of contractual obligations, and civilist logic, which aims to remedy social prejudices, generating, by extension, the idea of a state-association servant of free individualities.¹³ For solidarists, the state is only ever 'the guarantor of all rights and the agent of truly general interests'

¹⁰On this point also, further developments are necessary to provide a clear vision, in the different jurisdictions, of the role of this quasi-contract in the creation of an obligation of collective solidarity. Clearly, this involves considering the complementarity of public and private norms associated with the contract. This is also a major point in the analysis of the foundations of institutional economics. Several works have already proposed some avenues in this area (see, for example, Chassagnon and Haned, 2019; Goldberg, 1976; Hodgson, 2009).

¹¹For another argument based on a minimal state point of view, see Nozick (1974).

¹²Klosko's thesis has been criticised by Alan Carter (2001), who distinguishes between 'involuntary' and 'voluntary' benefits. Carter argues that involuntary benefits (those that individuals receive without having asked for them) cannot create an obligation of reciprocity, as individuals have not chosen to receive them. Carter thus questions the idea that taking advantage of public benefits can be construed as implicit consent to political obligation, explicit and conscious consent being, in his view, necessary to found legitimate political obligations.

¹³Bourgeois saw in the hybrid nature of quasi-contracts the foundations of a heuristic principle allowing to rethink distributive justice among the social actors of the republic.

(Fouillée, 1884: 37). In other words, it is a type of board of directors, manager of the social debt and executor of the quasi-contract, in which it finds an adjunct enabling it to confer legal force on the word 'duty' by transforming it into a debt, leaving the possibility of foreseeing in its doctrine the establishment of a possible legal sanction. Thus, it is not the state but 'the field of the contracts which widens, increases and is crowned of the most important of them, the quasi-social contract' (Sauzède, 1904: 36).

The interest of the quasi-contract for modern institutional economics

We believe that the institutional political economy must be based on the principles of human association, which means that the individual exists not in isolation but through his or her relations of reciprocal dependence with others. The question of moral feelings should thus be associated with the nature of the democratic order and its associational and collective values. The 'I' can be understood only in the context of the 'we' in broader institutional environments. Surely, this is a major issue for institutional economics because such ideas clearly require the questioning of the foundation of social justice and human emancipation in modern market economies (Hodgson, 2013: 202; Chassagnon and Dubrion, 2020). However, when we consider the past and, more particularly, since the beginning of the 20th century, the rise of individualism and distrust in Western democracies has distanced us from this logic of solidarity in favour of often-unregulated economic liberalism but also of galloping populism. While societal cohesion questions are strongly linked with economic concerns, the principles of liberal solidarity cannot free themselves from this connection, as Hodgson reminds us in the conclusion of his 2021 book. It is precisely because of this point that we insist on showing the richness of the solidarity of the French Third Republic.

By means of the quasi-contract, solidarism seeks to make morally obsolete any collectivist sentiment and even the development of any form of identification with the sovereign power. Through the human association principle, the model of social justice that it promotes is rather similar to mutualising risks and advantages for human life. 'In the presence of the obvious impossibility of fixing exactly, in the association which is born of the quasi social contract, the value of the personal effort of each one, the value of the effort of some and the claims of others . . .', a way for Bourgeois 'to solve the difficulty is to mutualize these risks and benefits, which means admitting in advance that without knowing who will bear the risk and who will benefit from the benefit, the risks will be borne in common and access to the various social benefits will be open to all' (Bourgeois, 1902: 81). This notion of the quasi-contract is interesting for considering the role of institutions in empowering modern market economies in search of lasting ecological transitions. Therefore, the ecological imperative would be appreciated – with reason, in our opinion – for this purpose, which means that behind each person is a debt toward future generations to the extent of services rendered by past generations. The solidarist doctrine could then be extended to ecological issues (Audier, 2020) through the rearticulation of the natural common to the political and social common in the horizon of a democratic and solidarist republic. Indeed, the social debt argument is also relevant to current issues surrounding sustainable development. For Bourgeois, the institutions of democratic republics must protect the principles of human association to preserve the conditions for the emancipation of future generations. He writes, 'The common capital of human association is a trust entrusted to living men, but this trust is not the trust of an immobile and dead thing, which must be preserved in the state in which it was delivered. It is a living organization in a process of perpetual evolution, and whose evolution cannot continue without the continuous constant effort of all' (Bourgeois, 1896: 139).¹⁴

¹⁴By linking the economic question and the political question through the role of democratic institutions and the perpetuation of human association, solidarism allows, through the concept of social debt, the proposal of an original analytical structure of ecological issues that can be developed on new methodological bases (as, for example, in evolutionary game theory or experimental economics).

