

KU LEUVEN

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FACULTY OF ARTS
DEPARTMENT OF HISTORY

SUBSIDIARY SOCIAL PROVISION BEFORE THE WELFARE STATE

POLITICAL THEORY AND SOCIAL POLICY
IN NINETEENTH-CENTURY BELGIUM

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For Bavo
(1989 – 2011)

*Recht je schouders,
denk na
en doe wat je voelt dat je moet doen*

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LIST OF ABBREVIATIONS

AAM	Aartsbischoppelijk Archief Mechelen-Brussel (Archives of the Archbishopric of Mechelen)
ARA	Algemeen Rijksarchief (National State Archives)
AZKJ	Archief-Generalaat Zusters Kindsheid Jesu (General Archives of the Sisters of the Infant Jesus)
BAB	Bisschoppelijk Archief Brugge (Archives of the bishopric of Bruges)
BCUF	Bibliothèque Cantonal et Universitaire de Fribourg
FOD	Federale Overheidsdienst Justitie (Federal Public Service of Justice)
GBL	Generalaatsarchief Broeders van Liefde (General Archives Brothers of Charity)
GZLJM	Generalaatsarchief Zusters van Liefde voor Jezus en Maria (General Archives Sisters of Charity for Jesus and Maria)
KADOC	KADOC – KU Leuven, Documentation and Research Centre for Religion, Culture and Society
KUL	Universiteitsarchief Leuven (Archives KU Leuven)
OCMW	OCMW Ghent (Archives Commission of Civil Hospices Ghent)
RAG	Rijksarchief Gent (National State Archives in Ghent)
SAG	Stadsarchief Gent (City Archives Ghent)
UBG	Universiteitsbibliotheek Gent (Ghent University Library)

It was just one of the spring days the folk in Palestine knew so well. The sun was hardly up before they were getting themselves ready for the familiar tasks of the everyday. The shepherds were early astir leading the flocks to the green pastures around the ancient city. For the capital was ringed of easy access, where the wayfarer could climb without encountering precipitous or rough ground. There were quiet valleys down into which the shepherds made their gentle blissful way. The landscape had no forbidding harshness. Into remotely lying pastures the shepherds would go until the sun's heat became oppressive. Then they would take a siesta under the few surrounding trees, as is the way with shepherds day after day, year by year, century upon century. There are those who think that a shepherd's life is a listless one that enervates his power of thought and atrophies his intelligence. But the real truth is that it is a life which, under the rich benison of God's light, schools them in patience and deep reflection, whereby shepherds may attain to the utmost wisdom.

- Kamel Hussein, 1959*

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A little over four years ago, I pictured myself in the context of the adventure I was embarking upon. The picture of a lonely shepherd came up. Surrounded not by flocks but by heaps of old and dusty sources, I saw myself exploring the quiet valleys and remotely lying pastures of nineteenth-century history. I did not expect it to be a gentle blissful way throughout, but rather anticipated encountering some pretty rough ground. Sometimes the heat would become oppressive, making a siesta necessary, so I imagined, but I would watch out not to become listless. Ultimately, after months and even years of patience and deep reflection, I hoped to attain if not the utmost then at least a small measure of wisdom. Yet, as far as the metaphor between shepherds around the beginning of our calendar and twenty-first century PhD students goes, I soon found out that the utmost wisdom, if at all, was only to be attained by the invaluable and immeasurable help of countless of other shepherds. It is my pleasure to devote my last paragraphs of writing to their unmistakable part in bringing this adventure to a successful end.

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* Hussein (1959) *City of Wrong. A Friday in Jerusalem*, 7.

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Hendrik Moeys

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Profitons en conséquence des leçons de l'histoire, recherchons les origines de nos institutions, suivons les lois de leur développement; examinons si notre société leur est restée fidèle et n'est pas susceptible de certaines améliorations.

- Adolphe Prins, 1886*

We have freed ourselves of the mid-20th century assumption - never universal but certainly widespread - that the state is likely to be the best solution to any given problem. We now need to liberate ourselves from the opposite notion: that the state is - by definition and always - the worst available option.

- Tony Judt, 2010**

INTRODUCTION

BEYOND THE 'MIXED ECONOMY OF SOCIAL WELFARE' AND 'SUBSIDIZED LIBERTY'

In Belgium, we are fortunate enough to live in a 'welfare state'. There is much to say about the term, but it is more or less commonly accepted to mean that we live in a society where the government holds the public responsibility over a framework of social provision and regulation, offering its citizens a wide array of preventive and curative measures of social protection. The Belgian welfare state has this in common with other welfare states. However, the way in which this public responsibility and its framework of social provision and regulation are given shape and put into practice can vary widely. The Belgian welfare state is a particularly good example. Although Belgium typically figures in comparative welfare state research as one of the core OECD countries with a solid, conservative, conventional welfare state with high social spending, the Belgian welfare state is referred to, in Belgium, as a system of 'subsidized liberty',² in which private (voluntary, non-commercial) providers assume some of the core executive tasks in fields ranging from social security to education.³ Competing mutual aid associations are subsidized by the state for providing compulsory social insurances and adjacent services; trade unions administer unemployment insurance in a similar fashion (which is still known as the Ghent system, named after the Belgian city where it was conceived); and a publicly-subsidized private Catholic network still holds the majority of schools and students in both primary and secondary education.⁴

Every so often, these private non-commercial providers within the welfare state become subject to scrutiny. Their powerful say in the neo-corporatist decision-making structures is then contested; the 'enriching' administration of unemployment insurance by trade unions is questioned; Catholic hospitals are mired in controversy in cases where they refuse requests for euthanasia; or the secretary-general of the private Catholic school network is again pictured as the 'shadow minister of Education' holding his power over the real one. Such criticism

* Prins (1886) *La démocratie et le régime représentatif*, 27.

** Judt (2010) *Ill Fares the Land. Treatise on the Present Discontent*, 202.

² 'Subsidized liberty' was originally conveyed in French as *liberté subsidiée* and has also been translated as 'subsidized freedom' by other authors. See for instance Companje et al (2009) *Two Centuries of Solidarity: Social Health Insurance in Germany, Belgium and the Netherlands 1770-2008*, 86.

³ Membership of the OECD (Organisation for Economic Co-operation and Development) is widely used in the world of comparative welfare state research to distinguish between the industrialized countries with more or less conventional welfare states and the non-industrialized countries with unconventional welfare policies. Belgium was considered a 'conservative' welfare state in the ground-breaking work and typology of Gøsta Esping-Andersen (1990) *The Three Worlds of Welfare Capitalism*.

⁴ *Vlaams onderwijs in cijfers 2014-2015* *Vlaanderen.be*, last accessed 31 July 2016 (<http://www.vlaanderen.be/nl/publicaties/detail/vlaams-onderwijs-in-cijfers-2014-2015>).

is then parried by other politicians, typically by saying something about how the delegation of social services to such and such private voluntary providers is more cost-efficient than if done by the state. The discussions in themselves are interesting and one may even say healthy and necessary once in a while, if only because it reveals the characteristic discourse with which the private voluntary providers' place in the welfare state is defended. What is almost never clarified, however, is not only *how* such actors have grown into the powerful stakeholders and semi-public services they have become but also *why* it is that these private actors were ever given such an important place in the framework of public administration. That is where the historian comes in.

Historians of social policy, including myself, see or should see the long-term development of the welfare state as an essentially historical construct. With regard to the incorporation of private voluntary providers in the welfare state, historians not only look to the set of social policies the term has come to include (or exclude, for that matter) but also, and more specifically, the changing mix of actors the execution of social provision has involved and the ways in which policy options throughout time have been justified and underpinned by strategic considerations and ideological motivations. The latter point is a particularly important one. For welfare states are never established by some sort of 'invisible' hand and are rarely the result of neutral, uncontroversial policy. On the contrary, they are the result of a complex process of political conflict and are hence underpinned by an amalgam of justifications, shaped by political or social actors who are driven by ideological reasoning. Thus, as a result of the agency of political actors in the construction of government policy in general and of social policy in particular, the historical and gradual construction of welfare states is always built to some measure on ideological foundations.

This book is about the origins of the Belgian welfare state; more specifically, about both the *policy* origins and the *ideological* origins of the Belgian welfare state. The historical origins of the Belgian modern welfare state are often traced back to the introduction in the late nineteenth and early twentieth century of social insurances in national legislation. However, this legislation only confirmed a system that had been developing for a long time and does not in itself say much about *how* and *why* they had developed in this or that direction. This study will therefore dig a little deeper and will be a story about political theory and social policy in the long nineteenth century, a century that connects the pre-revolutionary Ancien Régime and its predominantly local arrangements of social policy to the national establishment of a range of social insurances. It will make clear that, if Belgium with its system of 'subsidized liberty' today serves as a conventional conservative welfare regime characterized by non-state provision in the form of powerful voluntary, private providers, this can be traced back largely to nineteenth-century political theory and social policy.

From 'welfare state research' to 'new social welfare history': about the history and historiography of welfare states

After the Second World War, throughout Western Europe, political parties of various ideological positions seemed to overcome most of their differences on social policy in agreeing upon 'what was then thought to be an ever-widening and linked set of provisions that came to be called the "welfare state"'.⁵ This 'welfare state consensus' did not exist merely in politics; it was also able to build on large support in academic circles.⁶ Some historians felt it was their task to dive into the historical origins of the welfare state.⁷ The fact that they often overtly supported government policy and considered statutory social policy encompassed by the welfare state to be the ultimate stage of modernity, led to teleological accounts of history. Book titles containing such phrases as 'the evolution...', 'the rise...' or 'the coming of welfare state' are representative of their view that non-statutory, voluntary forms of social provision, inferior both in terms of scale and effectiveness, gradually made way for a steady and unstoppable growth of superior state welfare.⁸ Thus, most historians were so preoccupied with the state as provider of social welfare that historiography became bogged down into what Geoffrey Finlayson has called a 'Whig path to the Welfare State'.⁹ This can be traced back to the widespread tradition in social policy circles to list preceding social legislation to which a certain new achievement could be measured. The same teleological undertone also characterized the sociological studies that considered the labour movement an engine, or even the sole engine, of change in a linear evolution towards the post-war welfare state.

The tides of the welfare state turned when an economic crisis in the late 1970s and the 1980s led to political turmoil throughout Western Europe. The once so highly praised welfare state was questioned both from the left and from the right of the political spectrum because of its high costs and alleged inefficiency.¹⁰ Conservative, neo-liberal leaders such as Margaret Thatcher in the UK stirred up feelings with their appeals for drastic cost-cutting measures in social policy, although later accounts argue that welfare states held out quite well, in spite of the rhetoric. Along with their attempts to devolve functions in the social sector to private providers, the 'New Right' drew attention to voluntary forms of social provision as alternatives to the 'big state'.¹¹ The historical discipline did not remain unaffected

⁵ Orloff (2005) 'Social Provision and Regulation', 192 and Harris (2004) *The Origins of the British Welfare State*, 1.

⁶ Harris (2004) *The Origins of the British Welfare State*, 1 and Hacker (2005) 'Bringing the Welfare State Back In', 126.

⁷ Harris and Bridgen (2007) 'Introduction', 1.

⁸ Finlayson (1994) *Citizen, State, and Social Welfare in Britain 1830-1990*, 2 and Porter (2002) 'Health Care and the Construction of Citizenship', 16.

⁹ Finlayson (1994) *Citizen, State, and Social Welfare*, 18.

¹⁰ Wiener (1994) 'The Unloved State: Twentieth-Century Politics in the Writing of Nineteenth-Century History', 283-308.

¹¹ Harris (2004) *The Origins of the British Welfare State*, 1.

by this ‘New Right political consensus’.¹² In fact, the state-centred welfare state consensus prevailing until then was called into question by accounts focusing on non-state forms of social provision, some of which were – again – driven by ideological motives. This ‘voluntaristic renaissance’, led by historians such as Frank K. Prochaska, soon resulted in a ramified research field with philanthropy, charity, civil society, self-help, and mutual aid as its main branches.¹³ All kinds of welfare sources came into the picture, including ‘informal’ actors such as individuals, families, and neighbours as well as commercial organizations. Not only new subjects, but also new approaches emerged.¹⁴ The academic effort that has been made to include the history of social provision *consumption* through history-from-below approaches as a counterweight to the numerous institutionalist approaches is just one example in this respect.¹⁵

However, historians have not had the monopoly on social welfare research. The establishment of welfare states in the Western industrialized world became the subject of interest for an exploding field of research by both political scientists and sociologists. Comparative welfare state research, comparing welfare states on the extent of social spending and the social outcome and attempting to fit them into typologies, has since grown into a discipline of its own as well as the relatively new field of policy history.¹⁶ Famous in the former category was the ground-breaking *The Three Worlds of Welfare Capitalism* of the Danish comparative welfare state researcher Gøsta Esping-Andersen, who distinguished between three different types of welfare regimes: social-democratic (such as the Scandinavian countries), conservative-corporatist (such as Belgium and Germany) and liberal (such as the UK and the USA). His classification and approach were later criticized, supplemented and modified, not in the least by himself.¹⁷ One interesting reaction has been the effort of the Dutch political scientist Kees van Kersbergen to bring in religion, and its many historical and other expressions, as a decisive variable in the emergence of welfare states.¹⁸ Since the ‘second-wave sociologists’ decided to bring history back in as an analytical element in their methodological framework, historical and general sociologists have also been involved in the wider history of

¹² Porter (2002) ‘Health Care and the Construction of Citizenship’, 16 and Kidd (2002) ‘Civil Society or the State’, 329.

¹³ Morris (2004) ‘Changing perceptions of philanthropy in the voluntary housing field’, 140.

¹⁴ Scholliers (1997) ‘Major turns in European social historiography’, 130; Harris (2004) *The Origins of the British Welfare State*, 3-5 and Orloff (2005) ‘Social Provision and Regulation’, 193.

¹⁵ See for example Borsay and Shapely (2007) *Medicine, Charity and Mutual Aid: The Consumption of Health and Welfare in Britain, C.1550-1950*.

¹⁶ Hacker (2005) ‘Bringing the Welfare State Back In’, 126.

¹⁷ For a recent example see Kettunen and Petersen (2011) *Beyond Welfare State Models: Transnational Historical Perspectives on Social Policy*, and their introduction: ‘Introduction: rethinking welfare state models’, 1-15.

¹⁸ For a more detailed explanation of his approach, see Van Molle (2017) ‘Comparing Religious Perspectives on Social Reform’, forthcoming. Van Kersbergen (2011) ‘From charity to social justice: religion and the European welfare state traditions’, 82-101. See also van Kersbergen and Manow (2009) *Religion, Class Coalitions, and Welfare States*, their introduction: ‘Religion and the Western Welfare State – The Theoretical Context’, 1-38 and the contribution of van Kersbergen: ‘Religion and the Welfare State in the Netherlands’, 119-145.

social welfare. Along with their interest in the analysis of systems of social provision, they have greatly contributed to the development of theory and scholarly debate.¹⁹ State theorists, of whom Theda Skocpol is probably the most famous through the co-editing of the already mentioned *Bringing the State Back In* (1985), faced opposition from a heterogeneous array of so-called 'society-centred' scholars. Bearing in mind that these disciplines are each divided into different 'schools' of thought, one can imagine that the field of social welfare provision has grown into a domain with many branches, yet it is still expanding. Indeed, Jacob S. Hacker has called it a 'cacophony', even though he also praises 'the multipronged, creative and amazingly productive research endeavours of the last decades.'²⁰ Some scholars have succeeded in giving fair accounts of the historiography, so it need not concern me to go into more detail.²¹

Many of the preceding developments, here only summarized in a nutshell, were particularly characteristic for the prevailing post-war narrative in Britain and the US, although the emergence and alleged crisis of the modern welfare state also sparked off political and sociological as well as historical literature on welfare states in continental Europe. The same aspects as those prevailing in Anglo-American literature can be found in some of the older publications too, albeit possibly in a slightly more implicit way. In both France and Germany, historical accounts of the development of their respective welfare states, which also seemed to focus on state welfare, were written over the course of the second half of the twentieth century.²² In German historiography this was not least as a result of the famous Bismarckian *Sozialpolitik* imposing an early system of compulsory social insurance, which kindled particular interest in social insurance and public policies in the German empire, although excellent recent research has broadened this understanding of social policy.²³ Germany has also figured in many comparative historical

¹⁹ Adams, Clemens and Orloff (2005) 'Introduction'. See also the contribution of Orloff in this volume: Orloff (2005) 'Social Provision and Regulation: Theories of States, Social Policies, and Modernity', 190-224.

²⁰ Hacker (2005) 'Bringing the Welfare State Back In', 127.

²¹ For a historical-sociological approach, see Orloff (2005) 'Social Provision and Regulation: Theories of States, Social Policies, and Modernity'; and also from a social policy viewpoint: van Kersbergen and Manow (2009) 'Religion and the Western Welfare State – The Theoretical Context'. For a historiographical account more focused on the 'mixed economy of social welfare,' see Harris and Bridgen (2007) 'Introduction. The "Mixed Economy of Welfare" and the Historiography of Welfare Provision' and Kidd (2002) 'Civil Society or the State. Recent Approaches to the History of Voluntary Welfare'. For a more general (and critical) view on the research field of social welfare history, see the already cited Hacker (2005) 'Bringing the Welfare State Back In'.

²² For France, see especially Ewald (1996) *Histoire de l'État-providence. Les origines de la solidarité*; Nord (1994) 'The Welfare State in France, 1870-1914', 821-838 and Hatzfeld (2004) *Du paupérisme à la Sécurité Sociale, 1850-1940. Essai sur les origines de la Sécurité Sociale*.

For Germany see the already mentioned Alber (1987) *Vom Armenhaus zum Wohlfahrtsstaat. Analysen zur Entwicklung der Sozialversicherung in Westeuropa*; Steinmetz (1993) *Regulating the Social: the Welfare State and Local Politics in Imperial Germany* and Rosenhaft and Lee (1997) *State, Social Policy and Social Change in Germany 1880-1994*.

²³ Kaufmann (2013) *Thinking About Social Policy: The German Tradition* and Stolleis (2013) *Origins of the German Welfare State: Social Policy in Germany to 1945*.

approaches, most of which made in comparison to England.²⁴ In France, in addition, like in Britain, particular attention has been paid to poor relief and charity, both in its religious expressions (often referred to as *charité privée*) and in its lay, philanthropic expressions (*philanthropie*).²⁵ Belgian historiography seems to have gained from both French and German historical networks. Because the Belgian public poor relief system resembles, and has since Napoleonic rule, that of the French, the inclusion of Belgium in French studies with a comparative approach was quite obvious.²⁶ Belgian case studies have always been included in comparative studies demonstrating how Belgian historiography has been part of a wider European framework. Primarily in collected volumes, these covered the same issues as in Belgium: labour movements,²⁷ social insurance,²⁸ old-age,²⁹ mutualism movements,³⁰ health care,³¹ child policy,³² ideology, and politics.³³ There have also been attempts to approach the history of social policy from a comparative European point of view.³⁴

Compared to the international literature, there are relatively few historical accounts devoted to the nineteenth-century origins of the welfare state in Belgium.³⁵ Some older works give a fair overview of what is more broadly termed ‘social history’ during the nineteenth and twentieth centuries, but the fact that they date back to

²⁴ Hennock (2007) *The Origin of the Welfare State in England and Germany, 1850-1914: Social Policies Compared*; Mommsen and Mock (1981) *The Emergence of the Welfare State in Britain and Germany 1850-1950* and Ritter (1986) *Social Welfare in Germany and Britain: Origins and Development*.

²⁵ See, for example: Maurer (2012) *La ville charitable. Les œuvres sociales catholiques en France et en Allemagne au XIXe siècle*; Plongeron and Guillaume (1995) *De la charité à l'action sociale: religion et société*; Topalov (1996) ‘Langage de la réforme et déni du politique. Le débat entre assistance publique et bienfaisance privée, 1889-1903’; Beaudoin (1998) ‘“Without Belonging to Public Service”: Charities, the State, and Civil Society in Third Republic Bordeaux, 1870-1914’ and Renard (1999) ‘Assistance et bienfaisance: le milieu des congrès d’assistance, 1889-1911’. A relatively recent example of new comprehensive attempts to the history of the welfare state in France, including both private and public welfare though with focus on the twentieth century, is Dutton (2002) *Origins of the French Welfare State*.

²⁶ Dupont-Bouchat (1994) ‘Entre charité Privée et bienfaisance Publique: La Philantropie En Belgique Au XIXe Siècle’.

²⁷ De Maeyer, van Voss and Pasture (2005) *Between Cross And Class: Comparative Histories of Christian Labour in Europe 1840-2000*, of which most interestingly Pasture (2005) ‘Building the Social Security State’, 251-284

²⁸ Companje et al. (2009) *Two Centuries of Solidarity: Social Health Insurance in Germany, Belgium and the Netherlands 1770-2008*. This book was first published in Dutch, see Veraghtert and Widdershoven (2002) *Twee eeuwen solidariteit*.

²⁹ Harris (2012) *Welfare and old age in Europe and North America: the development of social insurance*.

³⁰ Van der Linden (1996) *Social Security Mutualism. The Comparative History of Mutual Benefit Societies* and Dreyfus and Gibaud (1995) *Mutualités de tous les pays: un passé d’avenir*.

³¹ Kerkhoff (1997) *De Staat als dokter. Sociaal- en politiek-filosofische denkbeelden over Staat en gezondheidszorg in de Westerse wereld voor 1870*.

³² Dupont-Bouchat and Pierre (2001) *Enfance et justice au XIXe siècle. Essais d’histoire comparée de la protection de l’enfance (1820-1914). Belgique, France, Pays-Bas, Canada*.

³³ Clark and Kaiser (2003) *Culture Wars: a Secular-Catholic Conflict in Nineteenth-Century Europe* and Lamberts (1992) *Een Kantelend Tijdperk: De Wending van de Kerk Naar Het Volk in Noord-West Europa 1890-1910*.

³⁴ Bec and Duprat (1994) *Philanthropies et politiques sociales en Europe (XVIIIe – Xxe siècles)* and Kaufmann (2012) *European Foundations of the Welfare State*.

³⁵ A notable exception, though from a decidedly economic-historical point of view, is the unpublished PhD thesis by Piet Clement, see Clement (1995) *De Belgische overheidsfinanciën en het ontstaan van een sociale welvaartsstaat*. A good recent contribution is another unpublished PhD thesis by Carmen Van Praet, see Van Praet (2015) *Libérale hommes-orchestres*.

the 1950s and are still seen as standard works is revealing enough.³⁶ More recently, Brussels historian Guy Vanthemsche is among the few who has been written prolifically and in varied ways about the history of the Belgian welfare state, even though his focus has been primarily on the twentieth century.³⁷ A similarly broad view, taking social policy in its entirety as its starting point, was behind the research on social policy during medieval and early-modern times, drawing special attention to such features as the relationship between state and society, the construction and legitimization of social policy, and the position of social groups.³⁸ Apart from two excellent exceptions, many of these studies ended their account when arriving at the start of the nineteenth century.³⁹ Later research on social policy in the late nineteenth century or the twentieth century took a much narrower focus.⁴⁰ This is at least partly because they were influenced by and therefore structured along the lines of the Belgian social reality of 'pillarization', a term referring to the division of social life and the labour movement into competing ideological (Catholic, liberal and socialist) 'pillars'. Because of its importance for Belgian social history, substantial research efforts have obviously been bestowed on the pillarization process itself. Accordingly, considerable attention also focused on the history of social organizations on the basis of their ideology, with studies on Christian-democratic, socialist, or liberal labour movements, trade unions, mutualism movements and so on. What may also have played a part is that the Belgian historiography was for a long time divided mostly along thematic lines. Substantial research effort was therefore devoted to policy in such areas as agriculture, petit bourgeoisie and education.⁴¹

Although both research on pillarization and thematic fields have had their merits, they have also had some less advantageous consequences, broadly shared by three historiographical surveys on social history in Belgium (the first by Guy Vanthemsche in 1992, the second by Patricia van den Eeckhout and Peter Scholliers in 1997, and a third ten years later by Dirk Luyten).⁴² Luyten was particularly

³⁶ Chlepnier (1956) *Cent ans d'histoire sociale en Belgique* (second edition 1971) and De Volder (1964-1965) *Sociale geschiedenis van België*.