The quasi-contract, this major concept of solidarism, undoubtedly plays a major role in institutional economics. Indeed, the role of institutions consists of making contracts enforceable (Masten, 2022; Williamson, 1985), but they must also complete and regulate them in a formal and informal manner. Thus, we understand that in economics, ‘not everything in a contract is contractual’ in the minds of the French sociologist Emile Durkheim (1893: 189). Indeed, Durkheim (1887 [1975]) opposed Spencer’s contractual vision, according to which (Spencer, 1876 [1898]), via strong liberal individualism, the contract made it possible to choose the relationships in which economic agents engage by ensuring, in itself, a sort of pacification of interests and interpersonal relationships favourable to the development of market economies. Formal contractual arrangements between individuals become self-sufficient in economic and social regulation, and the role of the state is then reduced to nothing.

It is understood that this solidarist vision of the quasi-contract does not fit into this Spencerian logic of the contract but rather into a Durkheimian perspective that serves the recognition of liberal solidarity at the societal level. Indeed, unlike a vision of the ‘free contract’ à la Spencer (see Durkheim, 1893), Durkheim distinguishes within the contract what can be called the strictly contractual and the noncontractual. The strictly contractual approach is what, in the contract, relates to the wills of free individuals. The noncontractual is what, in the contract, imposes itself on individual wills, i.e., it is the social regulation of the contract (Plouviez, 2012). In our opinion, this vision of Bourgeois of the quasi-contract is in a spirit close to that of Durkheim and provides insight into the nature of the contract in institutional economics while also urging us to continue reflecting on the theories of relational contracts (see Adelstein, 2010; Chassagnon, 2022b; Gibbons, 2022).

Bourgeois goes beyond the classic vision of the contract resulting from natural law. For him, individuals, from the moment they participate in social life, commit to accepting a set of services – aiming to perpetuate what he calls the humane association – that are the subject of the quasi-contract. Certainly, Bourgeois does not define this concept precisely, but he establishes it as a principle of freedom and individual responsibility. He writes, ‘It is not about defining rights that the society could have on the men, but the rights and duties reciprocal as the fact of the association created between men, the only beings real, the only possible subjects of a right and a duty (Bourgeois, 1896: 90)’. From a perspective close to what will be a few years after Durkheim’s book on the division of social labour (1893), Bourgeois considers that ‘it is a question of men, united partners, recognizing the extent of the debt that each one contracts toward all through the exchange of services, through the increase in personal profits, activity, life resulting for everyone from the state of society; this charge once measured, recognized as natural and legitimate, man remains truly free, free of all his freedom, since he remains invested with all his rights’ (Bourgeois, 1896: 102–103).

Liberal solidarity, fraternity, and economics

Modern history is the scene of a conflict between ‘liberalism’ and ‘socialism’, which has given rise to numerous attempts to reconcile them in the way originally opened by Mill, who aimed to overcome the limits of classic liberalism judged incapable of resolving the social question. Social liberalism designates economic liberalism with social sensitivity that aims to surpass the limits of classical liberalism and authoritarian socialism. We could then discuss solidarism as a third way, which would make it possible to regulate capitalism collectively according to an ideal of social justice and of its driving force, liberal solidarity. The hypothesis we make is that perhaps we have not worked on it enough, or at least that we have not taken the right angle to understand what the very idea of solidarity implies in the context of modern liberal societies. The political order requires both state intervention and the organisation of solidarity capable of facilitating social cooperation in society (see Béland, 1998).¹⁵

¹⁵Béland (1998: 150–151) writes, ‘Wanting to times rethinking the social bond and the role of the State, Léon Bourgeois and his travelling companions (Alfred Fouillée, Charles Gide, Célestin Bouglé) find in the notion of solidarity a ‘solution’ for the ills which France suffers: social anomie and destitution of the proletarians. Rejecting liberal individualism and socialist collectivism back-to-back, solidarists think of a republican order in which the State and the civil society become less abstract