³⁷ Vanthemsche (1985) 'De oorsprong van de werkloosheidsverzekering in België: vakbondskassen en gemeentelijke fondsen'; Vanthemsche (1994) *La Sécurité Sociale: Les Origines Du Système Belge: Le Présent Face à Son Passé*; Vanthemsche and Luyten (1995) *Het Sociaal Pact Van 1944: Oorsprong, Betekenis En Gevolgen* and Lis and Vanthemsche (1995) 'Sociale zekerheid in historisch perspectief'.

³⁸ For instance Van Damme (1990) *Armenzorg en de Staat. Comparatief-historische studie van de origines van de moderne verzorgingsstaat in West-Europa (voornamelijk achttiende tot begin negentiende eeuw)*; Lis and Soly (1991) 'Armoede in de nieuwe tijden (tot omstreeks 1850)' and Lis, Soly and Van Damme (1985) *Op vrije voeten? Sociale politiek in West-Europa (1450-1914)*.

³⁹ Lis, Soly and Van Damme (1985) *Op Vrije Voeten? Sociale Politiek in West-Europa (1450-1914)* and Lis and Vanthemsche (1995) 'De sociale zekerheid in historisch perspectief'.

⁴⁰ Luyten (2007) 'Tussen staat en zuil', 361. Vanthemsche in fact embraced a similar view in distinguishing between different approaches to analyze social and economic history. See Vanthemsche (1992) 'Recent trends', 47.

⁴¹ See the work of, among others, Peter Heyrman, Serge Jaumain and Ginette Kurgan-Van Hentenryk for petite-bourgeoise; Yves Segers and Leen Van Molle for agriculture and Luc Minten, Paul Wynants, Maurits De Vroede and Marc Depaepe for education.

⁴² Vanthemsche (1992) 'Recent trends', 47-57; van den Eeckhout and Scholliers (1997) 'Social history in Belgium: old habits and new perspectives'; Luyten (2007) 'Tussen staat en zuil', 347-381. For another

concerned that by focusing on social organizations (what he called the ‘organization paradigm’), the state would be neglected, echoing similar concerns in the US by a group of historical sociologists in their highly influential call for *Bringing the State Back In*.⁴³ Both Luyten and these researchers shared the view that the state is not a ‘neutral third party’. It seems that there is something to say for an approach that goes beyond the traditional institutional boundaries by more closely scrutinizing the interplay between social organizations of all kinds and government (and its different levels), especially since Belgian social policy seems to be shaped by precisely that interplay. Another concern voiced in the same historiographical accounts was that the focus on social organizations and thematic fields resulted in a fragmented field of social (policy) history. In this respect, the American historian Jacob S. Hacker observed that ‘the cost [of lacking a larger narrative] has been a fragmentation of the field, a proliferation of nonintersecting claims, and an eschewal of the broader perspective.’⁴⁴ In the case of Belgium, the broader perspective on social policy in the long nineteenth century, bridging the gap between early modern times and the twentieth century, is indeed still wanting.

The ‘mixed economy of social welfare’: a useful concept for studying ‘subsidized liberty’ and ‘subsidiarity’ in the history of Belgian social policy

Given that Belgian historiography still lacks a study providing this broader perspective on social policy in the long nineteenth century, it may sound paradoxical that the principle known as ‘subsidized liberty’ is a recurring theme in most historical literature on nineteenth- and twentieth-century Belgium. Considered one of the peculiarities of Belgian policy, this principle refers to an organizational policy system in which government financially supports social provision offered by private non-commercial organizations rooted in ideological and/or social movements. Most people associate this principle with the education policy and the social security system after 1945. However, as already noted above, its origins are often traced back to late-nineteenth-century politics, becoming more and more prevalent in such policy domains as social insurance, poor relief, education, culture, and social provision for professionals in various areas (labour, agriculture, retail, small enterprise...). Interpretations on the ideological origins of the concept differ: whereas some authors argue that it was only a more developed version of the liberal notion of self-help, others believe it to have originated from

interesting review of Belgian history and historians, see Pasture (2005) ‘Views from abroad. Foreign Historians on a Small State by the North Sea. With Reflections on Historical Writing in Belgium and Elsewhere’.

⁴³ Evans and Rueschemeyer (1985) *Bringing the State Back in* and Luyten (2007) ‘Tussen staat en zuil’, 363-364.

⁴⁴ Hacker (2005) ‘Bringing the Welfare State Back In’, 150.

the Catholic social teaching that emerged in the course of the nineteenth century.⁴⁵ While it may seem from these accounts that sufficient scholarly attention has already been given to the subject, it should be noted that most references explain the system of subsidized liberty only briefly – if at all – and that Belgian historiography still lacks a historical account that takes it as a central research object, going beyond thematic divisions.⁴⁶

The same is true with regard to the principle of 'subsidiarity', a principle commonly linked to political philosophy and first termed in the papal encyclical *Quadragesimo Anno* in 1931 as 'the principle of subsidiary function', which is often bracketed together with subsidized liberty. Whenever it appears in the context of nineteenth- or twentieth-century Catholic government policy and is linked to the system of subsidized liberty, the needed explanation about why and how it has had its impact on policy is lacking. In one of the rare standard works from a historical point of view, French political philosopher Chantal Delsol argued that the subsidiarity principle is a delicate combination of two, at first glance contradictory, philosophical currents.⁴⁷ While on the one hand the philosophy of action emphasizes individual liberty and particular initiative, the theory of *représentation de l'intérêt générale* (representation of the common good), on the other hand, takes notions such as solidarity as its point of departure. The two principles balance each other out in taking an organically structured society as a common basis. In such a society, so it is argued, higher levels of authority should leave as much as possible to their lower counterparts or free initiatives (negative notion), even though they have a right and a duty to support them (positive notion). Much as this concise definition indicates the complexity of the notion of subsidiarity and its essentially two-sided nature, this has not always been reflected in the relevant literature. The tendency to simplify the principle's nature and to neglect its historical origins has been influenced since 1992 by the emergence of the subsidiarity principle in European legislation in that year, which initiated a stream of policy-oriented literature. In this context it has been defined in a narrow, negative way as a principle that ensures 'that decisions are taken as closely as possible to the citizen [...] whereby the Union does not take action (except in the areas that fall within its

⁴⁵ Deferme (2007) *Uit de Ketens van de Vrijheid*, 334.

For a focus on its 'liberal' origins, see: Veraghtert and Widdershoven (2002) *Twee Eeuwen Solidariteit*, 88; Pasture (2005) 'Building the Social Security State', 259 and Deleeck (2008) *De architectuur van de welvaartsstaat opnieuw bekeken*, 45-50.

For a focus on its 'Catholic' origins: Viaene (2001) *Belgium and the Holy See from Gregory XVI to Pius IX (1831-1859)*, 94; Lamberts (1992) 'De ontwikkeling van de sociaal-katholieke ideologie in België', 88; Vanthemsche (1994) *La Sécurité Sociale*, 17-23; Kossmann (2001) *De Lage Landen 1780-1980. Twee eeuwen Nederland en België*, 258 and Rezsóhazy (1958) *Origines et Formation Du Catholicisme Social En Belgique 1842 – 1909*.

⁴⁶ An exception to this rule is the recent article by Jo Deferme, Deferme (2016) 'The influence of Catholic socio-political theory on the foundations of the Belgian welfare state', 89-103.

⁴⁷ Millon-Delsol (1992) *L'État subsidiaire* and Millon-Delsol (1993) *Le Principe de Subsidiarité*.

exclusive competence), unless it is more effective than action taken at national, regional or local level'.⁴⁸

If there is little explanatory scholarship of either the subsidiarity principle or subsidized liberty, it is equally unclear what connection exists between the two terms. From the little research done on the subject, it seems that subsidized liberty can be seen as a policy-oriented notion, used particularly to equate social and ideological balances in (at that time divided) Belgian society and to encompass the growing collaborative frameworks through which state and private actors worked together. Subsidiarity, on the other hand, seems to have served more as a general idea of the organization of the social order, possibly legitimizing and underpinning more applied systems such as subsidized liberty. Belgian historian Jo Deforme suggested that both terms were used interchangeably around 1900, although he must have meant the adjective *subsidaire* rather than the term *subsidiarité* as the latter was only used decades later.⁴⁹ In his study, mainly concerned with social insurances, he portrayed subsidiarity as the guiding principle that shaped a more extensive, Catholic form of subsidized liberty, which developed an organizational system of government intervention as opposed to an earlier, more limited, liberal vision of subsidized liberty, one aimed only at supplementing the individual initiative. He has reasserted this claim in a recent article on the ideological foundations of the Belgian welfare state, but in doing so he seems to have raised more questions than he answered.⁵⁰ I will return to this point later.

In order to get a more clear view of subsidized liberty and its inherent features of mixed private/public relations in the provision of social services, a particularly interesting concept might be the 'mixed economy of social welfare', which has been widely accepted for some time now in the international literature on social policy history. Initially, it was employed by social scientists to address the changing mix of actors involved in social provision in post-war Britain, sometimes as an alternative to the more ideologically loaded 'welfare pluralism'.⁵¹ But it did not take long before its use also spread among historians throughout the 1990s. Influential in this respect was the already mentioned historian Geoffrey Finlayson, who, by calling into question the one-sided state welfare historiography, was also one of the first to point out the mixed nature of welfare provision:

*The "complex intermixture" between voluntary and statutory, between citizen and state, has, then, been a feature of social policy and provision in Britain: one which excessive preoccupation with the state will not detect.*⁵²

⁴⁸ Definition adopted from the official European Union website: *Glossary of summaries – EUR-Lex*, last accessed 31 July 2016 (<http://eur-lex.europa.eu/summary/glossary/subsidiarity.html?locale=en>).

⁴⁹ Deforme (2007) *Ketens van de vrijheid*, 330.

⁵⁰ Deforme (2016) 'The influence of Catholic socio-political theory on the foundations of the Belgian welfare state', 89-103.

⁵¹ Harris and Bridgen (2007) 'The "Mixed Economy of Welfare" and the Historiography of Welfare Provision', 1.

⁵² Finlayson (1994) *Citizen, State, and Social Welfare*, 12.

Only two years later, in 1996, historians Michael B. Katz and Christoph Sachße edited a volume entitled *The Mixed Economy of Social Welfare. Public/private relations in England, Germany and the United States, the 1870s to the 1930s*. Just like Finlayson, they hoped 'to redress a historiographical imbalance'.⁵³ In a recent contribution on 'The Mixed Moral Economy of Welfare. European Perspectives', Thomas M. Adams argued that 'the concept of a "mixed economy of welfare" is well established'.⁵⁴ The fact that the editors of the same volume, Bernard Harris and Paul Bridgen, wrote an introduction called 'The "Mixed Economy of Welfare" and the Historiography of Welfare Provision' seems to support his theory.⁵⁵

Although there is no such a thing as one homogeneous 'mixed economy of social welfare' research, the focus on this concept since the 1990s throughout the history of social policy did bring two currents prevailing in the Anglo-American literature closer together: statist accounts of welfare state history on the one hand, and the history of voluntary organizations on the other. Probably a generally accepted definition among historians would imply this 'mixed economy' as a term to indicate the interplay and the relationship, differing both in terms of nature and size, between the various providers of social welfare, more in particular between the government and all its levels and the so-called commercial, voluntary, or informal sector. Sometimes it has been used to indicate the mere existence of a wide array of actors and institutions in the field of welfare provision and to emphasize the fundamentally varied (and changing) nature of this landscape. In this regard, the concept has also had the merit of emphasizing the continuity of this mixed character, rather than emphasizing the discontinuity between a laggard, voluntary, nineteenth-century social provision and a superior, statist welfare state that tended to prevail in earlier literature. Other interpretations give a more limited definition of the mixed economy, using it to identify the specific connections and interactions between public or governmental and private or non-governmental, voluntary welfare provision, whether in terms of legal structures, cooperation mechanisms, or discourse.

In that sense, the concept of a 'mixed economy of social welfare' is in fact strikingly similar to the renewed research interest, initiated in Germany, in the involvement of churches and religious institutes in the public poor-relief system.⁵⁶ In a similar fashion as the research on the 'mixed economy of social welfare', this recent research has focused on precisely the interaction between private (religious) charitable institutions and local public poor relief structures and its effect on the boundaries between what is often still seen as two distinct (public vs. private) sectors in the history of social policy. Belgian historians, not surprisingly those

⁵³ Katz and Sachße (1996) 'Introduction', 17.

⁵⁴ Adams (2007) 'The Mixed Moral Economy of Welfare', 43.

⁵⁵ Harris and Bridgen (2007) 'The "Mixed Economy of Welfare" and the Historiography of Welfare Provision', 1-30.

⁵⁶ Brandes and Marx-Jaskulski (2008) *Armenfürsorge Und Wohltätigkeit. Ländliche Gesellschaften in Europa, 1850-1930*.

working on the verge of religious and social history, have not only taken part in this new stream of literature, they have also taken the lead in new initiatives.⁵⁷ It may be true that in European historiography, the mixed nature of social provision has never been fully lost from sight to the same extent as in the US and Britain because of its interest in social organization and the labour movement, but this kind of research and its particular focus on mixed private/public intertwinement was lacking up until now. In the introduction to their contribution, historians Leen Van Molle and Jan De Maeyer reflected on this negligence:

It is an absolute challenge, especially for a complex country like Belgium, which became highly pillarized during the long nineteenth century, to revisit the question of the boundaries between the public and the private on the market of poor relief and to unravel the way in which the parties involved managed [...] to develop a “Belgian” system to balance the interests of the liberal state and of the Church.⁵⁸

Towards an intellectual and policy history of the Belgian welfare state: about research questions, terminology, sources and structure

By building on the concept of a ‘mixed economy of social welfare’ and the renewed interest in mixed private/public relations in poor relief, I hope to gain insight into not only the nineteenth-century roots of the policy system of ‘subsidized liberty’ but also to the intellectual foundations of subsidiarity so commonly attributed to the Belgian welfare state. Giving the credit for his observation to Jane Lewis, Harris has made clear that ‘it is not enough simply to describe the different components of this mixed economy; it is also necessary to explore the relationship between them.’⁵⁹ The best choice to avoid falling into separate descriptions of specific sectors is to focus more on the implicit dynamics of cooperation, participation, competition, and mobilization between different actors in this ‘mixed economy of social welfare’.

⁵⁷ Van Dijck and Suenens (2008) ‘La Belgique Charitable: Charity by Catholic Congregations in Rural West Flanders, 1830-1880’, 153-186; Van de Perre (2008) ‘Public Charity and Private Assistance in Nineteenth-Century Belgium’, 93-124; Van Dijck (2012) ‘From Workhouse to Convent: the Sisters of Saint Vincent and Public Charity in Eeklo, 1830-1900’; Van Molle and De Maeyer (2013) ‘Das Ausbalancieren von öffentlicher und privater Initiative auf dem Markt der Wohltätigkeit: Belgien im 19. Jahrhundert’ and both Van Molle (2017) ‘Comparing Religious Perspectives on Social Reform’, forthcoming and Van Molle (2017) ‘Social Questions and Catholic Answers’, forthcoming.

⁵⁸ Originally in German: ‘Es ist eine Herausforderung, insbesondere für ein so komplexes Land wie Belgien, das während des langen 19. Jahrhunderts einen hohen Grad an ‘Versäulung’ entwickelte, die Fragen der Grenzen zwischen den öffentlichen und privaten Kräften auf dem Markt der Armenfürsorge wieder aufzugreifen. Nicht minder herausfordernd ist es herauszuarbeiten, wie es die beteiligten Parteien [...] unternahmen, ein Belgisches System zu entwickeln, das die Interessen des liberalen Staates und der Kirche ausbalancieren sollte.’ Van Molle and De Maeyer (2013) ‘Das Ausbalancieren von öffentlicher und privater Initiative’, 259.

⁵⁹ Harris (2007) ‘Charity and Poor Relief in England and Wales, Circa 1750-1914’, 19. See also Lewis (1995) *The voluntary sector, the state and social work in Britain: The Charity Organisation Society/Family Welfare Association since 1869*.

Shedding light on this particular relationship, as Harris rightly argues, is one thing. At the same time, however, such an approach can only gain strength through an in-depth analysis that searches for explanations behind certain policy standpoints. Other authors before me have also attached great importance to the influence of ideology or theory on social welfare policy.⁶⁰ But it remains true that with regard to the Belgian 'mixed economy' the behaviour and thought of its actors and the discursive mechanisms involved have been understudied and that 'large areas in the history of ideas about social policy remain almost wholly uncharted'.⁶¹ The current study will make it clear that relations were never static and on the contrary were susceptible to change over time. Processes of task allocation, justification, representation, and power balances made interaction between the different actors constantly subject to negotiation and re-negotiation, underpinned by and assigned new meanings by a wide array of possible, equally evolving notions such as tradition, loyalty, proximity, efficiency, effectiveness, social justice, participation, and citizenship. It is in this sense that this study hopes to go beyond a mere description of the Belgian 'mixed economy of social welfare' and the usual superficial mention of 'subsidized liberty'.

Indeed, history itself provides me with two starting points for this double-sided task. Firstly, Pius XI mentioned in 1931 what is believed to be the first explicit utterance of the subsidiarity principle (the 'principle of subsidiary function') in his encyclical *Quadragesimo Anno*.⁶² Pius XI did not fail to emphasize in the same paragraph that the principle could build on a long tradition in Catholic social thought. This first explicit mention of the idea proved how it had developed into a rather well-defined principle with both political (role of the state) and social (organic social order) features. Secondly, by that time social policy in Belgium had developed (and would continue to develop further) into a complex, but well-organized and highly structured system, in which social organizations, often ideologically driven, and private or religious institutes were incorporated and subsidized by the government for serving as private providers even in the core fields of social insurance, health care and education. Contemporary politicians applauded this system while stressing how it only continued the existing traditions that were so deeply rooted in Belgium, suggesting that Belgium too had since long counted on an essentially 'mixed economy' to offer its citizens some kind of social welfare.

⁶⁰ The most relevant examples in this respect are Smith (1997) 'The ideology of charity, the image of the English poor law, and debates over the right to assistance in France, 1830–1905' and Harris (1992) 'Political thought and the welfare state 1870–1940. An intellectual framework for British social policy'. To a lesser extent, see also Topalov (1996) 'Langage de la réforme et déni du politique. Le débat entre assistance publique et bienfaisance privée, 1889–1903'. See also Quadagno and Street (2005) 'Ideology and Public Policy. Antistatistism in American Welfare State Transformation'.

⁶¹ Harris (1992) 'Political Thought and the Welfare State', 119.

⁶² The original Latin version of the encyclical spoke of "subsidiarii" officii principio'. See *Quadragesimo anno. litterae encyclicae de ordine sociali ... | Pius XI*, last accessed 31 July 2016 (http://w2.vatican.va/content/pius-xi/la/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html). Further on in this study, if quoting from encyclicals, I will consistently use the official English translations found on the same, official website of the Vatican.

Research questions

Those two starting points led me to base the research for this book on two research questions, from which a third naturally follows:

first, in which intellectual traditions and movements and their related social and political discourses (on local, national and transnational levels) did the ‘subsidiarity principle’ originate and how did its intellectual development throughout the long nineteenth century lead to the first explicit coining of the term in the realm of Catholic social thought?

second, in what sort of configuration of the ‘mixed economy of social welfare’ and in what ways did the government (in its different levels) relate to individuals, voluntary associations and private institutions in the fields of poor relief, popular education and social insurance; and how did this relationship develop throughout the long nineteenth century?

third, following from the two preceding questions, in what ways did this kind of political discourse or intellectual theory affect, influence or justify policy decisions in the fields of poor relief, popular education and social insurance or, conversely, in what ways did policy structures or decisions strengthen or provoke this sort of discourse or theory?

In developing these questions throughout my research, I have chosen to delineate my thematic focus to the three fields which can be said to have been three early core tasks of social policy: poor relief, popular education, and social insurance. They are also, as noted above, the three fields whose current organization and structure is still visibly affected by historical development and often questioned for the same reason. This focus on social policy, and on these three fields more in particular, by definition rules out expressions of ‘subsidized liberty’ in other fields such as agriculture, *petite-bourgeoisie*, or culture. These policy fields, too, were fundamentally shaped by the determinate and particular government policy of ‘subsidized liberty’.⁶³ If this study will not be speaking about these fields, it is not because they were not part of this typical government policy but because of my primary aim to discuss social policy.

Chronologically speaking this study will be confined to the long nineteenth century (ca.1800-ca.1920), not only because it was the period in which both policy and ideas had fundamentally developed before they were defined as ‘subsidized liberty’ and ‘subsidiarity’, respectively, but also because, as I have shown above, this period has been somewhat neglected in Belgian historiography compared to the early-modern

⁶³ For *petite bourgeoisie* see Jaumain and Gaiardo (1988) ‘Aide-toi et le gouvernement t’aidera. Les réponses de l’état à la crise de la petite bourgeoisie (1880-1914)’; Heyrman (1996) ‘Belgian government policy and the *petite bourgeoisie* 1918-1940’ and Heyrman (2011) ‘Belgian Catholic entrepreneurs’ organisations, 1880-1940. A dialogue on social responsibility’. For agriculture see Van Molle (1989) *Katholiek en landbouw: landbouwpolitiek in België, 1884-1914* and Van Molle (1990) *Ieder voor allen: de Belgische Boerenbond 1890-1990*; and for culture see Kurgan-Van Hentenryk and Montens (2001) *L’argent des arts: la politique artistique des pouvoirs publics en Belgique de 1830 à 1940*.

and twentieth-century focus on social policy and the welfare state. As for the end dates of this period, I have chosen not to dogmatically confine myself to any specific year, as the exact chronological boundaries differ from theme to theme. I have therefore largely followed the main lines of the themes I discussed, some of which were interesting to pursue until the start of the 1920s while others more obviously ended by the time First World War presented itself. Generally speaking, however, the First World War will serve as the ending point.