Freedom, cooperation & solidarity

Historical experience has constantly denied the egalitarian aspiration on which modernity is built. Since the beginning of the postrevolutionary era, the prospect of achieving equality has indeed come up against the development of economic inequalities as well as the suffering and misery of workers in factories. While the figure of the citizen was consecrated, the people were thus paradoxically both politically sovereign and economically miserable. By proposing a theory of justice that could repair the injustices to which factual solidarity contributes, solidarism presents itself as a pragmatic approach to social life that progresses via the will to inscribe in social law the equality of value between individuals. Under the democratic regime that makes humans free and equal in terms of rights, its reform aim is oriented toward the defense of a true republic that grants each individual the possibility of blossoming according to his or her merit.

For this reason, solidarists have never questioned the legitimacy of individual property or the capitalist system as a whole. Rather, the opposite is true, i.e., ‘The development of individual property, not its suppression, is my goal, and my social ideal is one in which everyone would have arrived at individual property in the measure of justice’ (Bourgeois, 1902: 34). For solidarists, individual property is even the surest guarantee of freedom when it is presented as an extension of the human personality to the things that are conquered by its work and that are necessary for its independence. However, because it has a social component, it calls for active intervention by the community to prevent it from remaining the privilege of a few (Fouillée, 1884). The objective is to guarantee real freedoms to all members of society and not only to a privileged minority, which implies forms of public interventionism capable of correcting and restricting a laissez-faire attitude (the question of individual freedom was already a major issue of the French republican socialists of the XIXe century; see Riot-Sarcey, 2016).

From this point of view, social justice depends as much on the action of public authorities as on the spontaneity and goodwill of the associative and cooperative fabric in intense collaboration in the common work of achieving solidarity (Ribet, 1904). We can even say that ‘mutualism and cooperativism are two expressions of associationism that participate in a great solidarity movement’ (Audier, 2010: 40) under the aegis of a state whose nature and functions have been rethought. Bourgeois readily claimed associationism, in which he saw the most effective means of carrying out his policy of social welfare, private initiative and free-will institutions, which were, in his eyes, the only ones capable of grasping the needs of the moment and covering all fields of the collective protection of citizens. From this perspective, freedom is considered an opportunity for individuals to realise their full potential and thus must pay special attention to the main conditions of social organisation (see Hawkins, 1997).

From hygiene to unemployment, through questions about housing, work accidents, health insurance, pensions, and even the care of the elderly and the infirm, the socioeconomic applications of solidarism inspired the model of the welfare state by seeking to complete the revolution through the promotion of a ‘solidary liberty’ (Izoulet, 1895).¹⁶ In other words, this was a freedom subject to the demands of fraternity that the revolution had placed on the pediment of its temple but that could not be guaranteed without finally modifying the order of the three terms of the French republican motto. In Bourgeois’ solidarism, solidarity indeed precedes any social organisation and constitutes, as such, the objective *raison d’être* of fraternity with which all reflection on equality, justice, and finally liberal liberty should begin (Bourgeois, 1902).

entities, in which social cooperation neutralises the harmful effects of economic competition. By becoming social, the Republic will be able to strengthen its legitimacy and realise the dream of the entire 19th century: finishing the Revolution’.

¹⁶This pseudo-oxymoron is proposed by Izoulet to account for this aspect of his thought: ‘Against Economism and pure Individualism, Biology defends solidarity. Against levelling and despotic Socialism, Biology defends freedom, selection, and hierarchy. Indeed, solidarity and freedom, these two forces which seem mutually exclusive, are, on the contrary, involved in the works of nature’. (Izoulet, 1895: 676).

Bourgeois concedes that solidarity and fraternity are often confused and considered identical. It is difficult to define precisely what lies behind the last word of the French republican doctrine: fraternity (for an analysis of fraternity in economics, see Bruni and Sugden, 2008). Bourgeois never defines it precisely, even though it seems to refer to the mutual moral obligation between men and women to preserve liberty and equality. Moreover, Bourgeois considers solidarity to be a deeper and broader notion than that of fraternity, which, according to him, remains ‘abstract and devoid of sanction’ (Bourgeois, 1896: 156). He clearly writes that solidarity replaces fraternity by proposing ‘a quasi-contractual obligation, having, as they say in law, a cause and which can, consequently, be subject to certain sanctions: that of man’s debt to men, the source and measure of the rigorous duty of social solidarity’ (Bourgeois, 1896: 156).