What this study is about and what it is not about, is to a large extent determined by the context, because it takes place against the backdrop of the nineteenth century, an age of very limited democracy and participation where a small circle of bourgeoisie and aristocracy pulled the strings of an essentially paternalistic government policy with only gradual processes of democratization and participation. Diving into nineteenth-century ideas, discourses and terms as well as into the structures, institutions and policies they are about therefore means that the actors (persons, networks, associations, institutions, governments) in their context contributed to setting the boundaries of this study. As will be shown, nineteenth-century social policy will often mean *local* (and to a lesser extent provincial) policy as much as national policy. Especially in a country like Belgium, where municipal autonomy and provincialist traditions have always played a role of considerable importance, it will be interesting to devote attention not only to the dominant national level of government, but also to the policy and the realities on the local level. Moreover, national level has been the usual locus of interest, and has led for instance to the dominant story about the establishment of *national* insurances as the origins of the welfare state. Arguably, however, the story about the historical development of social policy is as much about earlier *local* systems of social policy.⁶⁴ The same goes for the emerging *transnational* space of social reform in the nineteenth century, in which the Belgian bourgeoisie reformers were some of the most active pioneers of their time. Of course, the nation-state was still the dominant level for effectively enacting policy, but in the vibrant bourgeoisie community across Europe, ideas and theories about policy decisions or policy change (and not seldom local experiments or cases) were widely shared and discussed.⁶⁵ This transnational level will hence be a recurrent stage throughout this book, albeit (for the reason I have just explained) more apparent in the sections that discuss the ideas about policy rather than the policy itself.

Not without reason does the research therefore also have a special focus on the role of intellectual networks and their key figures – networks and figures which were in

⁶⁴ For a similar argument see Vanthemsche (2011) 'La Ville de Gand et l'aide aux chômeurs (1900-1914). Une innovation communale à résonance nationale et internationale', 889-891. See also Steinmetz (1993) *Regulating the social*.

⁶⁵ A good recent introduction is Rodogno, Struck and Vogel (2015) *Shaping the Transnational Sphere. Experts, Networks and Issues between the 1840s and the 1930s*.

many cases active both on a local and a transnational level.⁶⁶ Focusing on the ideas underlying social policy means focusing on the intellectual networks and key figures in those networks, as they constituted the main carriers of those ideas. In informal and formal associations or circles, individual texts circulated and ideas were exchanged, meetings planned, proceedings and bulletins published, and public national or international congresses organized. In this way they functioned as breeding grounds for ideas, and proving grounds for mental exercises, making them indispensable in a study of ideology and discourse. Even more importantly, these intellectual spaces can also be considered a bridge between discourse and policy, and between thought and action. Members, after all, were recruited from among the elite, who in nineteenth-century society stood relatively unthreatened at the political helm. They were not only university professors, commentators, and prominent figures from nobility, but also top-level civil servants and, not in the least, prominent politicians. The human agency of these figures and their networks in conceiving ideas and putting them into practice (or not) will run as a thread through this book.

The dual focus of this research on policy and on discourse, on social policy and on political theory, on the Belgian ‘mixed economy of welfare’ and on the origins of ‘subsidiarity’, has also ensured that this study will be essentially about politics, institutions, and ideas and the people involved in them. That is not a definite choice in itself; it is rather the obvious result of research that is particularly interested in *the ways in which* social policy was organized and justified. Two obvious victims of this approach (or the nineteenth-century context for that matter), though not fully absent, are women and recipients of social welfare. To start with the latter, it is a long-heard criticism by people reviewing social history as a discipline, that more attention is due to the people participating in rather than conceiving social policy, according to a history-from-below approach. It is certainly true that the recipients in the system of social policy were not merely undergoing but also fundamentally shaping the policies they took part in, and that their part has often been underestimated as well as understudied.⁶⁷ I will treat this briefly in the introduction to part two, in an attempt to emphasize that social policy in its nineteenth-century conception and expression was never a neutral answer to any neutral crisis, but rather a well-considered answer by a selected group of people from the ruling class to the perceived problems that followed from these crises.⁶⁸

⁶⁶ An excellent recent example devoted to the same focus on both the local and the transnational level is Van Praet (2015) *Liberale homes-orchestres en de sociale kwestie in de negentiende eeuw. Tussen lokaal en international*.

⁶⁷ Katz and Sachsse (1996) ‘Introduction’, 20. See also Pimpare (2007) ‘Toward a New Welfare History’, 241 and Katz (2011) ‘Who Speaks for the Poor?’, 700-705.

⁶⁸ This is excellently put into words in Lis and Vanthemsche (1995) ‘Sociale zekerheid in historisch perspectief’, 43.

The same is true for women and gender.⁶⁹ A study on nineteenth-century policy and ideas will almost necessarily be about males, who were in power and held the monopoly over political and intellectual positions. However, research has demonstrated that although the edifice of social policy confirmed and reinforced gender stereotypes, women did in fact claim certain positions within the system. They did so 'even' in public and leading roles, as visitors of the poor in charitable associations or as 'mother superiors' of religious institutes who were active in education, poor relief and so on and in their function not seldom negotiated and dealt with men in power, ranging from their own Church authorities to the civil authorities. Recently, for instance, the historian Carol E. Harrison has stressed the 'centrality of women – in multiple roles, both actual and imaginative – to the development of social Catholicism'.⁷⁰ In the sense that they populated a large part of the voluntary sector during the nineteenth century, women will definitely figure highly in this book. In other instances, and while it is without doubt true that 'Policies that on the surface were not about women, sexuality, or gender' are an equally interesting 'subject to analysis [because] of their gender silences and the gendered assumptions they expressed', I will however not be able to go deeper into such interesting debates.⁷¹ I hope that others after me will be able to build on my achievements to further elaborate on such important issues.

From the fact that I am particularly interested in the *way* of organizing social policy and the intellectual stances underlying these constructions, it also follows that I have not centred on the social outcomes this particular organization produced. This negligence of social outcomes is another widely heard criticism of studies in social policy history.⁷² As will be shown, outcomes of course mattered at the moment they were increasingly used to attack the system of 'subsidized liberty', because they had then entered the discursive space trying to undermine the mixed private/public edifice of social policy others had built. In such instances, and increasingly towards the beginning of the twentieth century, policy outcomes will certainly be relevant. I have given some indications in the various chapters, but I do hope others will be able to more closely engage with such, admittedly complex, issues.

'Welfare state' or 'system of social provision and regulation?' Terminology and its difficulties

Delineating the boundaries of this study, like writing history in general, necessarily implies using a framework of terminology, typically enabling more apt descriptions and deeper analysis of historical realities. However, the use of terms and their evolved meanings has sometimes severely hampered instead of improved the chances of a good analysis. Therefore, it is vital here to run through some of the most important concepts and terms which will be used throughout the book.

⁶⁹ For a recent review of works establishing the importance of a feminist perspective on welfare state history, although from a US perspective, see Cohen (2014) 'Women and Welfare in the United States'.

⁷⁰ Harrison (2014) *Romantic Catholics*, 235

⁷¹ Boris (2005) 'On the Importance of Naming: Gender, Race, and the Writing of Policy History', 73.

⁷² Pimpare (2007) 'Toward a New Welfare History', 241.

Indeed, the concepts and terms under scrutiny here are determined by the mixed private/public nature of social policy in the nineteenth century: they are not only about the governmental side ('welfare state' vs. 'social policy' or 'state' vs. 'government') and the private providers involved (what is 'voluntary sector'?), but also about the mixed nature itself ('public' vs. 'private?'). Other more specific terms, for instance how I understand and what I have included in the fields of poor relief, popular education and social insurance, will be dealt with in the relevant places, in the chapters' introductions.

'Welfare state' itself is probably the best example of a difficult and controversial term. The term has been fundamentally shaped by its early understanding as a set of essentially state-centred social policies. One of the typical definitions in the 1980s in historical sociology considered the welfare state to be 'a state commitment of some degree which modifies the play of market forces in the attempt to achieve a greater measure of social equality'.⁷³ Similar is the definition cited by German historian Günter Frankenberg of 'a term invented to characterize an institutionalized system of interventions into the socio-economic sphere geared toward material security, carried out by the "State" as the agent of the public weal, acting on behalf of society and drawing its means from public resources (taxes, law, and popular support)'.⁷⁴ Such particular understandings of the welfare state, stressing its essentially statist character ('state commitment' and 'carried out by the State') has without doubt contributed to the flawed histories of social policy exclusively focusing on state welfare. The history of the welfare state was then traced back to, for instance, the end of the nineteenth century because national health insurance was established at that point and because the welfare state at the time of writing was considered mostly about social spending. The term thus led to approaches to social policy from a presentist viewpoint. Since the welfare state itself has been under continuous scrutiny, there have been attempts to broaden the meaning of the term, a good example of which is the definition by Hacker, characterizing the welfare state as 'the complex of policies that, in one form or another, all rich democracies have adopted to ameliorate destitution and provide valued social goods and services'.⁷⁵ Hacker thus pointed to the institutional variety inherent in the welfare state ('complex of policies', 'one form or another') and to the involvement of non-state provision.

Many times it has been contested, and it is still the commonly accepted and widely used term. While historical sociologist Ann Shola Orloff prefers to speak of 'systems of social provision and regulation' as an alternative, she admits that in the (American) field of sociology 'the term "welfare state" has functioned as an accepted, if often anachronistic, shorthand for systems of social provision in the developed

⁷³ Ruggie (1984) *The state and working women: A comparative study of Britain and Sweden*, 11, cited by Orloff (2005) 'Social Provision and Regulation', 196.

⁷⁴ Frankenberg (1996) 'Shifting Boundaries: the Private, the Public, and the Welfare State', 82.

⁷⁵ Hacker (2005) 'Bringing the Welfare State Back In', 125.

capitalist world.'⁷⁶ I have therefore decided to use welfare state in the commonly accepted meaning of the term, namely as the set of social policies under public responsibility in their post-war expression. Otherwise, and particularly for the historical policies I will be studying, I will use the more neutral term of social policy.⁷⁷ As I will further clarify in the introduction to part two of this book, I particularly like the idea of social policy as a 'system of social provision and regulation' coined by Orloff. It is with the preceding explanation in mind that the title of this book should be understood. Far from implying some sort of linear, normative evolution towards the welfare state as a post-war apogee of social policy, the title is merely supposed to point to the 'subsidiary social provision' (that is, the particular system of social policy in nineteenth-century Belgium) that chronologically preceded what is commonly understood as the current, modern welfare state.

The same is true with regard to the voluntary sector. Since the 'voluntaristic renaissance' already mentioned, several terms used to identify the sector have been reviewed, along with their definitions.⁷⁸ For instance, the voluntary sector has been called the non-profit sector, civil society, or the third sector, alluding to its existence outside the state, and the commercial sector as first and second sectors. In the context of the Johns Hopkins Comparative Nonprofit Sector Project, launched in 1990, Lester Salamon and Helmut K. Anheier have tried to formulate a 'structural-operational definition of the non-profit sector'.⁷⁹ Although she admits that the project itself and its results are quite impressive, Susannah Morris has criticized its lack of historical point of view.⁸⁰ Introducing the term 'the social', George Steinmetz coined yet another term, which referred to 'a realm of specifically trans-individual structures, identities, culture, and social needs and risks' and indicated what Salamon and Anheier quite similarly called the 'distinctive social space outside of both the market and the state'.⁸¹ That the same definition also applies to what is called 'civil society' does not make it any simpler.⁸² Underlying these discussions is the broader methodological issue that Susannah Morris has revealed. 'Historians,' so she argues, 'face the challenge of developing a language and method which can identify and describe the salient properties of voluntary activity if we are to chart historical changes in the mixed economy of welfare.'⁸³

⁷⁶ Orloff (2005) 'Social Provision and Regulation', 196.

⁷⁷ In the introduction of part two, I will come back to the definition of Orloff ('system of social provision and regulation').

⁷⁸ Morris (2004) 'Changing perceptions of philanthropy in the voluntary housing field in nineteenth and early twentieth century London', 140.

⁷⁹ Salamon and Anheier (1997) 'Introduction: In search of the non-profit sector', 5.

⁸⁰ Morris (2000) 'Defining the Nonprofit Sector: Some Lessons from History'.

⁸¹ Steinmetz (1993) *Regulating the Social*, 1 and also his third chapter 55-70; Salamon and Anheier (1997) 'Introduction', 1.

⁸² Harris (2005) *Civil Society in British History. Ideas, Identities, Institutions* and Kidd (2002) 'Civil Society or the State', 328-342.

⁸³ Morris (2004) 'Changing perceptions of philanthropy', 141.

Without necessarily implying that such conceptual exercises have been superficial or unnecessary, I will refrain as much as possible from using terms which are implicitly loaded with current meanings, such as the ‘non-profit sector’, ‘voluntary sector’ or ‘civil society’. Using such terms could be interpreted as if there was indeed one such ‘sector’ identifying as such. I will of course frequently refer to voluntary associations, as the more general term of associations being involved with ‘charity’ and ‘philanthropy’ (both of which terms will be explained more in detail in the relevant chapter) or any other non-commercial activity in the social sphere. In attempts to name the collective efforts I will resort to more neutral terms as the ‘field’ or ‘landscape’ of voluntary initiative, to stress its heterogeneous nature. I suppose this choice comes close to what historian of philanthropy Susannah Morris saw as a major dilemma for historians:

*Should they use late-twentieth-century definitions or should historians delimit their subject by reference to the historically specific conceptions of social need and public purpose which are subject to change over time?*⁸⁴

Last but not least, there is of course the distinction between private and public, two terms that are no less important in a study that is to embark upon a history of mixed private/public endeavours of social policy. The dichotomy is a popular one and has enjoyed many different, overlapping and changing meanings. Indeed, as historians Michael B. Katz and Christophe Sachße have observed, the fundamental problem with both terms and their relationship (defining the one always has an impact on the other) is that ‘From the days of the controversies over the old poor laws until now, public and private have remained contested, socially constructed concepts with shifting meanings.’⁸⁵ What was private could become public, and what was public could incorporate private. They identified at least four different meanings for ‘public’, comparing the public in for instance ‘public space’ (in full view of others, as opposed to the relatively recent ‘private sphere’) with the public in ‘public education’ as education administered or financed by the state. It is of course the latter meaning that concerns me here. In this study the meaning of what is defined as private and what is defined as public have depended on determinants such as the primary initiative behind a certain policy activity, the actors such activity involved and the responsibilities of the actors. ‘Public’ will hence come to mean essentially any level, institution or initiative bearing public (governmental) responsibility or any activity executed by such public institutions. ‘Private’, on the other hand, will refer to those initiatives or activities set up by individuals or associations, and not insignificantly, where they remained in charge over those activities. While this may sound fairly logical, this study will give ample evidence to cases where the boundaries between private and public considerably blurred. Indeed, it will even be one of its main threads to see how both sides, governments on the one hand and private initiatives and associations on the other, were deeply

⁸⁴ Morris (2004) ‘Changing perceptions of philanthropy’, 141-142.

⁸⁵ Katz and Sachße (1996) ‘Introduction’, 10.

affected by their own intertwinement and how private/public divisions as a result faded and transformed.

Closely connected to this private/public question is then who exactly is behind the 'public' side. Yes, there are the different levels of government (local, provincial and national), but how does 'the state' in this story relate to the more general 'government'? State intervention has been an ongoing topic for debate from the nineteenth century onwards, as will be shown, and contemporary cloudiness on what was precisely to be understood under 'the state' does not bring much clarity. One example is that for a long time, and perhaps especially in Belgium, people looked upon municipal authorities not as part of 'the state' but as an essentially local council representing the local community (something which may have been experienced otherwise in large cities). Later, some used the state in the meaning of central administration as opposed to the local and provincial authorities, while others identified all levels of government administration as part of the modern state (not in the least liberals advocating a strong central state with municipal and provincial authorities as mere 'branches'). Even in the more recent debates, the 'state' has often served as short-hand for (or a spectre of) all things public or governmental. Using it in this broad term has also led to unhistorical images of the state as a static conception or as an actor in itself. Of course, what the state comprises highly depends on the context in which it operates, and rather than the state in itself it is the political institutions it comprises where the agency lies, most prominently the parliaments, national government or the administration officials and departments.⁸⁶ To be clear, I will be using the state as the highest, central level of political authority, as distinct from provincial and municipal levels, and not so much as an actor (in those cases I will prefer to name the actors themselves, mostly the national government or cabinets, and the relevant Ministers and their administration) but as the central locus of responsibility in the multi-layered edifice of government. I will hence speak of state subsidies, but refer to the national government or cabinet as the ones issuing these state subsidies. As for the other levels, I will refer to them simply as municipal or provincial authorities, except when in specific cases it is relevant and necessary for the sake of the story to point to the exact level of decision-making within those authorities, for instance the elected municipal or provincial councils or the appointed 'provincial governor'.

Sources in the age of digital humanities

Since I have now sufficiently marked the borders and the concepts of this study, I will pass on to the sources on which it will be based. It must be emphasized that, in a research which is focused both on policy and on discourse and which comprises three distinct fields of policy, sources will necessarily be manifold. Although it also relies on a variety of archival sources, the majority of the sources used here are published sources. For the parts describing the discourse, I have used works,

⁸⁶ For an extremely interesting effort of historicizing what we call 'the modern state' see Skinner (2009) 'A Genealogy of the Modern State'.

monographs and articles published in newspapers and magazines by individual thinkers; bulletins and congress proceedings published by associations; and not least, all sorts of government publications, ranging from a wide array of reports and enquiries, over the official *Staatsblad* or *Pasinomie* (the official Bulletin of Orders, Acts and Decrees probably comes closest to a translation) and both provincial and municipal bulletins, to parliamentary proceedings and documents. In that sense it has been my luck and that of other Belgian researchers that nineteenth-century Belgium was one of the leading countries in its statistical endeavours, leading to piles and piles of not only statistical evidence (only fractions of which are interesting, unfortunately) but also interesting qualitative information.

I have considered myself even more lucky that, as part of the transformative attempts within the human sciences towards what is known as the ‘digital humanities’, libraries, universities, companies and governments and their respective librarians and archivists around the world have started digitizing tremendous amounts of nineteenth-century source materials (as well as literature, in the case of Google), making them widely and digitally available in special databases, or just on the internet. Websites and databases such as Gallica (gallica.bnf.fr, by the National Library of France), Google Books (books.google.com), ODIS (odis.be, a contextual web database for the study of 19th- and 20th- century intermediary structures) and plenum.be (digitized parliamentary proceedings, by University of Antwerp) proved invaluable for this research and made searching for and going through sources a lot more efficient. It is therefore true, as the intellectual historian David Armitage has recently said, that ‘vast collection of sources which would, until recently, have taken an individual scholar a lifetime (or more) to collect are now available to undergraduate students and the general public alike’. He also added that

*The digital revolution's effects are only just beginning to be felt amongst intellectual historians but they will surely be transformative, both in terms of the sheer scale of materials available for analysis and the range of technologies to hand for solving old problems and for suggesting new questions.*⁸⁷

Unfortunately, most of the archival sources are not (yet) part of these digitizing efforts. On the other hand, I had the good fortune to get access to some recently opened archives at the National State Archives, which have considerably enriched my analysis.

The structure of this book

The research questions I have outlined are clearly reflected in the structure of this book. Part one will be devoted to the intellectual history of subsidiarity. In *chapter one* I will first try to come to my own definition of subsidiarity and thoroughly consider the methodological and theoretical difficulties in tracing back subsidiarity as an idea that was as yet not explicitly defined. Then I will give ample evidence to my argument that the ideas later characterizing subsidiarity are essentially shaped

⁸⁷ Armitage (2012) ‘What’s the Big Idea? Intellectual history and the Longue Durée’, 506.

by the nineteenth-century context and that their gradual emergence is largely due to two intellectual traditions, namely late-eighteenth- and nineteenth-century Classical liberalism and nineteenth-century Catholic social thinking. *Chapter two* charts the Belgian landscape of national and transnational intellectual networks engaging with discussions on state and society. It will show how some of the same ideas discussed in chapter one prevailed in these networks and were discussed in the emerging transnational European space. After the overview of these networks and debates in chapter two, *chapter three* finishes off part one by elaborating on the thought of five key figures within these networks. It will demonstrate how some of the main lines of the later subsidiarity principle as defined in chapter one were already visible in their vision on society and in their discourse, though in changing proportions and to greater or lesser extent.

Part two again contains three chapters, dealing with the three fields of poor relief, popular education and social insurance, respectively. All three chapters are more or less structured along chronological lines, but without losing their focus to the mixed private/public relations between government(s) and other actors. *Chapter four*, on poor relief, offers a typology of the different mixed private/public types of cooperation on the local level within what I have broadly defined as the public poor relief system, and goes on to study the transformative impact on this local system caused by ideological and political tensions on the national level as well as late-nineteenth-century processes of professionalization and reform. *Chapter five* does the same for popular education. It again offers a typology, in this case distinguishing between the different mixed private/public types of primary schools. Furthermore, it basically shows how Catholics reacted to the trauma of the sudden laicizing and modernizing reforms introduced by the liberals in the late 1870s and the resulting 'school war', by radically changing their education strategy into building their own private Catholic network of schools and subsequently reinforcing it with state subsidies under thirty years of Catholic government power. *Chapter six* on social insurance, too, demonstrates the importance of Catholic government power during this period (between 1884 and 1914). Maintaining an ideological preference for mutual aid associations as the best way for the workers to learn bourgeois ideals and participate in society, Catholics refused alternatives to organizing social insurance (most famously the German compulsory social insurances introduced by Bismarck) and instead reinforced their own institutions by making clever use of their government power, in accordance with their strategy of 'subsidized liberty'.

Upon arriving at the general conclusion, it should have been made clear that this study was first and foremost an attempt to come to a fairly comprehensive understanding of political theory and social policy in Belgium in the nineteenth century, to contribute to our historical understanding of the Belgian welfare state, and to make an original contribution to its historiography. The conclusion will first elaborate on one of the main concluding arguments, namely that the three fields under scrutiny shared a core of 'subsidiary social provision', meaning that the way in which these fields of policy were put into place and organized was the result of a

larger preference for mixed private/public forms of provision, ‘subsidiary’ in being supported by the respective governments within their regulatory framework, and legitimized and underpinned by a favourable discourse widely accepted on the national and transnational level. A connection will be drawn not only between the early-nineteenth-century local mixed private/public system and the late-nineteenth-century national mixed private/public system of ‘subsidized liberty’, but also between the social policies in practice and their ideological justifications in ideas. The impact of this discourse and especially the specific uses of ‘subsidized liberty’ and its link to subsidiarity will be amply discussed. Furthermore, in a looking back on the period under scrutiny as a whole, it will be clear that the nineteenth century was a decisive era in blending traditional with modern aspects of social policy and thus shaping the welfare state as we know it today. The conclusion then finishes off with some reflections on the remnants of the system of ‘subsidiary social provision’ in the current welfare state.

*Having (more than sufficiently, I fear) exercised your patience with these preparatory remarks for which the anxiety to be fully understood by you is my best excuse, though in a moment of less excitement they might not have been without some claim to your attention for their own sake, I return to the idea which forms the present subject ...*⁸⁸

⁸⁸ Coleridge (1829) *On the Constitution of the Church and State, according to the idea of each*, 15–16.

I PART ONE

THINKING ABOUT STATE AND SOCIETY

Les droits naturels ne sont proclamés que d'hier : le régime qui les consacre se fait jour peu à peu à travers les ruines de l'ancien monde. Il était inévitable que pendant la transformation les débris des institutions du passé se mêlassent aux essais d'institutions nouvelles. C'est ce qu'on voit notamment dans les lois qui régissent la presse, l'enseignement, les cultes, les professions libérales. On dirait que l'homme, à peine affranchi, redoute encore le fardeau de sa propre responsabilité. Le grand jour de la liberté l'éblouit ; dans son effroi, il invoque son antique dominateur, l'État. Il ne lui demande pas seulement de surveiller et de punir ; il le supplie encore de l'aider à penser, à prévoir. L'État retient donc une partie de ses premières attributions atténuées, il est vrai par l'irrésistible expansion de l'esprit nouveau. Puisqu'on le veut, le gouvernement aide, conseille, encourage. [...]

Ces institutions signalent un état transitoire des sociétés modernes. La formation trop lente des nouvelles mœurs peut en exiger encore pour quelque temps le maintien, et la prudence ne permet pas de les supprimer brusquement. Mais l'avenir les emportera. Elles font sortir le gouvernement de son rôle régulier, embarrassent son action, mêlent, contre la nature des choses, l'administration de la force publique à la direction de la pensée, et renferment pour la tolérance d'inévitables périls. Elles disparaîtront, sans danger pour l'ordre, de l'état social où le Christianisme nous entraîne. On comprendra enfin le précepte de rendre à César ce qui appartient à César, et de rendre à Dieu ce qui appartient à Dieu. Les sciences, les arts, l'enseignement, comme les cultes, seront laissés aux individus et aux associations privées, par lesquelles se manifeste le plus énergiquement la vie sociale. L'intervention du gouvernement sera nulle tant qu'il n'y aura ni délit ni scandale. On ne réclamera de lui d'autre encouragement que de maintenir inviolables la liberté, l'égalité et la fraternité.

Writing in 1853 what would later turn out to be his magnum opus, the French philosopher and then former professor at Ghent University, François Huet, was under the impression that the civilized world had reached a turning point. His references to the proclamation of the ‘natural rights’ as well as to ‘the ruins of the old world’ show that he was talking about the revolutionary events of 1789 rather than the more recent revolution of 1848. This may sound strange, given that he referred to the French revolution as if it happened only the day before, while more than 60 years had already passed since. But it is in fact all the more revealing of just how important he considered the revolution and its legacy to be. As the modern world was now growing to full stature, it was undergoing a gradual transition towards its ultimate stage, that is ‘the social reign of Christianity’ – not surprisingly the title of his masterpiece.

Huet was not exactly the first to describe the dawn of a new era – nor would he be the last – but his analysis was at least partly correct. In different countries in nineteenth-century Europe, major tensions existed between the developing modern state (and its adherents) on the one hand and advocates of the centuries-old traditional institutions, among them the Church, on the other hand. While the latter refused to give up the almost organically grown power balance that had existed in such areas as education and health care, the former claimed that these attributions now belonged to the state as a natural right. This was not a dispute that was to be settled within days. The struggle to maintain a grip on different areas of society over the course of a long period flared up now and then, symbolizing the growing pains of a profoundly changing and gradually modernizing society.

In fact, Huet also rightly traced this conflict back to the French Revolution, which had indeed swiftly abolished the Ancien Régime, a notion coined during the revolution that became generally accepted to describe pre-revolutionary society. The turbulent times that followed the events of 1789 saw different rulers at different stages experimenting with public policy: church property was confiscated and nationalized, a secular republican religion created out of thin air, administration centralized and rationalized etc. while a few years later local authorities had regained some control and the French Empire had signed a tentative agreement with the Catholic Church. Many of the same issues, however, had already been raised during the Enlightenment, which was ‘both part of, and a direct response to, the Ancien Régime itself.’⁸⁹ Critical writings of this sort not only tried to put economic reforms such as free trade on the agenda, but also demanded political change. Even if the French Revolution and the Enlightenment are but historical constructs and undoubtedly much more complex than they have often been portrayed, their effect on society was undeniable. They sparked off an irreversible process of thinking on politics, economics and society, profoundly transforming the

* Huet (1853) *Le règne social du Christianisme*, 143-144.

⁸⁹ Munck (2012) ‘Enlightenment’, 431.

debate and the ideas on social order. It is no surprise that the discipline of political economy, which would prove of great importance to the elaboration of ideas in this area, emerged in this period.

In more than one way, Huet was a product of his time. Following in the footsteps of a rich tradition, Huet was one of those philosophers careful to not only indulge in philosophical considerations, but also to express their views on social reform. One of the topics he and his fellow commentators addressed was the relationship between individuals, society and the state. In a century that was dominated by political as well as economic liberalism, but with social reformers and utopian and other socialists gradually questioning the prevailing paradigm, this relationship was of course one of the main concerns. Huet wrote down his analysis of society and its condition, before moving on to paint a picture of what he wanted – and, not insignificantly, expected – it to become. Here, too, Huet was only following common practice: first he analysed society, and only then thought of future solutions or ideals.

While Huet has often been dismissed as a revolutionary – not in the least by his contemporaries – some of his thoughts on the relationship between individuals, society and the state were in fact quite common. According to Huet, remnants of the old world and institutions of the new had blended. Paradoxically, after the people had overthrown absolutist reign, they had turned to the state, overwhelmed as they were by the freedom they had regained. The state had thus been assigned some of its former responsibilities, and had been complementing society's actions by 'helping, counselling, and encouraging' ever since. Particularly important here is that Huet believed that this state of things was not only acceptable, and even favourable (*il invoque, il le supplie*), but also necessary (*peut en exiger*). When the true morals of a reborn (and socialist) Christianity had gradually found general acceptance, the state would automatically become redundant. It would then be replaced by a field of individuals and private associations assuming the power of the real *vie sociale*. Although he considered government intervention a temporary state of affairs, François Huet had thus named some of the most important characteristics of what would later become known as the subsidiarity principle.

Remarkably enough, similar thoughts could be heard around the turn of the century. Of course, the context had changed dramatically. Decades of industrialization and pauperization together with growing social awareness had made for a dangerous cocktail, which in Belgium exploded in 1886 when coal basins in Liège were hit by major strikes and protests, violently struck down by the police and the army. Suddenly confronted with the emergence of the 'social question' and the popular urge for quick solutions, the political establishment grew more and more convinced that the answer lay in more, rather than less, state intervention. Although late nineteenth-century accounts emphasized 1886 as a turning point just as Huet had done with 1789, Huet's hopes for the future about the redundancy of

state intervention had definitely proven wrong.⁹⁰ But the way in which the state was asked to intervene in the social sphere bore substantial resemblance to Huet's analysis half a century before. State intervention had to be 'moderate', only acting if and when necessary and in a 'subsidiary' way, careful not to absorb society and the initiatives it engendered. These main lines subsequently came together in what was to become known as the subsidiarity principle, appearing in such diverse sources of discourse as official papal encyclicals and European legislation.

The impact of this dominant discourse on twentieth-century development of the Belgian modern welfare state can hardly be overestimated. It paved the way for a welfare state that was not conceived as a centralist state monopoly, but on the contrary was given shape by and executed through an expanding network of social movements and organizations. Social policy history has too long overemphasized state welfare in its twentieth-century appearances, paying too little attention to underlying theory and discourse. Trying to meet both objections, this part of the study is concerned with the conceptual history of subsidiarity and the different forms in which it appeared in intellectual, political and social discourse in nineteenth-century Belgium. Before turning to the most important intellectual networks discussing the relationship between state and society in chapter two and elaborating on the 'subsidiarity' ideas according to five major Belgian thinkers in chapter three, I will have to clarify in chapter one how I have come to define 'subsidiarity' in a methodologically sound way. I will therefore start this first part by devoting some thought to the intellectual foundations of the subsidiarity principle in international political thought and critically assessing the older literature on the topic.

⁹⁰ See for instance d'Ursel (1895) *Politique sociale*.

1

CHAPTER ONE | DEFINING SUBSIDIARITY

FROM PHILOSOPHY TO POLICY?

A CRITICAL PREHISTORY OF SUBSIDIARITY

Faire l'histoire des idées, en suivre pas à pas la naissance, le développement, la chute, ou la transformation, c'est aujourd'hui l'étude la plus nécessaire, celle qui chassera de l'histoire ce nom de hasard qui n'est que l'excuse de notre ignorance. [...] Pour connaître à fond l'idée régnante, [...] il faut rechercher comment cette idée s'est formée, car elle a une généalogie ; elle est fille des siècles et c'est justement parce qu'elle a grandi peu à peu qu'elle vieillira de même. Son passé nous répond de l'avenir.⁹¹

The French economist Edouard Laboulaye, writing in 1868, had already identified the difficulties in writing the history of an idea developing, expanding and transforming throughout history. The same can be said of the subsidiarity principle itself, the meaning of which has considerably altered since its first utterance in 1931 in the papal encyclical *Quadragesimo Anno*. Through the use in debates on federalism in circles of Christian democracy in post-war Germany, it has gained prominence in more recent debates at the level of EU policy, especially since the principle's appearance as a guiding principle in the Treaty of Maastricht in 1992. This federalist interpretation of the principle in these debates substantially differs from its older meaning. Moreover, in the relatively few historical accounts of subsidiarity, the principle is often traced back in political thought as far as Aristotle and his *Politics*.

However, these accounts in the literature dominated by non-historians have often lacked a proper concern for historicism and have neglected the methodological consequences of their arguments. Indeed, trying to explore the ideational traces of the subsidiarity principle in itself raises questions. Is it feasible and methodologically sound to dig up the intellectual roots of an idea *avant-la-lettre*, in an era before the term existed? And if so, how should the particular meaning behind the term be described in order to make sure you are looking for its roots in the right way? It is my concern here to explore the 'genealogy' of subsidiarity as a principle, before its first utterance as a principle and in its different, subsequent

⁹¹ Laboulaye (1868) *L'Etat et ses limites*, 4 and 7.

historical interpretations, but with due consideration for the methodological delicacy that should be part of writing history. Therefore, the first part of this chapter will clarify the differences between the various uses of the term, which characteristic features exactly lie behind 'subsidiarity' in its historical utterance and which definition of the term will be used. It is equally important to discuss in greater detail the methodological difficulties in designing such an intellectual 'prehistory', which will hence be the subject of the second part of this chapter.

My main argument resulting from this thorough review of the existing historical literature on the subsidiarity principle to date will be that it is essentially only in the nineteenth century that, against the background of a modernizing political, social and intellectual context, some lines of thought converged into the idea of subsidiarity. If the intellectual context of the nineteenth century has its origins in the Enlightenment, then the subsidiarity principle is anchored in two more specific and yet distinct intellectual traditions: eighteenth- and nineteenth-century liberalism and Catholic social thought. Both lines of thought deserve to be mentioned as the intellectual breeding ground for the later subsidiarity principle. By further developing the moral individualism of the Enlightenment and by making a case for a transparent and rational policy of the modern state in general and of social state intervention in particular, Classical liberalism grew into the dominant paradigm of the nineteenth century and provided some of the main building blocks with which socially-minded Catholic thinkers afterwards buttressed their thought. These Catholic thinkers, also drawing on a resurgent theological interest in and a re-interpretation of Thomas Aquinas's social and political theory, made use of these liberal notions of individualism, voluntary association and state intervention in myriad ways: to fend off emerging calls for a centralist state and instead advocate a moderate state intervention that protected associations' and individuals' initiatives; to reject the radically non-interventionist liberals of the so-called Manchester school as well as the collectivist revolutionary rhetoric by increasingly powerful socialists and communists and instead cleverly position themselves as favouring a golden 'middle way'; and, not in the very least, to protect their own influence in the social sphere against growing interference by and prerogatives of a gradually formalized social policy of the modern state. To buttress my arguments, the last two parts of this chapter will therefore be devoted to a thorough examination of both liberal and Catholic thinkers who can be said to have played a role in disseminating and developing those ideas that did lead up to the first utterance of the subsidiarity principle.

1.1 Defining the subsidiarity principle: past and present

On 17 October 1989, Jacques Delors, then President of the European Commission, addressed the College of Europe in Bruges at the occasion of the opening of its 40th academic year.

I have many opportunities of using Federalism as a method, but I include in it the subsidiarity principle. I see in it the inspiration needed to reconcile what appears to many as irreconcilable: the emergence of a united Europe and fidelity to our nation, to our motherland; the need for a European power, commensurate with the problems of our times, and the vital imperative of preserving our nations and our regions, as a place in which to nurture our roots; the decentralized organization of responsibilities, in order never to entrust to a bigger structure what can be better implemented by a smaller one. This is precisely what is meant by the subsidiarity principle.⁹²

A little over a year before, the UK Prime Minister Margaret Thatcher had delivered a lecture on the very same spot, in which she vented fierce criticism of the ‘Utopia’ of a ‘European super-state’.⁹³ Similar concerns had already been voiced by the German *Länder* in the preceding years, afraid as they were of losing competences to the European level due to the Single European Act (1986). In both cases, Delors invoked the subsidiarity principle to redirect the criticism aimed at him. It can be argued that it is to a great extent thanks to Delors that subsidiarity received such prominence on the European stage. In the following months and years, it became one of the primary subjects for debate, not only among political scientists, commentators and journalists, but also among the chief policy makers. Both the European Commission and the European Parliament created special commissions to discuss its meaning during ongoing talks about the new treaty.⁹⁴ Its explicit appearance in the resulting Treaty of Maastricht (1992) only sparked more scholarly attention, meanwhile entrusting it with a place in the constitutional framework of the European Union.⁹⁵

If subsidiarity is mentioned today, it will very likely be in this context of European Union policy, and Delors’s address is to a great extent characteristic for the ambiguous ways in which subsidiarity has been and still is employed. First, it shows how subsidiarity is believed to be inextricably linked to, or sometimes even identical to, federalism. Even in the specific context of European policy, this has not always been the case. Delors, for one, referred publicly to its more historical interpretation as ‘the dividing line between the private sphere and that of the State, in the broad meaning of the term’ during the 1991 Maastricht colloquium named after himself.⁹⁶ But overall, it is indeed the federalist and ‘legalistic’ understanding of subsidiarity that is now the most generally accepted and the most used. Revealing in this

⁹² Address given by Jacques Delors (Bruges, 17 October 1989), published 23 October 2012, last accessed 31 July 2016 (http://www.cvce.eu/content/publication/2002/12/19/5bbb1452-92c7-474b-a7cf-a2d281898295/publishable_en.pdf).

⁹³ Address given by Margaret Thatcher (Bruges, 20 September 1988), published 13 September 2013, last accessed 31 July 2016

(http://www.cvce.eu/en/obj/address_given_by_margaret_thatcher_bruges_20_september_1988-en-5ef06e79-081e-4eab-8e80-d449f314cae5.html).

⁹⁴ Endo (1994) ‘The Principle of Subsidiarity’, 593 and 588–587.

⁹⁵ See for instance Van Hecke (2003) ‘The Principle of Subsidiarity: Ten Years of Application in the European Union’.

⁹⁶ Delors (1991) ‘Principle of Subsidiarity. Contribution to the Debate,’ 7–9 cited by Endo (1994) ‘The Principle of Subsidiarity’, 591–590.

respect is that volumes and journals published on federalism have dedicated most of the scholarly attention to subsidiarity to date. Second, subsidiarity has often been portrayed as a broad guideline that would bridge gaps, or ‘reconcile what appears to many as irreconcilable’. Ironically, it has indeed been put to use by competing factions, parties, and countries within the EU, albeit with totally incompatible interests.⁹⁷ For the British as well as the Danish government subsidiarity meant so much as ‘drawing up a list of policy areas under which Brussels will hand back more powers’.⁹⁸ They feared, and arguably rightly so, that subsidiarity would serve the hidden agenda of the Commission in getting ever more involved with national matters.⁹⁹

While Steven Van Hecke is probably right to argue that the subsidiarity principle has highly influenced European policy and its political discourse, his statement is also true in the other direction. Its appearance and employment in these circles, by Delors among others, has fundamentally reshaped the meaning of the principle. Whether this happened accidentally or deliberately, the outcome is that the meaning of subsidiarity has been narrowed down to a federalist principle for multi-level governance. Ken Endo, although in a certain way part of this development himself, already made the same observation in that ‘the conceptual focus of the subsidiarity principle seems to have gradually shifted from this non-territorial scheme [between non-governmental and governmental sectors] to the territorial one: i.e. the division of powers among several levels [of governance]’.¹⁰⁰ This is an interesting point. Certainly with regard to the EU debates, it is true that a territorial understanding of subsidiarity now prevails. If Endo adds that this territorial aspect was less part of the definition before, it is of course more because of the evolved definition than because of the historical reality. Matters of political centralization and decentralization have been at the centre of political debate for ages, whether it was in the early years of the Belgian state or in the twentieth century. It is not that these debates did not exist, but rather that they were not identified as a matter of ‘subsidiarity’ until only recently. The difference is significant. It reminds us that the definition is a human construction to interpret historical reality rather than historical reality itself, and that the definition will always serve as an interpretative tool in a certain context. Put more simply, subsidiarity in the EU context of today is not necessarily what subsidiarity used to stand for in earlier times.

⁹⁷ Waschkuhn (1995) *Was ist Subsidiarität?*, 16.

⁹⁸ Colin Brown and Nicholas Timmins, ‘Delors to get key role on subsidiarity’, *The Independent*, published 13 October 1992, last accessed 31 July 2016 (<http://www.independent.co.uk/news/world/europe/delors-to-get-key-role-on-subsidiarity-1557025.html>).

⁹⁹ See for instance Delors: ‘Some undertakings can be completed better at European than at national level [...] We have to do more’, cited by Burgess (2000) *Federalism and European Union*, 231–232.

¹⁰⁰ Endo (1994) ‘The Principle of Subsidiarity’, 640.

The historical understanding of subsidiarity: *Quadragesimo Anno* (1931)

Endo is definitely right in the sense that the understanding of subsidiarity in today's EU discourse considerably contrasts with its older, more historical interpretation, which can be found in what was the first explicit utterance of subsidiarity as a principle, the papal encyclical of *Quadragesimo Anno* in 1931:

*The supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly. Thereby the State will more freely, powerfully, and effectively do all those things that belong to it alone because it alone can do them: directing, watching, urging, restraining, as occasion requires and necessity demands. Therefore those in power should be sure that the more perfectly a graduated order is kept among the various associations, in observance of the principle of "subsidiary function," the stronger social authority and effectiveness will be the happier and more prosperous the condition of the State.*¹⁰¹

It took only three paragraphs (78, 79 and 80) to introduce the principle, substantiate its necessity and justify its application. Roughly speaking, the first of those three developed the diagnosis of modern society's ills, the second the importance of autonomy and dignity of individuals and social groups in society, and the third an analysis about what the proper role of the state had to be in such a social order. *Quadragesimo Anno's* remarkably social point of view and the continued use of 'social' in these paragraphs had of course much to do with the context in which the encyclical was written and enunciated. Fascism was on the rise in a Europe with soaring unemployment rates and prices caused by an implosion of the financial and economic system known as the 'Great Depression'. The fascist rule was characterized by a strong centralist state which increasingly laid hold on and incorporated existing social bodies. It was therefore little surprising that pope Pius XI used the anniversary of *Rerum Novarum* for a new 'social' encyclical on treating 'social governance' and 'social policy of the state'. It emphasized, for instance, that 'Industries and Professions' were not only economic in nature but also 'well-ordered members of the social body [...] in which men may have their place, not according to the position each has in the labour market but according to the respective social functions which each performs'. (§83)

Underlying the paragraphs in question was the fundamental point that the social order had to be restored. Individualism had led to the devastation of the existing order, which rested upon the structural inclusion of social organizations. Individuals now stood in isolation against a centralized state burdened with the responsibility of all sorts of tasks and functions. The restoration of the rightful social order required a double approach. First and foremost, the autonomy of the social units within society had to be accepted and nurtured. After all, it was only natural that humans engaged in social relations for the pursuit of their social

¹⁰¹ *Quadragesimo Anno* (May 15, 1931) | Pius XI, last accessed 31 July 2016 (http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html).

interests, just as they united to form local communities for their political interests. All these social relations, both small and larger, deserved a rightful place in the social order as they were ‘if not essential, at least natural to civil society’. (§83) They pursued shared interests of their members and hence also contributed to the common good. Therefore, natural law guaranteed their autonomy and considered it ‘an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do’. Expressed a little less bluntly but also ‘gravely wrong’ was ‘to take from individuals what they can accomplish by their own initiative and industry and give it to the community’. (§79) Second, and literally also ‘secondary’, came the rightful intervention of the state. For ‘every social activity ought of its very nature to furnish help to the members of the body social’, and so should the state. However, the encyclical at the same time displayed some reserve in that the state’s intervention was only due ‘as occasion requires and necessity demands’ (§80) and that it had to take care ‘never [to] destroy or absorb them [= the members of the body social]’. (§79) If the state ‘let subordinate groups handle matters and concerns of lesser importance’, it could focus on the pursuit and the perfection of the common good, by ‘directing, watching, urging, restraining’, responsibilities which ‘belong to it alone because it alone can do them’. (§80) Moreover, it would also give him the opportunity to do those things ‘more freely, powerfully, and effectively’. (§80) Clearly, this intervention was not a negative one. It was not that state intervention had to be reduced to the minimum, rather was it in its own interest that intervention focused on its main tasks.

Ultimately, these two principles of autonomy and intervention were brought together by the ‘principle of subsidiary function’ (§80), a ‘most weighty principle, which cannot be set aside or changed [and] remains fixed and unshaken in social philosophy’. (§79) Subsidiarity, so *Quadragesimo Anno* informs us, would make for a perfect balance between those somewhat competing principles, ensuring that ‘a graduated order is kept among the various associations’, hence resulting in a ‘stronger social authority and effectiveness’ and a ‘happier and more prosperous [...] condition of the state’. (§80) The subsidiarity principle was born. Importantly, this historical understanding of subsidiarity is to this day used in other official letters of Catholic social thought, in spite of the changed definition in EU policy debates. In his first encyclical in 2005, the previous pope Benedict XVI favoured ‘a State which, in accordance with the principle of subsidiarity, generously acknowledges and supports initiatives arising from the different social forces and combines spontaneity with closeness to those in need’.¹⁰²

The need for a definition

In this historical understanding, arguably a broader one than the federalist definition prevalent today, subsidiarity actually joined in the tradition of thinking

¹⁰² Quoted by van Kersbergen (2011) ‘From charity to social justice: religion and the European welfare state traditions’, 86.

about the organization of the social order, or the relationship among and between political and social bodies, which has always been one of the conventional cornerstones of social philosophy. The part of *Quadragesimo Anno* concerned with subsidiarity was in fact a more specifically applied and more concise description of the ideas that also permeated the popular 1891 encyclical *Rerum Novarum*. Although it was readily advanced as a principle, it was emphasized that it had a long-standing tradition in Catholic thought. Indeed, as was just demonstrated, Pius XI had recalled in *Quadragesimo Anno* that ‘that most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy’.¹⁰³ This is the main reason why contemporary authors have identified ‘traces’ of subsidiarity in classical philosophy from Aristotle to Thomas Aquinas – and why they have done so with remarkable ease and eagerness. However, trying to trace back an idea in history before it was given a name is a perilous undertaking for a historian. It can only be done if there is agreement on its most essential basic features, that is, by a clear definition. Even if such an act of conceptualizing may sound overly arbitrary – and it is never easy to draw a fine line of course – it is an important exercise in making it possible to trace back the ideas behind the principle before it was expressed explicitly as a principle.