In addition, the solidarist quasi-contract enables freedom to assert itself not only as a right but also as a duty that is even intergenerational because the social debt is based on past generations and, borne by present generations, commits to future generations. Bourgeois (1896) wrote, ‘Freedom can only be exercised if man profits incessantly from the advantages offered by the social environment and incessantly takes his share of the utilities of all kinds provided by the capital of human society, increased by each generation. A natural obligation therefore exists for every man to contribute to the expenses of the association whose profits he shares and to contribute to the continuity of its development’ (Bourgeois, 1896: 152).¹⁷

We then understand that for Bourgeois, as in the history of societies, the history of species is based on the struggle for individual development in time, which ultimately constitutes the first condition of any progress. However, as Bourgeois reminds us, it is the laws of association and fraternity that accompany this struggle to place the collective order in an intertemporal dynamic. He claims, ‘If individual forces are left to their own devices, their energy, even reached its highest point of intensity, is not only powerless to produce social combinations of some importance and some duration: it is not enough to maintain the individual himself in a state of lasting prosperity, security, and even of existence. The association of individual actions, disciplined, either by force or by the time of regimes of authority, either by consent at the time of diet freedom, was alone able to establish and sustain groups of men’ (Bourgeois, 1896: 61–63).

Liberal solidarity: an agenda for institutional political economics

In his preface, Hodgson (2021: vii) explains that liberal solidarity is markedly different from extreme individualism and argues that ‘from pandemics to climate change, humanity must cooperate to deal with the urgent problems, as well as to defend representative democracy and our hard-won rights and freedoms’. From this perspective, it is important to note that the core principles of the French Revolution of 1789 were based on a clear, albeit pioneering, form of liberalism and were built in total opposition to the conservatism of the time and the monarchist will (in this sense, liberalism came from the ‘left’ and not from the ‘right’; see Hodgson, 2018; Rosenblatt, 2018) and to strong individualism (see Lukes, 1973). Thus, as Hodgson (2021: 2) noted, ‘some core ideas of liberal solidarity are not new’ and have strong similarities with the solidarism of Bourgeois.

In the intellectual line of the French Revolution of 1789, Bourgeois, a pioneer defender of international cooperation, saw freedom as equal opportunities for human development, rights, and dignity in modern societies. For him, *solidarité* had to be understood as a moral objective,¹⁸ both individual and collective, that serves a pragmatic state regulating private market relations that serve human interests but must also involve the participation of each person in a representative democratic

¹⁷Even though Bourgeois writes that ‘in the middle of the century, Bastiat and Proudhon clearly perceived and pointed out the phenomena of solidarity “that intersect” in all human associations’ (Bourgeois, 1896: 15), he never explains how his vision of profit differs from that of Proudhon, which seems relevant to solidarism in more than one way.

¹⁸For Hodgson (2021: 99), ‘morality is largely a matter of virtue or duty, of “doing the right thing,” irrespective of whether we like it or not’.

society. We clearly find here a main constitutive principle, according to Hodgson (2021), of liberal solidarity. Following this logic, the solidarism of Bourgeois is a liberal solidarity that must be renewed and rethought to address the new issues of modern market economies.

French solidarism proposes an old modern view of reform that explains why Bourgeois chose to be involved in the public and political life of the Third Republic. This constituted the real fixed point on the horizon on which the legitimacy of inequalities among individuals in modern societies would be decided. For this reason, the solidarist approach does not question the private institutional logics of capitalism that are necessary for human cooperation and emancipation. However, solidarism also considers that it is necessary to go further and understand that active intervention by the community and state is required to prevent a society from retaining the privilege of a few, which would harm modern democracies.

In this sense, solidarism constituted a view of liberal solidarity¹⁹ that wanted to finish the French Revolution by advocating solidary freedom and libertarian solidarity, that is, freedom subjected to the demands of the fraternity. We find a similar idea in the United Nations Universal Declaration of Human Rights of 1948, which affirmed in Article 29, 'Everyone has duties to the community in which alone the free and full development of his personality is possible'.