What substantially complicates this act of conceptualizing is the fact that the subsidiarity principle is characterized by vagueness and subjectivity. It is often described in such general terms, allowing for its use in different situations and contexts. Let us take the example of *Quadragesimo Anno*. Words and phrases as ‘subordinate groups’ or ‘matters and concerns’, but also ‘directing, watching, urging’ etc. are rather vague indications and leave room for interpretation.¹⁰⁴ This inherent vagueness accounts for its somewhat ‘universalist’ character, which can also be said of the case of the (more narrow) federalist definition applied nowadays at the European level. Various authors writing on the application of subsidiarity in European policy have argued that it is not despite of, but rather because of this vagueness that it has known such a wide propagation and taken root so quickly in official legislation. Moreover, not only are separate phrases in the definition open to interpretation, but, more importantly, the principle as a whole is also highly subjective in nature. Whatever the specific appliance of subsidiarity, it always implies a preceding judgment or interpretation. *Quadragesimo Anno* stated that state intervention was only acceptable ‘as occasion requires and necessity demands’, that it could never ‘take from individuals what they can accomplish by their own initiative’ and ‘let subordinate groups handle matters and concerns of lesser importance’. However, the interpretation of such phrases will of course always depend on political or ideological preference. What is considered adequately ‘accomplished by the individuals’ own initiative’ to one will not count as such for

¹⁰³ *Quadragesimo Anno* (May 15, 1931) | Pius XI, last accessed 31 July 2016 (http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html).

¹⁰⁴ Although these phrases are taken from the already quoted official translation of *Quadragesimo Anno*, issued by the Holy See on its website, this applies just as easily to my own or other definitions.

the other. Similarly, deciding whether ‘necessity demands’ state intervention or not, and in what ways support should be provided, will depend on the situation. In addition, the ‘concerns of lesser importance’ which can be assumed by subordinate groups also need a certain assessment. As a result, the outcomes of both thinking about or applying subsidiarity can vary greatly, which will be shown on many occasions further in this book.

This is of course not to say that it is not possible to identify features of implicit meaning that determine the substance and mark the borders of subsidiarity, as they lay down the conditions of whether or not something is to be considered subsidiarity. It is precisely because subsidiarity is described in such general terms that there is a need to demarcate its scope. It is my argument here that every definition of subsidiarity in its historical interpretation consists of three main assumptions. The first assumption, and the most obvious in every definition, is that government has both a right and a duty to intervene in society if necessary, though it must respect the autonomy of other social spheres. The second follows from the first in that society should be a well-balanced, multi-layered and hierarchically structured whole of social (and political) bodies. The third is that, within this multi-layered society, an important role should be granted to the human nature of association in voluntary associations of individuals as an intermediary level between individuals and government. These three assumptions taken together make up the core of the subsidiarity principle. The difficulties involved will be discussed in the next part.

Therefore, if I use ‘subsidiarity’, it refers to this historical interpretation as a principle of organization in the *social* order, not so much between the different levels *within* the governmental sphere as between the levels of government on the one hand and the individuals and non-governmental societies and associations that make up civil society on the other. More specifically, this means that higher or larger entities within the social order, typically governmental levels such as the state, should withdraw from those fields of action that can be or are done adequately by individuals or lower levels such as local communities or voluntary associations, meanwhile providing the necessary support in a subsidiary way.

1.2 The difficulties in tracing back undefined ideas

Certainly compared to the impressive stream of literature in which subsidiarity is discussed in the context of the EU, historical research engaged with subsidiarity is much more scarce. Ironically, however, most of the existing historical research is indebted to subsidiarity’s appearance in the EU policy framework. That is true in two ways. First, it is chiefly after 1990 that research into its origins seems to have got off the ground, with only a couple of philosophical studies in the 1950s and an essay on its Christian tradition before. Moreover, the academic effort has been made by philosophers, political scientists and jurists rather than by historians, except for

a recent contribution by the Belgian historian Jo Deforme, a short essay in a multidisciplinary volume by the Belgian historian Emiel Lamberts and an unpublished Master's thesis at the University of Ottawa.¹⁰⁵ The result is that, as George Reid has pertinently noted in the latter, 'existing works on subsidiarity do not attempt to place its early development in its historical context, relying instead on intellectual approaches more consistent with political philosophy'.¹⁰⁶ Most of these studies embrace subsidiarity as a concept allegedly already discernible in ancient, or at least medieval philosophy. The 'common set of assumptions regarding the principle' these works share are highly unhistorical, if not explicitly then at least implicitly, and have not seriously considered the consequences of their arguments, as I will try to make clear.

In searching for the right way of describing the intellectual roots of the idea of subsidiarity, one gets almost automatically drawn into the field of intellectual history. More than any other historical discipline, this 'field whose practitioners' can quite rightly 'pride themselves on intellectual self-awareness' indeed seems to have a tradition in methodological and theoretical self-reflectivity.¹⁰⁷ Legendary in this respect is Quentin Skinner's 'Meaning and Understanding in the History of Ideas'. Written in 1969 but still much debated today, this 'landmark essay' is often referred to as the 'syllabus of errors' in intellectual history as it uncovered an impressive number of unhistorical assumptions that were common in the discipline of history of ideas. In the years past, the contextualist views of Quentin Skinner and his colleagues of what was known as the Cambridge School can be said to have governed the debate. Much as contextualism in general and Skinner's views in particular have been subject to harsh criticism, some of the 'conceptual muddles' and 'mythologies' he identified in the practice of the history of ideas seem to hold

¹⁰⁵ For a historical approach, see Lamberts (2012) 'Historical Reflections on the Principle of Subsidiarity in the EU'; Reid (2005) *Popes, Politicians and Political Theory. The principle of subsidiarity in 20th century European history* and though to a lesser extent also Deforme (2016) 'The Influence of Catholic Socio-Political Theory on the Foundations of the Belgian Welfare State'.

For a philosopher's approach, see: Link (1955) *Das Subsidiaritätsprinzip: Sein Wesen und Seine Bedeutung für die Sozialethik*; Millon-Delsol (1992) *L'État subsidiaire. Ingérence et non-ingérence de l'Etat: le principe de subsidiarité aux fondements de l'histoire européenne*; Millon-Delsol (1993) *Le principe de subsidiarité*; Höffe (1997) 'Subsidiarität als Gesellschafts- und Staatsprinzip'; Føllesdal (1998) 'Subsidiarity'; Jonasson (2000) *The Political Uses of Subsidiarity: From Thomas Aquinas to Thomas Courchene* and O'Malley (2008) 'Currents in Nineteenth-Century German Law, and Subsidiarity's Emergence as a Social Principle in the Writings of Wilhelm Ketteler'.

For a political scientist's and jurist's approach, see the already mentioned Endo (1994) 'The Principle of Subsidiarity'; Waschkun (1995) *Was ist Subsidiarität? Ein sozial-philosophisches Ordnungsprinzip: von Thomas von Aquin bis zur 'Civil Society'*; Blickle, Hüglin and Wyduckel (2002) *Subsidiarität als rechtliches und politisches Ordnungsprinzip in Kirche, Staat und Gesellschaft: Genese, Geltungsgrundlagen und Perspektiven an der Schwelle des dritten Jahrtausends*; Evans (2013) 'The Principle of Subsidiarity as a Social and Political Principle in Catholic Social Teaching'; Evans and Zimmermann (2014) 'The Global Relevance of Subsidiarity'; Aroncy (2014) 'Subsidiarity in the Writings of Aristotle and Aquinas' and McKinley Brennan (2014) 'Subsidiarity in the Tradition of Catholic Social Doctrine'.

And for a Catholic approach see Müller (1943) 'The Principle of Subsidiarity in the Christian Tradition'; Barion (1953) 'Hegels Staatslehre und das Prinzip der Subsidiarität'; Higgins (1994) *Subsidiarity in the catholic social tradition: yesterday, today and tomorrow* and Kelley (2000) *Freedom in the Church. A Documented History of the Principle of Subsidiary Function*.

¹⁰⁶ Reid (2005) *Popes, Politicians and Political Theory*, 4.

¹⁰⁷ McMahan and Moyn (2014) 'Introduction: Interim Intellectual History', 3.

true in some of the existing historical studies of subsidiarity.¹⁰⁸ For the study of the history of subsidiarity, as it is the history of an idea that may have developed for some time before having acquired a label, Skinner and his contextualist approach may be particularly helpful.

A first problem with this tracing back of subsidiarity to classical philosophy in the historical literature on subsidiarity to date is its presentist undertone, the ‘cardinal sin’ of historical research.¹⁰⁹ If historicism is an ‘awareness of the differences between the past and the present’, and historians as a rule ‘work hard to respect the integrity of the past even as [they] write for readers in the present’, then presentism, in contrast, lies in ‘employing the ideas of our own day as the unproblematic standards by which we judge the past’.¹¹⁰ Put more simply, presentism consists of ‘imposing present perspectives on the past’.¹¹¹ Applied to the history of ideas, it means defining an idea in the past against the background of its present meaning rather than the background of its historical utterance. Knowing that, as we have seen, the current definition of subsidiarity markedly differs from its first historical mention, the history of subsidiarity seen from a presentist approach should be distorting enough. In academic fields other than history, however, the phenomenon of presentism is not at all uncommon. Skinner targeted historians of philosophy for this, as well as his fellow historians of political thought. Recent articles by Sarah Hutton and James Kloppenberg, concerned with the differences between intellectual history and those two fields, respectively, only confirmed Skinner’s findings that mainstream ideas in those fields often proved to be highly unhistorical.¹¹² For instance, philosopher Ewald Link, according to a critical review, did ‘not feel the difference between philosophy and history of philosophy’ in his 1955 book on *Das Subsidiaritätsprinzip: Sein Wesen und Seine Bedeutung*.¹¹³

The presentism underlying some historical accounts on subsidiarity is in fact perfectly described by Skinner in his ‘mythology of doctrine’, which lies in ‘mistaking some scattered or incidental remarks by one of the classic theorists for his "doctrine" on one of the themes which the historian is set to expect’.¹¹⁴ Admittedly, some elements in Aristotelian philosophy, such as the hierarchical order of social entities, do make one think of certain elements of what was by the early twentieth century defined as subsidiarity. It sounds less obvious, however, to state therefore that ‘the idea of a subsidiary authority surges as something obvious (*une évidence*) in the society described by Aristotle.’¹¹⁵ Yet in *L’Etat subsidiaire*, a

¹⁰⁸ For a critical view see, for instance, King (1995) ‘Historical Contextualism. The new Historicism’.

¹⁰⁹ For instance Armitage (2015) ‘Modern International Thought: Problems and Prospects’, 118.

¹¹⁰ Kloppenberg (2013) ‘A Well-Tempered Liberalism: Modern Intellectual History and Political Theory’, 658.

¹¹¹ Diggins (2006) ‘Arthur O. Lovejoy and the Challenge of Intellectual History’, 193.

¹¹² Hutton (2014) ‘Intellectual History and the History of Philosophy’, 925-937 and Kloppenberg (2013) ‘A Well-Tempered Liberalism: Modern Intellectual History and Political Theory’, 655-682.

¹¹³ Kreilkamp (1957) ‘The Principle of Subsidiarity. *Das Subsidiaritätsprinzip*’, 242.

¹¹⁴ Skinner (1969) ‘Meaning and Understanding in the History of Ideas’, 12.

¹¹⁵ Millon-Delsol (1993) *Le principe de subsidiarité*, 9.

major work on the (philosophical) history of subsidiarity, Million-Delsol seemed very much aware of this risk:

*On ne peut évidemment pas déduire de là que les Athéniens auraient déjà posé en principe la liberté d'autonomie des modernes, ce qui serait leur prêter des catégories issues de notre temps.*¹¹⁶

Other studies, however, have sometimes even more bluntly taken for granted that subsidiarity appeared in a canon of classical authors, whose 'doctrines' they did not even care to explain in more than a couple of lines.¹¹⁷

These flaws have made many historians of ideas fall into the trap of 'sheer anachronism', ascribing certain concepts to authors before these concepts themselves were even 'invented'.¹¹⁸ When one focuses on a certain principle or idea, this idea can 'become so thoroughly incorporated in our modern thinking that we discover it upon the slightest provocation in whatever we may read from before', according to Jacob Viner.¹¹⁹ In the case of subsidiarity too, we have to be careful not to misjudge these 'familiar' elements: they only acquire this 'familiar' meaning because of our present knowledge and preoccupation, a knowledge and preoccupation that, in the example above, Aristotle could of course not have had. This becomes clear when reading in one of the historical accounts on subsidiarity, by the Canadian philosopher Robert F. Jonasson, that Thomas Aquinas 'appear[ed] to have a modern notion of the particular state', but that he 'did not advocate the modern centralized nation-state', because 'he was still tied to medieval notions of corporatism and diversity'.¹²⁰ Jonasson's choice of words here is in the best case unfortunate, because it seems to suggest that Thomas *wanted* to advocate the modern nation-state. He did of course not simply *not advocate* it, he just *could not have* done so. If Thomas Aquinas's thought is to be related to the subsidiarity principle, it should not be as a prescient medieval system of thought, but rather as a selective and subjective 're-reading of Thomas Aquinas in a context of nineteenth-century continental liberalism with an eye on modern social problems' and as 'an intellectual system capable of being applied to a variety of modern issues'.¹²¹ It is one thing to admit that there seems to be some similarity between the subsidiarity principle the moment it was uttered and certain strands of political thought long before, meanwhile acknowledging the alienating distance in time and context. But it

¹¹⁶ Million-Delsol (1992) *L'État subsidiaire*, 20.

¹¹⁷ See for instance Ulburghs (2004) *Le principe de subsidiarité dans l'unification de l'Europe*.

¹¹⁸ Skinner (1969) 'Meaning and Understanding', 7.

¹¹⁹ Viner (1927) 'Adam Smith and Laissez Faire', 198.

¹²⁰ Jonasson (2000) *The Political Uses of Subsidiarity*, 30.

¹²¹ For the same reason I will always speak of neo-Thomism rather than Thomism. For a solid contextual and critical study of the renewed attention, kindled by Leo XIII, of Thomas Aquinas at the end of the nineteenth century, see Ventresca (2009) "A Plague of Perverse Opinions", especially 160-161. Misner (1991) 'The Predecessors of *Rerum Novarum* within Catholicism', 461 and Furlong (1994) 'Introduction', 8. See also Behr (2003) 'Luigi Taparelli D'Azeglio, S.J. (1793-1862)', 104. For more on neo-Thomism, see part 1.4 of this chapter.

is another to therefore suppose, for instance, that ‘Leo XIII was likely calling for a small welfare state’.¹²²

Teleological accounts, which take their presentist point of view so far that they assume the current point of the development is the only possible and ultimate stage of this development, are indeed never far away in this sort of history. Such accounts were earlier put beautifully in a metaphor of history as a running race, as ‘regarding [ideas] as so coherently continuous that “we conceive of an idea as being like a baton that is handed from runner to runner in a relay race”; or regarding the race itself as so determined, a marathon of doctrines, that we believe an idea is destined to arrive at the goal line as the logical purpose of its activity’.¹²³ Skinner has expressed similar concerns when arguing that ‘As the historian duly sets out in quest of the idea he has characterized, he is very readily led to speak as if the fully developed form of the doctrine was always in some sense immanent in history.’¹²⁴ This flaw has occasionally crept into the writing of Millon-Delsol, as she treats the subject from the point of view of political philosophy. In *Le principe de subsidiarité* she wrapped things up:

*While the expression in its current form does not appear until the nineteenth century, the idea of subsidiarity contributes, since the Greek origins, to delimiting the contours of a characteristic form of politics.*¹²⁵

Not only do such statements draw too straight a line of continuity between points in history as distant in years as they are in context, but they also ascribe to the idea the autonomy and power of an independent actor within the course of history. Without denying the power of ideas, I think that this may be saying too much. Rather than too quickly attributing to ideas the powers to shape historical contexts, it should be emphasized in turn that ‘Ideas are not developed in a void; they [...] come to prominence because of the people and groups who shape and advocate them.’¹²⁶

All of that being said, it should be clear that it is my view that the historical works on subsidiarity would have profited from a touch of historicism and contextualism. However, recently there seems to be a growing number of intellectual historians reacting against the prevalence of the contextualist paradigm. While acknowledging its importance for their field, they also argue that contextualism has restrained the possibilities of intellectual history. In this respect, David Armitage may be right to conclude that ‘*longue durée* intellectual history remained until recently an oxymoron, approximating to an impossibility, enclosing a profound

¹²² Jonasson (2000) *The Political Uses of Subsidiarity*, 34.

¹²³ Lionel Trilling quoted by Diggins (2006) ‘Arthur O. Lovejoy and the Challenge of Intellectual History’, 208.

¹²⁴ Skinner (1969) ‘Meaning and Understanding’, 10-11.

¹²⁵ Millon-Delsol (1993) *Le principe de subsidiarité*, 9.

¹²⁶ Reid (2005) *Popes, Politicians and Political Theory*, 131.

moral error.’¹²⁷ If this assumption is true, should we just reconcile ourselves to the fact that it is simply not possible to search for the intellectual roots of an idea throughout time, in our case subsidiarity?

No – not necessarily. Many intellectual historians today agree that paying regard to the theoretical principles of history writing, as Skinner and others have shown, should not necessarily conflict with the aspiration of studying ideas over the long term. Most of them still consider the context – or rather the ‘nearly infinite’ contexts – of a text to be pivotal to its understanding.¹²⁸ On the other hand, however, they also stress the changing nature of ideas, ‘paying due attention to the key moments at which they shifted shapes and change their colours in different local settings, while still retaining a recognizable form’.¹²⁹ This attempt to conciliate contextualism with a transtemporal focus has resulted in some fresh approaches, such as Armitage’s appeal for ‘serial contextualism’. Similarly, Peter Gordon called for a well-considered balance between what he has characterized as ‘two understandings of temporality’. He cautioned about the risks in taking both ideals to the extreme in his powerful metaphor of history writing as a train journey:

*The ideal of movement on its own runs the risk of breaking up all contexts and creates the illusion that ideas, like privileged passengers on a high-speed train, simply travel through history while taking only the most superficial notice of their surroundings. The ideal of containment, when it governs without restraint, will break up the historical continuum into a set of discrete totalities, each of which exists in a state of sublime isolation, such that even the passage from one station to the next thereby becomes inexplicable.*¹³⁰

Ultimately, as McMahon wraps up, ‘the broader point is that ideas, too, can have a *longue durée*, and that tracing them has the potential to open up sight lines and reveal connections that are potentially obscured by a more intense focus on immediate context.’¹³¹

How, then, does all this relate to our story of subsidiarity? On the one hand, as I have tried to make clear, part of the historical research to date can be proven to contain historically and conceptually doubtful assumptions, ranging from unintentional or negligent to unhistorical and deeply flawed. Undeniably, Quentin Skinner in this respect deserves his fame for providing an exceptionally well-founded repertory of false claims. On the other hand, I think critical responses to the contextualist methodology of Skinner have also had a point. They were probably right in arguing that contextualism, by all too rigidly holding onto the ‘exception of the moment’, has caused intellectual history to be bound hand and foot.¹³² Important in this respect, especially in the case of subsidiarity as an idea

¹²⁷ Armitage (2012) ‘What’s the Big Idea? Intellectual history and the *Longue Durée*’, 499.

¹²⁸ Butler (2012) ‘From the History of Ideas to Ideas in History’, 164.

¹²⁹ McMahon (2014) ‘The Return of the History of Ideas?’, 25.

¹³⁰ Gordon (2014) ‘Contextualism and Criticism in the History of Ideas’, 34.

¹³¹ McMahon (2014) ‘The Return of the History of Ideas?’, 23.

¹³² See for instance King (1995) ‘Historical contextualism: the new Historicism?’, 209–233. McMahon (2014) ‘The Return of the History of Ideas?’, 25.

that was not given its name until the early twentieth century, is Peter Gordon's keen observation that

*If the intellectual historian insists that an idea make its debut only when it bears all the recognizable marks we ascribe to it in a specific temporal moment, he is then saddled with the strangely ahistorical view that a context and its attendant ideas must be born all at once or "in one fell swoop".*¹³³

Similarly, Höffe distinguished between *Wortgeschichte* and *Begriffsgeschichte*, classifying his historical account of subsidiarity under the latter.¹³⁴ Both observations make clear that there is no historical absurdity in trying to trace the origins of subsidiarity before it got assigned that name – as long as it is well argued within which boundaries it is retraced, and as long as due attention is given to the context in which it originated.

1.3 A possible 'genealogy' of subsidiarity: Classical liberalism and Catholic social thinking

Now, as the discussion of the relevant literature as well as some of the most important 'precepts and practices' of intellectual history have demonstrated that there are many possible intellectual histories of subsidiarity, let me clarify the underlying assumptions of my own account.¹³⁵ I do not feel the need to write the sort of history of subsidiarity that other authors have already written before me, going over the same arguments of the same authors since Aristotle. Rather than blindly following these approaches, I want to make an attempt to ground this exercise on a historically and methodologically solid foundation. Also, another similar account would not be of great value, nor would it fit within the scope of this study. Instead of tracing back subsidiarity as far as Aristotle, I want to argue, first, that the subsidiarity principle acquired its meaning essentially only in the nineteenth century, and, second, that it was shaped by the intellectual context of the Classical economist's liberalism and, even more so, by nineteenth-century Catholic social thought.¹³⁶ Moreover, I am convinced that it acquired this meaning *because* of the nineteenth-century context, rather than *against its background*. In a way, nineteenth-century society was the result of a gradual and non-linear struggle between a traditional, hierarchical and predominantly agricultural society, and the advancing notions of individualism, liberalism, industrialism and the modern state

¹³³ Gordon (2014) 'Contextualism and Criticism in the History of Ideas', 46.

¹³⁴ Höffe (1997) 'Subsidiarität als Gesellschafts- und Staatsprinzip', 4.

¹³⁵ For an equally interesting and sometimes parallel intellectual history of the nineteenth century, see the second chapter 'Genèse d'un compromis' in Kott (1995) *L'Etat social allemande. Représentations et pratiques*, 59–101.

¹³⁶ Millon-Delsol has actually argued the same at various occasions, see for instance Millon-Delsol (1993) *Le principe de subsidiarité*, 25 and Millon-Delsol (1992) *L'Etat subsidiaire*, 5–6 and, more in particular, 13, which seems a good example of her dilemma between arguing that the principle was 'born' in the nineteenth century and identifying its origins at different stages in history.

preached by its challengers of the Enlightenment and the French Revolution. The common set of assumptions on state and society – an essentially modern distinction only acknowledged since Hegel – that would constitute what we mean by subsidiarity originated from these ‘growing pains’ of modern society (or ‘modernization’), in its attempt to conciliate traditional with modern society. Very much engrafted onto the same debates and concerned with the same attempt was the emerging social thought within the Catholic Church, developed by such early pioneers as bishop Wilhelm von Ketteler.

Both lines of thought of course relate in very different ways to subsidiarity. Classical liberalism further developed the philosophical individualism and the suppletive role of the body politic preached by Locke.¹³⁷ Hence it not only provided some of the main building blocks, but as the prevailing paradigm until well into the nineteenth century, it also served as a breeding ground. Catholic social thought contributed in a more direct way by developing subsidiarity as an ideological answer to the social question beyond individualistic liberalism and collectivistic socialism. The German historian Günter Frankenberg has also observed the principle’s multiple ideological origins:

*The philosophy of Enlightenment not only promoted happiness but also autonomy and individualism, both favouring radically anti-paternalistic concepts of self-help. By the same token, social reform movements were energized by a belief in progress, humanism and solidarity. Their philanthropical vision did not imply state administered welfare regimes. The same is true for the existing clerical institutions and voluntary altruistic associations that favoured the principle of subsidiarity and defended their tradition of charitable or philanthropical help over state paternalism. So, one may conclude that clearly no single path led from the demise of the traditional poor laws to today’s Welfare State.*¹³⁸

It is with this essentially contextualist view in mind that I dive into the intellectual traditions of Classical liberalism and Catholic social thought. Needless to say, I hope, that the result of such exercise will not be exhaustive in any way. Rather it will be an intellectual ‘genealogy’ of influential thinkers who can be said to have contributed to the eventual emergence of subsidiarity. Without doubt, their thought as well as the context in which it originated could have been fleshed out in more detail, and even other thinkers might be said to have merited a place in the ‘genealogy’ too. However, it should be kept in mind that the rather concise exploration of their intellectual exercise here is only used to add weight to my argument of subsidiarity as an essentially modern principle. My brief ‘serial contextualist’ approach is indebted to the authors of the many excellent,

¹³⁷ Millon-Delsol (1992) *L’Etat subsidiaire*, 82-83.

¹³⁸ Frankenberg (1996) ‘Shifting Boundaries: the Private, the Public, and the Welfare State’, 82-83.

methodologically sound and contextualist intellectual histories about the thinkers discussed here. Interested readers will find more in the works I cite.

1.4 Classical economy and the boundaries of *laissez-faire* liberalism

Much has been written about whether or not the nineteenth century was an ‘age of *laissez-faire*’.¹³⁹ Everyone will agree that the individualism and political liberalism of the Enlightened Thinkers as well as their economic counterpart, Classical economics, had a transformative and long-lasting impact on much of European society and its actors. What united the very diverse thinkers writing in these ages was a shared belief in the individual, his rights and his liberties. While it was also contested by a wide array of opposing ideological forces such as traditionalist conservatism and collectivist socialism, this only reinforces the argument that liberalism had grown into and remained the basic force through well into the nineteenth century. Authors in the past struggled for a long time with the precise meaning and impact of economic liberalism, some tending to reduce this prominence to the dogma of non-interference or *laissez-faire*.¹⁴⁰ However, historians of economic policy who came to be known as revisionists have convincingly argued that even if non-interference was one of the guiding principles in the Classics’ economic policy, Classical economists such as Adam Smith and John Stuart Mill were much more often inclined to deviate from this course. As they returned to the original sources of Classical economics, the revisionists also emphasized the importance of reading the Classics’ account in their eighteenth-century context of a corrupt and absolutist state. Jacob Viner’s seminal revisionist essay on Adam Smith dates back from 1927 and still, according to O’Brien, ‘the caricature of the Classical economists as the die-hard defenders of extreme *laissez-faire* is one which has proved extremely persistent.’¹⁴¹ Contributing to this myth is the fact that some of the Classics’ later followers did take the non-interference to the extreme, which was played out by their opponents then drawing the image of a dogmatic and uncompromising *laissez-faire*.¹⁴² Therefore, Taylor may be right to state that ‘It is impossible to give an unqualified answer to the question “was there an age of *laissez-faire*?”’ because ‘Laissez-faire is in the mind of the beholder: it depends who he is and where he looks.’¹⁴³

¹³⁹ See for instance Brebner (1948) ‘Laissez Faire and State Intervention in Nineteenth-Century Britain’, 59-73; Bartrip (1983) ‘State Intervention in Mid-Nineteenth Century Britain’, 63-83; Roberts (1960) *Victorian origins of the British welfare state* and Taylor (1972) *Laissez-faire and state intervention in nineteenth-century Britain*.

¹⁴⁰ Van Dijck (2008) *De wetenschap van de wetgever*, 89.

¹⁴¹ O’Brien (2004) *The classical economists revisited*, 329.

¹⁴² Van Dijck (2008) *De wetenschap van de wetgever*, 89-93.

¹⁴³ Taylor (1972) *Laissez-faire and state intervention in nineteenth-century Britain*, 62.

Adam Smith and the Classical economists

The father of the *laissez-faire* system, if not the term itself, was of course Adam Smith (1723-1790), a Scottish moral ‘philosopher who happened to deal in economic data’.¹⁴⁴ He painted the picture of ‘nature’ or the ‘natural course’ of society, conceived in a broad sense, as a self-reliant and self-supporting system that should not be disturbed by governments being ‘oppressive and tyrannical’.¹⁴⁵ These early notes, from a lecture in 1749, already reflected the core of Smith’s doctrine developed in his later work: all economic activity had its place within an encompassing natural ‘unintended order’, which would only thrive from a system of natural liberty.¹⁴⁶ None of the elements of Smith’s doctrine in itself were innovative, as he drew heavily on influences ranging from Classical philosophy, Roman law and the Scottish philosophers (among them his own teacher Hutcheson) to Locke and Montesquieu.¹⁴⁷ It was moulding the ideas of his predecessors into the wider framework of his own encompassing doctrine which earned him the title of ‘founder’ of Classical economy.

What at first seemed to be a rather abstract theory was in fact very much policy-oriented. Smith explicitly referred to such specific policy measures as taxes and the ‘administration of justice’. Unlike scholars nowadays, Smith and his followers did not yet distinguish between economic science and economic policy, or between being ‘theorists, dispassionately analysing the economic order’ and ‘men of affairs prescribing policies to meet particular economic situations’.¹⁴⁸ Therefore, they must not be seen merely as philosophers thinking about a distant utopian or normative universe. On the contrary, what they wrote applied specifically and directly to the time and place in which they wrote it. This is something that has often been overlooked in the early literature, which has undoubtedly contributed to the delusive image of Classical economists as dogmatic non-interventionists. As O’Brien observed:

*In no area have the achievements of the Classical Economists been as denigrated and misrepresented as in that of the policy recommendations springing from their very policy-orientated work.*¹⁴⁹

Their interest in non-interference should be seen more as an indictment of the reigning mercantilism in English government than as a generally applicable policy recommendation transcending time and place. Smith himself commented highly unfavourably on the corruption within English government circles as well as on the

¹⁴⁴ Judt and Snyder (2012) *Thinking the Twentieth Century*, 339.

¹⁴⁵ Rae (1895) *Life of Adam Smith*, 62 as quoted by Viner (1927) ‘Adam Smith and Laissez Faire’, 200.

¹⁴⁶ Young (2005) ‘Unintended order and intervention’, 95, and Viner (1927) ‘Adam Smith and Laissez Faire’, 200.

¹⁴⁷ Viner (1927) ‘Adam Smith and Laissez Faire’, 198-200.

¹⁴⁸ Robbins (1978) *Victorian origins of the British welfare state*, 25 and Van Dijck (2008) *De wetenschap van de wetgever*, 29.

¹⁴⁹ O’Brien (2004) *The classical economists revisited*, 327.

obstinacy with which they persisted in their mercantilism, which led him to observing that he had never seen a good example of government interference.

However, Smith's opposition to mercantilist policy did not at all prevent him from attributing certain responsibilities to the state, albeit not without a certain degree of reluctance. In *The Wealth of Nations*, much more than in his more stringent *Theory of Moral Sentiments*, he acknowledged that the system of natural liberty generated certain flaws which could not be avoided altogether. Although the economic process as a rule should not be disturbed or restricted, 'Smith showed himself prepared to depart from a rigid policy of laissez-faire'.¹⁵⁰ The areas of government interference to which he referred were by no means confined to domestic and international security, as some economists in the French School or the Manchester School would later argue. Besides the duty of defence and the duty of internal security and justice, Smith also thought of 'the duty of erecting and maintaining certain public works, and certain public institutions,' more in particular 'chiefly for facilitating the commerce of the society, and for promoting the instruction of the people'.¹⁵¹ Far from strictly defining the boundaries of this area, Smith left some room for interpretation. According to Viner, Smith 'saw a wide and elastic range of activity for government' and seemed to allow for more state intervention in those cases where government, 'by improving its standards of competence, honesty, and public spirit', proved reliable.¹⁵²

Of great importance in Smith's reasoning on this third government duty was what Millon-Delsol has called *la notion de suppléance* or the notion of a suppletive government, which she identified as far back as in the writings of Locke.¹⁵³ Following this notion, government should fill the gaps that were left by the natural course of things and which would or could not be resolved by individuals. On the one hand, this meant that intervention was seen mostly as a negative decision. Rather than a positive choice for intervention, it was deemed 'necessary'. On the other hand, this also implied that these gaps were considered worth filling from the point of view of the general interest, which was, or at least should be, covered by the government. Smith expressed this clearly by stating that 'though they may be in the highest degree advantageous to a great society, [these public institutions] are, however, of such a nature, that the profit could never repay the expense to any individual, or small number of individuals; and which it, therefore, cannot be expected that any individual, or small number of individuals, should erect or

¹⁵⁰ Viner (1927) 'Adam Smith and Laissez Faire', 228.

¹⁵¹ Adam Smith (1776) *An Inquiry into the Nature and the Cause of the Wealth of Nations (An Electronic Classics Series Publication)*, see *The Wealth of Nations.pdf*, published 2005, last accessed 31 July 2016, (<http://eet.pixel-online.org/files/etranslation/original/The%20Wealth%20of%20Nations.pdf>), 561 and 590-591.

¹⁵² Viner (1927) 'Adam Smith and Laissez Faire', 231.

¹⁵³ Millon-Delsol (1992) *L'État subsidiaire*, 60, 81 and 83.

maintain.’¹⁵⁴ The same argument, with the government as supplementing a need, would remain one of the core principles of the later subsidiarity principle.

Many other economists who are traditionally counted as Classical school members held similar opinions.¹⁵⁵ If it is true that ‘the emphasis of the Classical writings on the role of government – the Agenda – is on regulation rather than on expenditure’, it is also true that Smith’s followers in Britain were often even more outspoken and forthright on the subject of state intervention.¹⁵⁶ From the hand of John R. McCulloch, a Scottish Classical economist of the Ricardian school, is the famous statement that ‘The principle of *laissez-faire* may be safely trusted to in some things but in many more it is wholly inapplicable; and to appeal to it on all occasions savours more of the policy of a parrot than of a statesman or a philosopher,’ to name but one example.¹⁵⁷ The views among these economists of course differed. This can be accounted for, first, by the rapidly changing contexts in which they wrote their accounts: John Stuart Mill’s first edition of *Principles of Political Economy* (1848) appeared more than 70 years after Smith’s *The Wealth of Nations* (1776). But also, second, much seemed to depend on their personal development throughout time. To cite just one example, Smith’s *The Theory of Moral Sentiments* (1759) at some points seems to be wholly inconsistent with his later *The Wealth of Nations* (1776).¹⁵⁸

Whatever the slight differences in style and argument among the Classical economists, it is clear that most of them, like Smith, relied on non-interference more as ‘an entirely pragmatic attitude’, as did other adherents of *laissez-faire* such as the famous British prime minister Robert Peel, ‘who preferred to speak of “general rules” rather than of “principles”’.¹⁵⁹ McCulloch was again very clear on this note:

*Although, therefore, the general principle as to self-reliance be as stated above, the economist or the politician who should propose carrying it out to its full extent in all cases and at all hazards, would be fitter for bedlam than for the closet or the cabinet.*¹⁶⁰

Decisions on whether the government should interfere were believed to depend on the context and the specificities of the problem. ‘[T]he admitted functions of government embrace a much wider field than can easily be included within the ring-fence of any restrictive definition,’ as John Stuart Mill stated, and he added that ‘it is

¹⁵⁴ Adam Smith (1776) *An Inquiry into the Nature and the Cause of the Wealth of Nations (An Electronic Classics Series Publication)*, see *The Wealth of Nations.pdf*, published 2005, last accessed 31 July 2016, (<http://eet.pixel-online.org/files/etranslation/original/The%20Wealth%20of%20Nations.pdf>), 590.

¹⁵⁵ There is no real consensus as to the composition of the Classical school, both in terms of its chronology and in terms of its members. Although everyone agrees on its principal contributors, some authors narrow down their selection to British authors, while others also include the French school. See Taylor (1972) *Laissez-faire and state intervention in nineteenth-century Britain*, 50-52 and Van Dijk (2008) *De wetenschap van de wetgever*, 30-31.

¹⁵⁶ O’Brien (2004) *The classical economists revisited*, 330.

¹⁵⁷ Quoted in O’Brien (2004) *The classical economists revisited*, 328.

¹⁵⁸ Viner (1927) ‘Adam Smith and Laissez Faire’, 201.

¹⁵⁹ Taylor (1972) *Laissez-faire and state intervention in nineteenth-century Britain*, 58 and O’Brien (2004) *The classical economists revisited*, 328.

¹⁶⁰ Robbins (1978) *The theory of economic policy in English classical political economy*, 44.

hardly possible to find any ground of justification common to them all, except the comprehensive one of general expediency.’¹⁶¹ By referring to ‘general expediency’, Mill actually seemed to emphasize that much rested on the personal assessment of the observer, whether he be an economist or a politician.¹⁶² Measures that to some were ‘expedient’ for one reason or the other must have felt unnecessary or interfering to others. For this reason, the differing political attitudes were not at all irrelevant, as O’Brien has rightly observed.¹⁶³ More importantly, the same subjective sense of whether state intervention was ‘expedient’ or not would also be typical of the subsidiarity principle later.

In contrast to traditionally economic matters such as free trade, *laissez-faire* did not seem to hold the same attraction for the Classical economists in social matters such as education or public health. Speaking about the extensive lists of interventionist measures supported by the Classical economists drawn up by revisionist authors, Taylor has rightly pointed out that ‘their emphasis is social rather than economic’.¹⁶⁴ One of the more obvious examples, and one in which almost all Classical economists (except Ricardo) agreed on intervention, was education. John Stuart Mill voiced this consensus:

*Education is one of those things which it is admissible in principle that a government should provide for the people. The case is one to which the reasons of the non-interference principle do not necessarily or universally extend.*¹⁶⁵

On the other hand, they also agreed that ‘The government must claim no monopoly for its education.’¹⁶⁶ Therefore, the question was not *whether* the government had a role to play in education, but more *how* to fulfil its role. Smith, for instance, left space for private initiative and favoured ‘subsidized, but not quite free, elementary education’. Similarly, McCulloch significantly spoke of ‘to cause’ when indicating the specific role of the state: ‘were government to interfere so far as *to cause* a public school to be established in every parish in England, its interference would be in the highest degree beneficial.’¹⁶⁷ The authors only disagreed on the specific financial implications of establishing a government-supported system of education.¹⁶⁸ In keeping with these views, the British government introduced the Education Act of 1870 ‘to complete the present voluntary system, to fill the gaps.’¹⁶⁹ Taylor makes an excellent point by observing that ‘If the voluntary societies had had the capacity to satisfy the total demand for elementary education, the Act of 1870 would have been

¹⁶¹ Quoted by O’Brien (2004) *The classical economists revisited*, 328.

¹⁶² Robbins (1978) *The theory of economic policy in English classical political economy*, 39.

¹⁶³ O’Brien (2004) *The classical economists revisited*, 329-330.

¹⁶⁴ Taylor (1972) *Laissez-faire and state intervention in nineteenth-century Britain*, 48.

¹⁶⁵ Quoted by Taylor (1972) *Laissez-faire and state intervention in nineteenth-century Britain*, 47.

¹⁶⁶ Quoted by Taylor (1972) *Laissez-faire and state intervention in nineteenth-century Britain*, 47.

¹⁶⁷ Quoted by O’Brien (2004) *The classical economists revisited*, 340.

¹⁶⁸ O’Brien (2004) *The classical economists revisited*, 339-340.

¹⁶⁹ Quoted by Taylor (1972) *Laissez-faire and state intervention in nineteenth-century Britain*, 57.

as unwanted as it would have been unnecessary.¹⁷⁰ As will be treated in more detail in chapter five, Belgian Catholics followed exactly the same reasoning.

The interest in social interventionism seemed to spring both from economic reasoning and from genuine concern for social problems. There is some logic behind Smith and the first generation of Classical economists being more concerned about economic policy because of the mercantilist context. But also later, for instance concerning the reasons of some Classics to support trade unions, it appears that they primarily sought to protect wages in order to sustain productivity. The same is true, to a certain extent, for education, which was seen in part as an investment and as ‘providing an adaptable labor force’.¹⁷¹ On the other hand, Robbins has convincingly argued that as for public health, their utilitarian predecessor Jeremy Bentham already allowed for a high degree of social intervention, advocating inter alia a Ministry of Health and a Ministry of Education, and several administrative institutions.¹⁷² Touching on a passage of the Report of the Handloom Weavers, which was written by Commissioners sympathetic to the Classical ideas, he added that ‘Those who believe that the Classical Economists were “primarily interested” in profits might perhaps take note of this passage.’¹⁷³ Seen in retrospect, it seems to be true that ‘as time passed, the social aspect tended to overshadow the economic’.¹⁷⁴

Of course, there were also the schools of economists who set themselves in the tradition of the Classical economists but went their own way with a national variant. The best example is probably the French school, which advocated an intellectual synthesis of Smith and the French physiocrats and was thus decidedly more non-interventionist, precluding nearly every form of government intervention. Its most well-known adherent Jean-Baptiste Say has arguably played a great part in spreading economic liberalism on the continent. It can be easily said that his later followers Frédéric Bastiat in France and his Belgian followers Adolphe Le Hardy-de Beaulieu and particularly Gustave de Molinari, have contributed much to the rigid and dogmatic meaning of *laissez-faire*. In France, as in Britain, popularizing articles on Classical economists helped spread this clichéd image of *laissez-faire*, although they may not have intended to do so on purpose. Another important subdivision of Classical economy, one could say, was the Christian economists or *l'économie chrétienne*. In spite of the obvious religious component of their work, their theories were very similar to Classical liberalism. Some German economists also followed Smith, but to a far lesser degree, because

¹⁷⁰ Taylor (1972) *Laissez-faire and state intervention in nineteenth-century Britain*, 57.

¹⁷¹ O'Brien (2004) *The classical economists revisited*, 340 and 339-342.

¹⁷² Robbins (1978) *The theory of economic policy in English classical political economy*, 41-42 and 88-89.

¹⁷³ Robbins (1978) *The theory of economic policy in English classical political economy*, 90.

¹⁷⁴ Taylor (1972) *Laissez-faire and state intervention in nineteenth-century Britain*, 46.

they were influenced by the German tradition of *Kameralwissenschaft*, which they seemed to hold on to rather strongly.¹⁷⁵

On the other hand, there were also theories which strongly opposed the prevailing economic liberalism, ranging from utopian socialism and Marxism to the German historical school and other nationalist economists. Indeed, as socialism acquired a more cohesive theoretical foundation and a more combatant nature from the mid-nineteenth century onwards under the influence of Karl Marx, it would grow to become the main contender against economic liberalism. The rise of socialism emerged within the larger picture of the ‘workers’ question’ or ‘social question’ gaining prominence as the consequences of industrialization and proletarianization made themselves increasingly felt, a development which of course had a decisive impact on many of the intellectual debates to come. The fact that state intervention became a more explicit debating point is a case in point. Nonetheless, in most European countries, where aristocracy and bourgeoisie pulled the strings, economic liberalism kept thriving, to varying degrees inspired by the Classical economists.¹⁷⁶

The State debate: Humboldt, Laboulaye and Dupont-White

While Smith and the first generation of economists had never devoted particular attention to it, the role of the state became a heavily debated issue on its own as the nineteenth century advanced. Revealing in this respect were the very first words of the French politician Pascal Duprat in his *De l'Etat. Sa place et son rôle dans la vie des sociétés* :

*A toutes les époques de crise ou d'agitation intellectuelle, il y a, comme disait Montaigne, une maîtresse question, qui domine tous les débats. Cette question, aujourd'hui, à travers nos querelles économiques et politiques, est celle de l'État, ou plutôt du rôle qui lui appartient dans la vie organique des sociétés.*¹⁷⁷

John Stuart Mill, too, ‘set the role of government in the forefront of his argument’, devoting the final book of his *Principles of Political Economy* to ‘the Influence of Government’.¹⁷⁸ The prominence and relevance of the debate was probably also one of the reasons why a lost manuscript on the subject from 1792 by the famous German philosopher and government official Wilhelm von Humboldt was published in 1851, nearly sixty years after his death.¹⁷⁹ Numerous translations and editions of the same work followed, which sparked similar writings such as Édouard Laboulaye’s *L'Etat et ses limites*. It is also believed to have inspired John Stuart Mill to write his famous essay *On Liberty* (1859), which in any case carried several

¹⁷⁵ Van Dijck (2008) *De wetenschap van de wetgever*, 39-40, 89 and 98-105. See also Stolleis (2013) *The Origins of the German Welfare State*, 49, 52 and 59-60; Kaufmann (2013) *Thinking about social policy*, 43-44 and Langner (1975) ‘Zur konservativen Position in der politisch-ökonomischen Entwicklung Deutschlands vor 1848’, 33-41.

¹⁷⁶ Van Dijck (2008) *De wetenschap van de wetgever*, 81.

¹⁷⁷ Duprat (1852) *De l'État. Sa place et son rôle dans la vie des sociétés*, 7.

¹⁷⁸ Taylor (1972) *Laissez-faire and state intervention in nineteenth-century Britain*, 23 and 21-23.

¹⁷⁹ Humboldt (1851) *Ideen zu einem Versuch, die Grenzen der Wirksamkeit des Staats zu bestimmen*.

references to Humboldt's work.¹⁸⁰ Mill's essay was then translated into French by his fellow economist and friend Charles Dupont-White, who himself had written *L'individu et l'État*, of which four more editions were to follow, in 1857. Though different in their ideological orientation, Humboldt's, Laboulaye's and Dupont-White's works permit a more lengthy discussion, as they touched on a subject that would prove central to the subsidiarity principle and served as direct examples for Belgian thinkers.

Humboldt was 24 when he wrote the essay *Ideen zu einem Versuch die Grenzen der Wirkamkeit des Staats zu bestimmen*, known in English as *The Limits of State Action*.¹⁸¹ His wide interests made it a 'singularly rich document', not to be understood merely in the context of the turbulent times of the ongoing French Revolution but also in a context 'which includes metaphysics, morals, psychology, aesthetics, and educational theory'.¹⁸² Restricting ourselves to a mere analysis of his theory of the state may thus convey his ideas in a too simplistic way. Most interesting here, however, is that the German philosophy professor Siegfried Battisti has linked Humboldt to the subsidiarity principle.¹⁸³ This argument necessitates a closer look at Humboldt's view on the role of the state and society.

Making a classical distinction, Humboldt could think of three functions one could possibly attribute to the state: ensuring its own existence, providing social welfare to its citizens, and making sure the liberties of some would not harm those of others. His basic argument was that only the third – and the first only to a necessary extent – was a viable terrain of action for the state. Aside from the citizen's 'negative welfare', as in security, Humboldt firmly rejected the argument that the state had a role in providing his 'positive welfare'.¹⁸⁴ His view of the state was negative altogether and was aptly described by Burrow thus: '[The state] does not initiate, it limits.'¹⁸⁵ This limitative interpretation had to do with Humboldt's romanticism and his frequent use of the 'organic' metaphor in his theory. This made him fear that acknowledging that the state possessed an 'organic' nature would necessarily mean an omnipotent state. Therefore, Humboldt 'was forced to regard it simply as a kind of public convenience with strictly limited functions, a mere piece of machinery'.¹⁸⁶ Concluding his third chapter on 'positive welfare', Humboldt made his views crystal clear:

¹⁸⁰ For a comparative table of subjects between Humboldt and Mill see Burrow (2006) 'A common culture?', 148-151.

¹⁸¹ Burrow (1993) 'Editor's Introduction', XVIII. One of the first English editions was a translation by Joseph Coulthard in 1854 under the title of *The Sphere and Duties of Government*. In later English editions, it became known as *The Limits of State Action*, as in John W. Burrow's edition from Cambridge University Press in 1969 (reprinted in 1993, the edition used here). For a contemporary French edition see Henri Chrétien: Humboldt (1867) *Essai sur les limites de l'action de l'État*.