It is interesting to draw the outlines of a very specific liberalism that promotes collective cooperation, democracy and a mixed economy, a 'social democratic liberalism' in the 2021 view of Hodgson.²⁰ Additionally, and perhaps most importantly, it is necessary to recall the role of human education in a solidarist society. As Dewey (1935) later explored, Bourgeois clearly considered that there is a vital obligation to put education – in which he saw the first and last words in politics, using the words of Jules Michelet – and its human experience in the service of the intergenerational continuity of the development of the human condition. For him, with human education, human solidarity is a product of intelligence and will seize facts and spontaneous tendencies so that 'justice is'.

In certain ways, solidarism sought to reconcile the resistance of the liberal and socialist political streams by working to establish a more equitable distribution of profits and social responsibilities with the objective of guaranteeing real freedoms for all members of society. This implies that public interventionism can be used to correct the potential negative consequences of markets for society as a whole – including in environmental terms. Given this perspective, French solidarism is close to the idea of reasonable values (see Chassagnon and Dubrion, 2020) for the capitalism of Commons (1934) and to Dewey's (1935) idea of creative democracy. More precisely, this form of liberal solidarity perceives profit as a result of labour human associationism, which implies participatory capitalism and polycentric governance in institutions (Chassagnon, 2022b). For Bourgeois, it is notable that his salient but sometimes hasty judgements and his political and social intuitions reveal particular thinking about institutions that is evidenced in movement and in the service of social progress. Therefore, Bourgeois never performs an analysis of the institutions of the Third Republic without mixing it with the economic and social issues of the moment and without associating it with the moral imperative. Thus, he writes, 'the progress of public institutions or private is the result of the successive application to the

¹⁹For Hodgson (2021: 14), liberal solidarity rejects the 'agoraphobic view that markets are always deleterious and state intervention is always superior. It also discards the kratophobic (fearing government or the state) views of libertarians who always find fault with state intervention and overlook the limits of markets. Liberal solidarity is pluralist and pragmatic'.

²⁰Such a political philosophy must consider both the foundations of a state and those of a new industrial democracy that also engages, through reasonable regulation, private firms in the preservation of public purposes (see Chassagnon and Haned, 2019). Bourgeois (1896: 90–92) writes, 'When, for an industrial or commercial company, men associate their intelligence, their work and their capital, they do not create outside them a being superior to themselves – the industrial or commercial company – which may have against them, special rights; they establish simply between them under this company name, a set of links and agreements, reciprocal obligations to which they recognise this double character of actually being the best ways to achieve the goal, to achieve the object for which they came together, and to be, in law, combined in such way that none of the partners suffers or does not receive any damage special advantages, which each take their share of the costs fairly and from profits, profits and losses, and thus are found at the same time achieved natural conditions, necessary, the operation of a joint enterprise, and the conditions morals of a just association'.

developments of the moral idea . . . everything evolved around man, as the moral idea evolved in him, supreme function of his reason' (Bourgeois, 1896: 77).

Conclusion

The notion of solidarity emerged in France at the end of the 19th century as a normative principle aimed at creating legal, social, and economic obligations to strengthen the social cohesion of society. The ideas of solidarity should be renewed with respect to modern democratic issues and major questions of ecological transition, human emancipation, and social and economic inequalities. To analyse and renew the philosophical interest of the liberal solidarity of Bourgeois, the argument should insist on two fundamental and interlinked liberal solidarist principles: (i) the dual relationship between social debt and public action and (ii) the quasi-contract as the normative base of social debt. Accordingly, the solidarism of the French Third Republic constituted a political opportunity to rethink economic democracy in society and capitalism in the 21st century by re-examining public responsibilities against market individualism.

The opportunity would then be to relaunch the political project of a 'new' third way that, on the basis of a dialogue between republican thought and reformist thought, which have long kept their distance from each other, would make it possible to change the order of societal priorities and the purpose of politics while preserving public freedoms and aspirations for individual and collective emancipation (Audier, 2014; Steinmetz-Jenkins and Brookes, 2018). Indeed, the greening of programmes of governmentality seems likely to give a new and deeper meaning to the major categories of emancipatory politics born with modernity – freedom/responsibility, equality/social justice, fraternity/solidarity, and general interest/common good – while being the occasion of an update of the principles of social and economic democracy based on the moral conscience of the subject and not on the passive obedience or active disobedience of the citizen. We believe that these concerns should be central to the future of institutional economics.

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