¹⁸² Burrow (1993) 'Editor's Introduction', XXVI.

¹⁸³ Battisti (1987) *Freiheit und Bindung* and Battisti (1994) 'Humboldts Staats- und Gesellschaftsauffassung und das Subsidiaritätsprinzip'.

¹⁸⁴ Humboldt admitted that both were linked, though. Humboldt (1867) *Essai sur les limites de l'action de l'État*, LXXXIV.

¹⁸⁵ Burrow (1993) 'Editor's Introduction', XLVI.

¹⁸⁶ Burrow (1993) 'Editor's Introduction', XXVIII.

*the State is to abstain from all solicitude for the positive welfare of the citizens, and not to proceed a step further than is necessary for their mutual security and protection against foreign enemies; for with no other object should it impose restrictions on freedom.*¹⁸⁷

Humboldt's views reflected an extreme *laissez-faire* position that was more mainstream at the time of publication than it would have been at the time of writing. This was especially apparent in his eagerness to use voluntary associations for 'general social tasks', 'anticipating much nineteenth-century political theory of a populist, anarchist, and syndicalist kind'.¹⁸⁸ Humboldt's proscribing of state interference in positive welfare came together with paying tribute to, in his own words, the 'very variety arising from the union of numbers of individuals' and the 'greater richness and beauty from what is internally produced by its own spontaneous actions', which he considered 'the highest good which social life can confer'.¹⁸⁹ Not surprisingly, Humboldt's work was published during the 'heyday of economic liberalism in Germany [...] dominated by the Manchester School', which was known for its radically non-interventionist economic liberalism.¹⁹⁰ And yet, what this reading also indicates is that Humboldt's late eighteenth-century *laissez faire* was of a different category. More than merely reflecting the economic dogmatism of the Manchesters, his liberalism was grounded in a moral and philosophical individualism.¹⁹¹ One of the many examples is that he justified his antistatist views by pointing to human dignity: even if the state provided its citizens with 'happiness and enjoyment', this would constitute 'an agglomerated mass of living but lifeless instruments of action and enjoyment, rather than a multitude of active and enjoying energies' and therefore, 'it would [...] underestimate the dignity of human nature'.¹⁹² In a sense this is remarkable, because human dignity would appear as one of the keys in the discourse of Catholic social thought from the late nineteenth century onwards.

Humboldt's posthumously published work provoked international resonance. One of his most enthusiastic followers was the French professor in comparative law Édouard Laboulaye. After 1848, he grew more politically active (as he himself said 'it is revolutions that have made a political writer of me'), and he became one of the leaders of the moderate left during the Second Empire and the Third Republic.¹⁹³ According to Laboulaye, Humboldt's *Limits of State Action* was 'one of the best books' written on the 'grave problem' which stood 'at the top of the agenda all over Europe'.¹⁹⁴ As a prolific essayist he contributed to the debate, among others with his own *L'État et ses limites* (1863), which was reprinted several times over the

¹⁸⁷ Humboldt (1993) *The Limits of State Action*, 33.

¹⁸⁸ Burrow (1993) 'Editor's Introduction', LI.

¹⁸⁹ Humboldt (1993) *The Limits of State Action*, 18.

¹⁹⁰ Kaufmann (2013) *Thinking about social policy*, 43.

¹⁹¹ Burrow (1993) 'Editor's Introduction', XLIX-L.

¹⁹² Humboldt (1993) *The Limits of State Action*, 31.

¹⁹³ Quoted in Marc Kirsch, 'A Portrait of Edouard Laboulaye', *La Lettre du Collège de France* 4 (2008-2009), 58-60, published 15 November 2010, last accessed 22 June 2015 (<http://lettre-cdf.revues.org/783>).

¹⁹⁴ Laboulaye (1868) *L'État et ses limites*, 48.

following years. The title of the book alone seemed to foreshadow Laboulaye's suspicion towards the state. A similarly liberalist view was that individual liberties and the principle of association had been neglected.¹⁹⁵ His ardent plea in favour of individual liberties must be seen against the background of the Second Empire, which was on a cautious track of reforms during the 1860s but still very much a centralist monarchy.¹⁹⁶ In many of his arguments, Laboulaye echoed both Humboldt and John Stuart Mill. Less prominent in his analysis but nonetheless remarkable was Laboulaye's praise for both the principle of association and municipal autonomy. Not without some jealousy, so it seemed, he looked to the 'miracles' that resulted from the principle of association in England and the United States:

*Religion, education, lettres, sciences, arts, hospices, établissements de bienfaisance, caisses d'épargne, assurances, banques, chemins de fer, industrie, navigation; tout cela vit et prospère par le libre effort des citoyens.*¹⁹⁷

In both countries, association could get things done by society which the state did in France. The same was true, to a certain extent, for municipal autonomy, which he considered as the most instructive form of liberty.

However, much as the title of his work seemed to suggest that the state's powers had to be curbed, Laboulaye was essentially more subtle in that he argued that 'today [...] it is not so much about weakening the state as strengthening the individual'. He strongly opposed the idea of many liberals that, in order to have more liberty, there consequently had to be less state. This argument tended to appear in the course of liberalist utopias of progress: the ideal society was one that needed no state, since it had only liberties. Laboulaye replied that society 'is not a fixed quantity which cannot expand from one side without diminishing from the other [...]; in an advanced civilization the people will be very free and the government very busy'. For all their common ground, he even criticized Mill for telling only one side of the story and considering the state 'to be an enemy one should fight, and its administration a disaster (*plaie*) one should limit'. Though the subsequent comparison he drew with the early French economists was hardly justified or even adequate, it added weight to his argument that the state had its place in addition to liberty. To Laboulaye, the former was the greatest guarantee of the latter – as long as the state thereby was careful not to indulge in matters which did not necessarily belong to it, which would only paralyze and destroy the existing 'energies' in society. Hence, he concluded, 'the idea of determining natural limits to the state, and restricting it to them'.¹⁹⁸ Together with his pleas for individual liberty and the right of association, this made for the following ideal balance of power:

¹⁹⁵ Laboulaye (1868) *L'État et ses limites*, VI-VII, 6-7, 47-48 and passim.

¹⁹⁶ Hazareesingh (2001) *Intellectual Founders of the Republic*.

¹⁹⁷ Laboulaye (1868) *L'État et ses limites*, 84-85.

¹⁹⁸ Laboulaye (1868) *L'État et ses limites*, 96. For the preceding quotes and ideas in this paragraph, see, respectively, pages 76, 80-81, 67-68 and 84-85.

*A l'État les intérêts généraux ou politiques, la paix et la justice; à l'association les intérêts sociaux; à l'individu le soin et la responsabilité de sa personne et de sa vie.*¹⁹⁹

Although Laboulaye's book went beyond the French case, there was something distinctly French in the core of his argument. Since 1789, he argued, people had wrongly assumed liberty and authority were 'irreconcilable', and had therefore taken one of the two to extremes.²⁰⁰ In contrast to this, Laboulaye made it his duty to show how they were two sides of the same coin and how both had their use. As the French historian Spitz has recently shown, this 'French conception of liberty' which 'linked liberty to power', was particularly typical of French liberalism.²⁰¹ This particular type of French liberalism also exercised a direct influence on liberal Catholicism in Belgium.²⁰² Moreover, a similar synthesis of liberty and authority, with emphasis on human dignity, would also appear in Catholic social thought and the social doctrine of the Church.

Less clear in his ideological stance but also, and even more so, a proponent of this French liberalism, was Laboulaye's contemporary Charles Dupont-White.²⁰³ As a translator – and friend – of John Stuart Mill, Dupont-White was a rather well-known figure in French intellectual circles.²⁰⁴ His original views and independent attitude made him both remarkable and difficult to grasp, even for his peers, and has also hampered scholarly attention.²⁰⁵ It is safe to say, however, that Dupont-White more than anything else believed in state intervention and centralization, and continued to do so throughout his lifetime. Most of his views on political philosophy he developed in *L'individu et l'État* (1857), *La centralisation, suite à L'individu et l'État* (1861) and in the introductions to Mill's translated *On Liberty* and *On Representative Government*. Even more so than Laboulaye, Dupont-White was convinced that 'the State and liberty are not antithetical' and that 'the discipline imposed by the state' increased rather than broke the opportunities of individual liberty.²⁰⁶ The state stood 'at the service of liberty': the authority and the rule of law imposed were only meant to enhance and secure individual liberty.²⁰⁷ Also like Laboulaye, he argued that 'As society reached a higher plane of civilization, it needed more laws and therefore more government.'²⁰⁸ Here he strongly opposed Mill, who, in the best tradition of Classical liberalism, believed liberty thrived through the withdrawal of the state rather than through its intervention. However,

¹⁹⁹ Laboulaye (1868) *L'État et ses limites*, VII.

²⁰⁰ Laboulaye (1868) *L'État et ses limites*, V.

²⁰¹ Spitz (2012) 'The 'illiberalism' of French liberalism', 252.

²⁰² In Edouard Ducpétiaux's most important theoretical treatise, Laboulaye was one of his main inspirations. See chapter three.

²⁰³ Spitz (2012) 'The 'illiberalism' of French liberalism', 258ff.

²⁰⁴ Although Laboulaye stressed Humboldt's influence on Stuart Mill, there is more evidence to point to similarities between Mill and Dupont-White, see Schui (2013) *Rebellious Prussians*, 177-178.

²⁰⁵ Hazareesingh (2001) *Intellectual Founders of the Republic*, 86-88.

²⁰⁶ Dupont-White (1856) *L'individu et l'état*, LXX and Spitz (2012) 'The 'illiberalism' of French liberalism', 259.

²⁰⁷ Spitz (2012) 'The 'illiberalism' of French liberalism', 263 and Hazareesingh (2001) *Intellectual Founders of the Republic*, 101.

²⁰⁸ Hazareesingh (2001) *Intellectual Founders of the Republic*, 99 and Spitz (2012) 'The 'illiberalism' of French liberalism', 260-262.

in spite of his unjustified nickname of ‘state socialist’, he was willing to confine state action to moral and political boundaries.²⁰⁹ Out of concern for the working class – and the possibility of class conflict – Dupont-White wanted the state to negotiate between labour and capital and to provide assistance to the poor and the weak, whilst also maintaining public utilities. Favouring a positive ‘duty’ of the state, with ‘permanent measures’ such as subsidizing hospitals and pensions, was of course beyond mainstream liberalist views.²¹⁰ However, he did not go so far as to advocate the socialist notion of ‘right to work’ or to ask the state to enhance social equality, and he bitterly opposed freedom of association, let alone the state’s support for such freedom.²¹¹

In short, assessing Dupont-White’s political and social thought is indeed a difficult task. Though an advocate of civil and political liberties, in general he despised the ‘core tenets of individualist and Catholic liberalism’ such as individualism and decentralization of which Tocqueville was the most visible exponent.²¹² On the other hand, while he called for far-reaching state solutions to poverty and the social question, he disagreed with both the socialists advocating social equality and progressive liberals advocating the freedom of association. Nonetheless, Dupont-White would figure as a direct source of inspiration for important thinkers in nineteenth-century Belgium, such as his friend and liberal economist Emile de Laveleye and the liberal-Catholic publicist and government official Edouard Ducpétiaux. It will be interesting to see (in chapter three) how the latter perceived Dupont-White’s arguments, which of these arguments he used and how he used it in his discourse.

State and society: Hegel and Tocqueville

Besides the growing current of economic liberalism given form by the Classical economists, a wide array of differing liberal opinions also accounted for its dominion over political theory and philosophy by the start of the nineteenth century. Two figures who proved highly influential in this liberal thinking about state and society were the German philosopher Georg Wilhelm Friedrich Hegel and the French aristocrat and historian Alexis de Tocqueville. According to Millon-Delsol, they shared the ideal of a stable and organized free society, although their starting points in their respective national contexts differed so widely, with a non-unified and chaotic Germany against a centralist France, that they had to take different discursive paths to get there.²¹³ Even without this somewhat simplistic angle, it is certainly true that both authors delivered original ideas on state and society which inspired many authors after them, but which have also contributed elements that reappeared in the intellectual development of the subsidiarity principle.

²⁰⁹ Hazareesingh (2001) *Intellectual Founders of the Republic*, 108ff.

²¹⁰ Dupont-White (1856) *L’individu et l’état*, 85–86.

²¹¹ Hazareesingh (2001) *Intellectual Founders of the Republic*, 110–113.

²¹² Hazareesingh (2001) *Intellectual Founders of the Republic*, 102 and 97.

²¹³ Millon-Delsol (1993) *Le principe de subsidiarité*, 61–62.

After a study in Protestant theology and some years as an instructor at the University of Jena and as the director of a secondary school, Hegel was offered a post as professor of philosophy at the University of Heidelberg in 1816 and at the University of Berlin in 1819, where he remained until his death.²¹⁴ Throughout the years Hegel has attracted an enormous amount of scholarly attention and he continues to do so. His concept of civil society and his theory of the state alone have given rise to numerous interpretations, which are as different as they are numerous. This has much to do with the ‘schematic form and extremely difficult and obscure terminology’ of *The Philosophy of Right*, which is his most important work in this respect.²¹⁵ Hegel’s ‘obscurity of thought and awkwardness of expression’ stood out even to his contemporaries.²¹⁶ Rather than getting lost in the complexity of the original texts, I will use some specific accounts in the literature to give an overview of Hegel’s views on the state and civil society.

As regards his political philosophy, Hegel went down in history as the one who distinguished between a political society and a ‘civic’ or ‘civil society’ (*bürgerliche Gesellschaft*).²¹⁷ For Hegel civil society was an intermediary stage or ‘moment’ in the dialectic process of the ethical community, right between the personal community of the family and the political community of the sovereign state.²¹⁸ In the personal sphere of the family, the ethical life and duties of the individual were determined by his place within the family community. Outside his family, in the absence of these determinations, the individual needed to engage in other social relations whilst striving for his personal interests, as a result of which he would become a member of new transcendent unity, the civil society. Through the individual’s activities and relations within this civil society, he would find himself part of social groups or classes or ‘estates’ and economic associations or ‘corporations’, through which he would also get acquainted with public bodies regulating civil society. The highest community, then, was the ‘strictly political state and its constitution’, which differed from the civil society because it pursued the general interest, whereas the civil society thrived on private interests of individuals and groups. While Hegel thus acknowledged the power of individualism active in civil society, this was something he would not first admit: before he envisaged state-society relations as a dialectic process with the conception of civil society, he feared political chaos and anarchy if private interests reigned over those of the community.²¹⁹ Here, the importance of

²¹⁴ Goldstein and Boyer (1988) 8. *Nineteenth-century Europe: Liberalism and Its Critics*, 129.

²¹⁵ Pelczynski (1984) ‘Political community and individual freedom in Hegel’s philosophy of state’, 60.

²¹⁶ Goldstein and Boyer (1988) 8. *Nineteenth-century Europe: Liberalism and Its Critics*, 129.

²¹⁷ There has been considerable discussion about the English translation of Hegel’s *bürgerliche Gemeinschaft*. Some have argued that ‘civil society’ is too politically charged by its frequent use in political discussions since the 1980s and they therefore use the more neutral ‘civic society’. However, using the term civil society, in my opinion, is not to deny its rhetoric use in the past as well as today and certainly not to say that Hegel with his *bürgerliche Gemeinschaft* means the same as what is today understood by ‘civil society’. Similarly, the meaning of ‘the state’ has changed considerably over the years and it has been used to underpin differing political views, but that has not refrained scholars from making use of it as a conceptual term.

²¹⁸ Pelczynski (1984) ‘Introduction’, 1.

²¹⁹ Pelczynski (1984) ‘Introduction’, 5-6.

the civil society within his system of thought becomes readily apparent. Hegel used it as a tool with which he could make private interests accord with general interests, or make living in community accord with remaining a free individual, without jeopardizing the distinct spheres of the family and the body politic.²²⁰ In an era that was torn between the rising tide of individualism and liberty on the one hand and an increasing concern for its citizens by governments on the other, this proved a major accomplishment.

Hegel has sometimes also been pictured as the great advocate of a strong state, but the reality is more complex. He indeed believed that more than anything the state would complete human freedom.²²¹ But as a political community it was given shape by individuals (and their associations), and it could only complete human freedom because its task was to direct their and civil society's interests towards the common end.²²² The state was also more free in the sense that civil society was bound by its imposition of rules, even if civil society was a distinct space that gave the individual the chance to make use of his own liberty. And unlike the civil society, the state was not a community based on instrumental and contractual relations.²²³ The state had the power to serve the family and the civil society as 'an external necessity and their higher authority'. However, Hegel strongly distanced himself from the current of liberal statism dominant then in Germany, which he blamed for 'a pedantic urge' (*pedantische Sucht*) to bring every detail under the powers of the state. Like the German bishop Ketteler, to whom we will return in the following part, he resisted the conception of the state as something 'mechanical'. Even in the cases of rightful state intervention, Hegel was aware that the civil society lacked the means to understand and justify the reasons behind the intervention, which would make it seem arbitrary and tyrannical.²²⁴ That is why he made an appeal to the 'estates' (*Stände*), conceived as corporations for political representation in which the individual would see his individual rights complemented by political rights, and which would make the individual understand the why and how of the state intervention.

Although he was pessimistic about the practical implications of his own field, Hegel was not concerned solely with the theoretical aspects of this conceptual framework. He also sought to explore the nature of this distinction in reality and was well aware that there was no clear-cut boundary between political and civil society. The former interfered in the latter, for example, by market regulation, court rulings and law enforcement by police. But conversely, such individual or group 'energies' as, for example, public opinion could also have an influence on the body politic. Moreover, Pelczynski went so far as to state that 'Hegel was seeking to influence

²²⁰ Pelczynski (1984) 'Political community and individual freedom in Hegel's philosophy of state', 76.

²²¹ Pelczynski (1984) 'Political community and individual freedom in Hegel's philosophy of state', 72.

²²² Ilting (1984) 'Hegel's concept of the state and Marx's early critique', 94ff.

²²³ Westphal (1984) 'Hegel's radical idealism: family and state as ethical communities', 83ff.

²²⁴ Pelczynski (1984) 'Political community and individual freedom in Hegel's philosophy of state', 72 and Barion (1953) 'Hegels Staatslehre und das Prinzip der Subsidiarität', 200.

the development of his native Germany in the direction of greater freedom in the civil sphere and greater participation in the political arena.²²⁵ What is certain, however, is that Hegel's analysis was powerful and effective. His identification of civil society as a distinct sphere contributed to the snowball effect of an 'increasingly self-aware society': it improved the 'chances for the growth of voluntary social activities', a growth which eventually led to a 'social structure' of some kind, thereby again increasing the self-awareness and even 'provid[ing] the legal framework also for the private initiatives in poor relief.'²²⁶ More importantly, his distinction also sparked questions about what function such a 'social structure' could and should pursue and how it related to the role of the state. The field of 'social policy', essentially about the relationship between the political and the social, was born.²²⁷

With the risk of overstatement, it can be argued that not only was Hegel's distinction itself essentially modern but, more importantly, he also shaped modern thinking with it. This is an important observation, and one that allows us to put these appraisals in perspective. For if Hegel today is praised for his contribution to modern thinking, we should not forget that it is only posterity which has granted him this favour. Hegel only survived the early stages of industrialization in England, at a time when industrialization in Germany was yet to begin and when its social and political impact was not yet visible. Although some authors might say that Hegel was a visionary, in a sense he was just lucky, because, just as Hazareesingh concluded in the case of France's Third Republic, it 'could have developed in many different ways'.²²⁸ It is only because the direction that society has taken happened to be the one that put Hegel in the right that we can arguably label and have consequently labelled his analysis 'modern'. In the conclusions of his work on liberalism, Skinner called this the 'spell of our own intellectual heritage':

*As we analyse and reflect on our normative concepts, it is easy to become bewitched into believing that the ways of thinking about them bequeathed to us by the mainstream of our intellectual traditions must be the ways of thinking about them.*²²⁹

Still, it is true that Hegel – or at least our reading of Hegel – 'for the first time conceptualized essential characteristics of modern, industrial-capitalist society' and that, as a result, his legacy was a powerful and long-lasting one.²³⁰

In France, the aristocratic politician Alexis de Tocqueville engaged in similar exercises of thought. While he gained fame with his political writings, most prominently *De la démocratie en Amérique* (1835 and 1840) and *L'Ancien Régime et la*

²²⁵ Pelczynski (1984) 'Introduction', 12.

²²⁶ For 'social structure' see: Nipperdey (1976) *Gesellschaft, Kultur, Theorie*, 174–205; and for the legal framework: Hardtwig (1997) *Genossenschaft, Sekte, Verein in Deutschland*, 789–829. Both works are cited in Stolleis (2013) *Origins of the German Welfare State*, 41–42.

²²⁷ Kaufmann (2013) *Thinking about social policy*, 29.

²²⁸ Hazareesingh (2001) *Intellectual Founders of the Republic*, 285.

²²⁹ Skinner (2012) *Liberty before Liberalism*, 116.

²³⁰ Kaufmann (2013) *Thinking about social policy*, 31.

Révolution (1856), just like Hegel ‘he never envisaged the science of politics to be a matter of theory alone’.²³¹ As he told an old friend in his correspondence, ‘Do not believe that I have a blind enthusiasm, or indeed any kind of enthusiasm for the intellectual life. I have always placed the life of action above everything else.’²³² In spite of his fragile health and odd physical appearance, but following in his father’s footsteps, Tocqueville made his way through highly regarded civil and political positions. He expected ‘those who now direct society’, among which he undoubtedly counted himself, to do everything in their power ‘to adapt government to the needs of time and place; to modify it as men and circumstances require’.²³³ Ironically, this seems to give weight to Elster’s recent claim that Tocqueville was more a social scientist than a political theorist.²³⁴

Tocqueville’s intellectual legacy and his contemporary use are indeed much debated. To start with the latter, it is safe to say that his ideas on association have been mired in controversy over the meaning and definition of ‘civil society’. More than Hegel, Tocqueville is sometimes seen as the intellectual father of what we today know as ‘civil society’ or the ‘third sector’, a distinct space between the economic or commercial and governmental sectors. Some accounts seem to confirm these claims by telling how ‘Tocqueville’s own writings on pauperism [...] stress his faith in voluntary local initiatives [such as] mutual aid societies, savings banks, agricultural colonies, forms of joint-ownership’ or Tocqueville’s interest in ‘the role associations, particularly philanthropic ones, played in a democratic republic’.²³⁵ However, as the historian in Tocqueville rightly remarked, ‘Nothing is more deceitful than historical resemblances.’²³⁶ Of course such citations as those of Drolet here above are not in themselves an argument to make Tocqueville the great theorist of civil society, but they are framed as such in authors with a political agenda. Even if Tocqueville showed himself to be a supporter of voluntary initiatives, he of course ‘did not know the phenomena of a third sector and the non-governmental organizations’ because ‘understanding civil society as the third sector is a very postmodern phenomenon stemming from mixing the political with apolitical’, which is exactly the opposite of what Tocqueville and Hegel had meant.²³⁷ In the same critical essay, Zaleski also criticized English translations of Tocqueville’s work for slightly but substantially altering the original meaning, to the extent that one is led ‘to think that Tocqueville understood the term “civil society” in a completely different way than his contemporaries’.²³⁸ According to Zaleski, like Hegel and Marx, Tocqueville distinguished between political and non-

²³¹ Drolet (2003) *Tocqueville, Democracy and Social Reform*, 231.

²³² Epstein (2006) *Alexis de Tocqueville: Democracy’s Guide*, 70 quoted in Glendon (2011) *The Forum and the Tower*, 152.

²³³ Tocqueville (1969) *Democracy in America*, 12 quoted in Danoff (2011) ‘Introduction’, 2.

²³⁴ Elster (2009) *Alexis de Tocqueville. The first social scientist*.

²³⁵ Drolet (2003) *Tocqueville, Democracy and Social Reform*, 236 and 27.

²³⁶ Tocqueville (1862) *Memoir, Letters, and Remains of Alexis de Tocqueville*, 384 quoted in Pope (1986) *Alexis de Tocqueville: his social and political theory*, 40.

²³⁷ Zaleski (2008) ‘Tocqueville on Civilian Society’, 264–265.

²³⁸ Zaleski (2008) ‘Tocqueville on Civilian Society’, 265.

political civilian associations, the latter of which were conceived mainly as economic associations.

Equally much debated is the value of Tocqueville's political writing, or his intellectual legacy. In the introduction to his recent book, Michael Drolet called Tocqueville 'brilliant and prescient' and praised the 'thoroughness, intellectual rigor and imaginative power' of his two main works, also deeming them 'comprehensive, intellectually brilliant and beautifully written'.²³⁹ Jon Elster seemed to disagree more recently by pointing to 'Tocqueville's constant ambiguity, vagueness of language, tendency to speculative flights of fancy, and self-contradictions' and by characterizing his *Democracy in America* as 'hugely incoherent' and his *L'Ancien Régime et la Révolution* as a 'work of historical sociology but not of political theory'.²⁴⁰ The reason why Tocqueville is still worth dealing with in this 'prehistory' of subsidiarity is that, regardless of the current use and value of his work, he served as an inspiration to contemporary authors. His political theory may not have been coherent or systematic enough to be awarded the title of political theorist, and his concern may have been 'explanatory' more than 'normative' as Elster contends, but with his works and his popularity he did offer a contribution to the contemporary debate on state and society.²⁴¹ Therefore, it will be good to draw up some of his main lines of thought, bearing in mind the difficulties involved.

Opinions among scholars differ on where in the ideological spectrum Tocqueville should be placed. The labels stuck on him range from 'conservative' and 'conservative liberal' to 'liberal', 'republican' and even 'conservative Marxist'.²⁴² The reason for this is probably both his supposed eclecticism and his resonance and appeal in contemporary debates.²⁴³ Recent research of a more historicist bent has shown that it is impossible to 'pigeonhole his ideas into specific ideological categories' and that a contextualist approach is the only way to do his ideas justice.²⁴⁴ As Millon-Delsol and others argued, much of his decentralist and voluntaristic ideas were rooted in his aversion to long-lasting French 'statism' and centralism.²⁴⁵ De Dijn has convincingly explained how Tocqueville was affected by the intellectual tradition of decentralist ideas within legitimist circles. Drolet too acknowledged the legitimists' influence and additionally pointed to the influence of liberal political economists and social reformists.

Tocqueville was definitely liberal in the sense that he was devoted to individual liberty not only for its own sake, but also because he thought it a necessary

²³⁹ Drolet (2003) *Tocqueville, Democracy and Social Reform*, 1-3.

²⁴⁰ Elster (2009) *Alexis de Tocqueville. The first social scientist*, 1-2.

²⁴¹ Elster (2009) *Alexis de Tocqueville. The first social scientist*, 1.

²⁴² Pope (1986) *Alexis de Tocqueville. His social and political theory*, 11.

²⁴³ See the ninth chapter of Kahan (2013) *Alexis de Tocqueville*.

²⁴⁴ De Dijn (2008) 'The intellectual origins of Tocqueville's *L'Ancien Régime et la Révolution*', 1-3 and Drolet (2003) *Tocqueville, Democracy and Social Reform*, 3.

²⁴⁵ Millon-Delsol (1993) *Le principe de subsidiarité*, 61.

condition for a successful democratic society. As equality at the time seemed to carry more weight than liberty, he felt almost morally obliged to ‘worship’ the latter. However, Tocqueville also took great fear in the advancing individualism which he understood as the ‘growing narcissism and levelling effect of equality’. He was convinced that this ‘blind pursuit of material wellbeing ensured individuals slowly but steadily relinquished their political and civic duties, isolating themselves in a narrow universe of family and friends [and] withdrew from society’.²⁴⁶ According to Tocqueville, this would have political repercussions too. The abolition of intermediary institutions by French centralism had left individuals isolated and impotent in front of the almighty state – and individualism would only make their position more precarious.²⁴⁷ Under these circumstances and in spite of his democratic sympathies, Tocqueville was afraid of ‘the unrestrained participation of the untutored masses’, because this would only foster ‘extremism’.²⁴⁸

In the fight against individualism, Tocqueville put his hopes into two important forms of liberty: local government and association. Local liberty stood out as one of the most natural rights of a free society existing of free individuals. People had the undeniable right to govern themselves on the level which above all concerned themselves. But according to Tocqueville local self-government was also a matter of education:

*Local institutions are to liberty what primary schools are to science; they put it within the people’s reach; they teach people to appreciate its peaceful enjoyment and accustom them to make use of it.*²⁴⁹

Engaging in local government was *the* way in which people could get acquainted, accustomed and eventually, so he hoped, also attached to liberty. Additionally, Tocqueville hoped for the same effect by promoting the freedom of association. Only by founding, maintaining and nourishing self-governed associations, thus serving their own as well as others’ interests, would people enjoy true liberty.²⁵⁰ But association was not only a virtue for the individual’s own liberty. Tocqueville also attached great importance to the institutions and associations that were the result of this associative spirit, because they acted as ‘the guarantors of liberty’.²⁵¹ As intermediary institutions they would help individuals protect their interest against the blind fanaticism of an ever more centralizing administration.²⁵² From a political point of view, associations were also a *sine qua non* if the political

²⁴⁶ Drolet (2003) *Tocqueville, Democracy and Social Reform*, 199 and 190. See also pages 190 and 201 of the same work for the preceding quotes in this paragraph.

²⁴⁷ De Dijn (2008) ‘The intellectual origins of Tocqueville’s *L’Ancien Régime et la Révolution*’, 22-25.

²⁴⁸ Drolet (2003) *Tocqueville, Democracy and Social Reform*, 232 and De Dijn (2008) ‘The intellectual origins of Tocqueville’s *L’Ancien Régime et la Révolution*’, 23.

²⁴⁹ Tocqueville (1969) *Democracy in America*, quoted in Drolet (2003) *Tocqueville, Democracy and Social Reform*, 82.

²⁵⁰ De Dijn (2008) ‘The intellectual origins of Tocqueville’s *L’Ancien Régime et la Révolution*’, 6 and Pope (1986) *Alexis de Tocqueville. His social and political theory*, 64.

²⁵¹ Drolet (2003) *Tocqueville, Democracy and Social Reform*, 199.

²⁵² Pope (1986) *Alexis de Tocqueville. His social and political theory*, 64.

experiment of democracy was to succeed. Political associations served both as a buffer in the democratic process and as a training in political experience for the ‘untutored masses’.²⁵³ This resembles Hegel’s views on the political function of civil society. ‘Estates’ (or social classes) and ‘corporations’ (or economic associations) were the channels through which representation of the people would have to go, for ‘it is predominantly as members of estates or deputies of corporations, and not as isolated citizens, that people enter the political arena’.²⁵⁴ Not only did these ‘social structures help them realize their interests’, they would also lead to ‘the perpetuation of freedom’.²⁵⁵

What Tocqueville had in common with other political thinkers of his time was that he did not so much care for a particular form of government as for the way in which that governmental power was given shape. His main concern, less philosophical and systematic perhaps but nevertheless somewhat like Hegel, was to figure out a fair and stable balance of power between society and the state.²⁵⁶ For all his love for liberty, Tocqueville knew that authority was needed to guarantee liberty and that too much as well as too little authority could deal a serious blow to this balance. During the February Revolution of 1848 and his short term in the Cavaignac government in 1849 he supported measures that temporarily curtailed political liberties such as freedom of press in order to restore order.²⁵⁷ On the other hand, his strong commitment to decentralization and association was just a result of his continuous fear of a state absorbing and paralysing individual initiative and liberty. Ideally, the making of a decentralized administration would teach people to appreciate both freedom and community, while this in turn would spur government ‘to use its authority in ways, for example, to help people realize their interests, which perpetuate that authority’.²⁵⁸

1.5 The Catholic answer: Catholic social thought from ‘Romantic Catholics’ to *Quadragesimo Anno*

In this expanding world of liberal thinking permeating the economic and political spheres, the Catholic Church went through difficult times. The French Revolution had dealt a serious blow to Catholicism in France and (the future) Belgium, feebly compensated for by an agreement between Napoleon and Pope Pius VII in 1801. But the Church did not accept its waning position and wanted to get things back to as they were as quickly as possible. For decades to come, anti-modern rhetoric would dominate in encyclicals, with the notable example of *Quanta Cura* and the

²⁵³ Drolet (2003) *Tocqueville, Democracy and Social Reform*, 232-233.

²⁵⁴ Pelczynski (1984) ‘Introduction’, 12.

²⁵⁵ Pope (1986) *Alexis de Tocqueville. His social and political theory*, 135-136 and 64.

²⁵⁶ Pope (1986) *Alexis de Tocqueville. His social and political theory*, 139.

²⁵⁷ Epstein (2006) *Alexis de Tocqueville: Democracy’s Guide*, 148.

²⁵⁸ Pope (1986) *Alexis de Tocqueville. His social and political theory*, 136.

Syllabus Errorum in 1864.²⁵⁹ Such intransigent stances fueled radical reactions on the other side of the political spectrum. Catholics were put on the defensive by anticlerical politics all over Europe during what were known as the ‘culture wars’.²⁶⁰ Meanwhile they were also in increasing danger of losing popular support to upcoming revolutionary movements due to their years of ignoring the miserable conditions of a booming army of industrial workers. In 1848 the young radicals Karl Marx and Friedrich Engels had written their pamphlet *The Communist Manifesto*. And although it would last another decade before Marx’s influence would be felt, Catholic priests, male and female religious and industrials saw how workers’ movements were becoming increasingly organized and hostile towards the political establishment.²⁶¹ Catholics now not only faced the extreme form of liberalism isolating individuals as one of the driving forces of the emergent ‘workers’ question’, but socialism steering the masses as one of this liberalism’s most potentially dangerous consequences.

Therefore, when Pope Leo XIII issued his 1891 encyclical *Rerum Novarum* significantly subtitled as ‘on the condition of labour’, it was instantly welcomed as a groundbreaking piece. Ever since, it has been considered the founding document of Catholic social thought (‘Magna Carta for Social Catholicism’), confirmed by the naming of subsequent encyclicals on social doctrine such as Pope Pius XI’s *Quadragesimo Anno* (1931) and Pope John Paul II’s *Centesimus Annus* (1991).²⁶² The general cheer with which it was greeted and the innumerable comments it provoked alone seem to justify this claim. However, *Rerum Novarum* itself was not merely a deus ex machina. In his previous statements, Leo XIII, who had been pope since 1878, had already proved himself to be sensitive to social issues.²⁶³

More importantly, much as *Quadragesimo Anno* embroidered on themes already apparent in *Rerum Novarum*, Leo XIII was indebted to the influences and inspiration of others before him.²⁶⁴ Early in the nineteenth century, conservative Catholic thinkers such as Louis de Bonald and Joseph de Maistre had provided an ideological answer to the revolutionary discourse and the individualism of the Classical liberals and Hegel, emphasizing the essentially religious ‘social nature’ of individual and society. More liberal-minded pioneers such as Felicité de Lamennais more directly advocated social action and a Catholic alliance with the people instead of the throne. In their slipstream, some had started to conceive of a more profound and intellectual Catholic answer to the ‘social question’ that was gradually coming to the fore. Their vision of modern society and the role of the state and the Church’s

²⁵⁹ Burns (1990) ‘The Politics of Ideology: the Papal Struggle with Liberalism’, 1128-1131.

²⁶⁰ Clark and Kaiser (2003) *Culture Wars*.

²⁶¹ For a more general analysis of the relationship between Catholicism and socialism in the nineteenth century and the social work of Frédéric Ozanam and Maurice Maiguen in France and Adolf Kolping in Germany in particular, see De Maeyer and Moeys (2017) ‘Attirance, rejet et réaction. Catholicisme et socialisme au cours du long XIXe siècle’, forthcoming.

²⁶² Atkin and Tallett (2003) *Priests, Prelates and People*, 174.

²⁶³ Ventresca (2009) ‘“A Plague of Perverse Opinions”: Leo XIII’s Aeterni Patris and the Catholic Encounter with Modernity’, passim and Chadwick (1998) *A History of the Popes 1830-1914*.

²⁶⁴ Dorr (1992) *Option for the Poor and for the Earth: Catholic Social Teaching*, 18.

involvement already contained a few lines that through *Rerum Novarum* developed into the ‘principle of subsidiary function’ in *Quadragesimo Anno*. Some of them even served as a direct inspiration for this first proper articulation of the subsidiarity principle in the latter. Therefore, after a brief introduction to the French conservative school of ‘Romantic Catholics’ such as Joseph de Maistre, Louis de Bonald and Felicité de Lamennais, in which much of the social thought among Catholics originated, particular attention will be devoted in this section of the chapter to the Italian Jesuit Luigi Taparelli d’Azeglio, the German bishop Wilhelm von Ketteler and the aristocratic network of the Fribourg Union. Afterwards the rest of the section turns to the influence of these thinkers and networks on the coming about of *Rerum Novarum* and, ultimately, *Quadragesimo Anno*.

‘Romantic Catholics’: Maistre, Bonald and Lamennais²⁶⁵

In stark contrast to the ideals of individualism supported by liberal thinkers, there was a powerful line of Catholic thinkers that rallied against the ideals of the French revolution. These ‘Romantic Catholics’, among others the Frenchmen Joseph de Maistre, Louis de Bonald and Felicité de Lamennais, reasoned from their own anti-revolutionary vision of the relationship between individuals and society.²⁶⁶ The primacy of the individual over society, which was the main point of individualism, was turned upside down in that the individual derived his rights only as a social being with responsibilities to the (publicly religious) society, rather than the other way round. Or, put more simply, ‘it is society that makes man, not man society’.²⁶⁷ The first and most important ‘society’ to which the individual belonged in this regard was the family. As the individual fit within the family and thanked his existence to his social responsibility, so did the family exist within the higher order of the state as the political society, the state within the sphere of religion, the religion within the universe and the universe, ultimately, within God:

*Ainsi l’homme est contenu dans la famille, la famille dans l’Etat, l’Etat dans la religion, la religion dans l’univers, l’univers et tout ce qu’il renferme dans l’immensité de Dieu, centre unique auquel tout se rapporte [...] ainsi mille cercles inscrits, semblables en nombre de parties, inégaux en grandeur, identiques en propriétés ou rapports de parties, ont tous un centre commun, et sont tous compris dans une même circonférence.*²⁶⁸

Obviously, their framework was a very religious one. These Romantic Catholics did not believe that a social order could at all be cohesive if it was to consist of a mass of perfectly individual individuals without any link to a common goal. Hence the

²⁶⁵ The term Romantic Catholics is borrowed from Harrison (2014) *Romantic Catholics. France’s Postrevolutionary Generation in Search of a Modern Faith*. For an explanation of the term see her introduction.

²⁶⁶ Especially Felicité de Lamennais will be treated in more detail in the next chapter, as he was an exceptionally powerful inspiration for young Belgian Catholics around the time of the Belgian independence in 1830.

²⁶⁷ Bradley (1999) *A Modern Maistre*, 13. See also Camcastle (2005) *The More Moderate Side of Joseph de Maistre*, 16 and 36–37.

²⁶⁸ De Bonald (1817) *Legislation primitive*, 387 cited by Audenaerde (2009) *Secretaris der Natuur. De Franse conservatieve denker Louis de Bonald en zijn Theorie van de Macht*, 46 and 317.

importance of Catholicism as the ‘glue’ that held individuals together in a public space or civil society that was essentially religious. In that regard, they did not even differ much from the first generation of utopian socialists, who shared the concerns about the consequences of individualism and also acknowledged the need for and value of a religious direction for society.²⁶⁹

The liberal idea of popular sovereignty derived from every individual’s rights, which consequently did not accept intermediary levels between the state and the individuals, was thus rightly dismissed in favour of ‘the “sovereign” rights of organic social units like family, commune and province’.²⁷⁰ Even if considerable differences between their different systems of thought existed, these Romantic Catholics laid an important foundation for generations of Catholics to come.²⁷¹ What tied these generations together was their shared concern for the social consequences of industrialization and atomization as well as a common aversion to capitalism, liberalism and statism.²⁷² Building on the Romantic Catholics’ emphasis on intermediary institutions, later Catholics engaged with the social and political questions of their time equally favoured ‘a society of corporate groups with collective rights and duties’ between the state and the individual, thereby ‘attacking [both] individualism and statism as mutually implied developments’.²⁷³ In short, corporatism would grow to be the answer to ‘the new enthusiasm for individualism and the unitary state’.²⁷⁴

‘The forerunner’: Luigi Taparelli d’Azeglio²⁷⁵

During his post as rector of the prestigious Jesuit seminary Collegio Romano, Luigi Taparelli d’Azeglio (1793-1862) developed a fascination with medieval scholasticism and Thomism in particular which he would propagate his whole life.²⁷⁶ One of the students he engrafted with his neo-Thomistic thought was the future Leo XIII. For want of a solid handbook he could use for his subsequent position at a college in Palermo, he wrote his major work *Saggio teoretico di diritto natural appoggiato sul fatto* (*Theoretical Treatise on Natural Law Based on Fact*), which appeared from 1840 onwards in many editions and translations. He gained additional popularity after 1850 as the cofounder and editor of *Civiltà Cattolica*, an ultramontane journal whose founding was requested by Pope Pius IX after the 1848 revolutions and to which he contributed more than 200 articles. Meanwhile, he also published other major works in 1854, *Principii Teorici* and *Esame Critico degli Ordini*

²⁶⁹ Harrison (2014) *Romantic Catholics. France’s Postrevolutionary Generation in Search of a Modern Faith*, 4, 5 and 6-7.

²⁷⁰ Viaene (2001) *Belgium and the Holy See*, 69. See also de Lamennais (1839) ‘Doctrines de l’Avenir’.

²⁷¹ For a clear account of the intellectual context of French traditionalism and the different variations between for instance Maistre, Lamennais and Bonald, see Bradley (1999) *A Modern Maistre*, 1-31, especially 14-23.

²⁷² Audenaerde (2009) *Secretaris der Natuur. De Franse conservatieve denker Louis de Bonald en zijn Theorie van de Macht*, 283-284.

²⁷³ Bradley (1999) *A Modern Maistre*, 25.

²⁷⁴ Camcastle (2005) *The More Moderate Side of Joseph de Maistre*, 54.

²⁷⁵ Solari (2007) ‘The Contribution of Neo-Thomistic Thought to Roman Catholic Social Economy’, 45 (fn 16).

²⁷⁶ Ragazzi (2007) ‘Taparelli D’Azeglio, Luigi, SJ’, 1050-1051.

Rappresentativi nella Società Moderna (*Critical Essay on Representative Government in Modern Society*). A number of articles he wrote on political economy ended up in the hands of one of his followers in neo-Thomistic thought, Matteo Liberatore, who used them as the basis for a first draft of the later encyclical *Rerum Novarum*.²⁷⁷ Together with Leo XIII's admiration for his former teacher and the fact that the most important drafter of *Quadragesimo Anno*, the Jesuit Oswald von Nell-Breuning, admitted that Taparelli's theory on the social and political order was a direct inspiration, Taparelli's lasting and perhaps underestimated impact on the development of the subsidiarity principle becomes clear.²⁷⁸

Although the Jesuits were careful with taking positions on political and social issues, due to the history of their congregation, Taparelli did not shun the practical application of his philosophical expertise.²⁷⁹ He heavily criticized the liberal economists of his time, because they refused to draw practical conclusions or suggestions from their science. Their discipline of 'political economy' consisted still very much of dry and theoretical accounts focused on the production and distribution of resources. They mostly would not involve themselves in debates with regard to, for instance, the problem of pauperism:

*They say that "it is not up to us," then, "to indicate it." Is it not up to you to indicate it? Do you not teach political economy? Does not this science have for its scope studying the transformation of wealth and the laws for distributing it equitably? [...] You yourselves confess its impotence!"*²⁸⁰

Instead of just observing 'that it is not yet solved' as the political economists did, Taparelli in the same paragraphs said he preferred a proper 'social economy', which always considered material interests in relation to the social order and the common good. The main goal of political economy, according to Taparelli, was to gain insight in the production and distribution of wealth and the ways in which the government could 'harmonize' this towards the public good.²⁸¹ A special interest lay in the right and just proportion of the three main forces producing and regulating wealth: '*interest* that thinks about me, *justice* that equalizes it with regard to others, and *piety* that gives to others a certain preference'.²⁸² State intervention, as far-reaching as redistribution of wealth, and the organization of labour organizations were among the practical implications of this theoretical position.²⁸³

But without a doubt Taparelli's greatest achievement lay in the impetus he gave to the emerging revival of neo-Thomistic thought in general and to the later

²⁷⁷ Misner (1991) 'The Predecessors of Rerum Novarum within Catholicism', 479 and Solari (2007) 'The Contribution of Neo-Thomistic Thought to Roman Catholic Social Economy', 43 (fn 13) and 49.

²⁷⁸ Misner (1991) 'The Predecessors of Rerum Novarum within Catholicism', 456.

²⁷⁹ Behr (2003) 'Luigi Taparelli D'Azeglio, S.J. (1793-1862)', 101.

²⁸⁰ Taparelli (2011) 'Critical Analysis of the First Concepts of Social Economy', 635.

²⁸¹ Taparelli (2011) 'Critical Analysis of the First Concepts of Social Economy', 624.

²⁸² Taparelli (2011) 'Critical Analysis of the First Concepts of Social Economy', 626. See also Solari (2007) 'The Contribution of Neo-Thomist Thought to Roman Catholic Social Economy', 48-49.

²⁸³ Taparelli (2011) 'Critical Analysis of the First Concepts of Social Economy', 634.

subsidiarity principle in particular. Initially, Taparelli found in his re-reading of medieval scholasticism a scientific way to react against the Enlightenment and liberalism by establishing, contrary to what those ideologies had argued, that morality was derived from natural law. As Taparelli and others were convinced that philosophy was a necessary prerequisite for science, their natural law theory preceded its application in debates on political economy, corporations, the form of government, etc.²⁸⁴ Another answer to one of those questions was Taparelli's theory on the restoration of the social and political order. The historian Behr devoted half of his seminal essay on Taparelli's thought to an in-depth discussion of his socio-political theory and argued that Taparelli's principles 'found their place, though indirectly and imperfectly, in Catholic social doctrine, known as "the principle of subsidiarity"'.²⁸⁵ Although his observation makes sense, Behr might have confused cause and effect. Taparelli can be argued to have been one of the chief contributors to the making of such 'Catholic social doctrine', which is a subtle but important difference from saying that 'indirectly and imperfectly' his principles 'found their place' in this 'doctrine'.

Taparelli started from the assumption that because of the human nature of association the social order consisted in principle of different forms of societies. Every society, except for the most basic one of the family, consisted of other societies according to its level in the social order. At the basis were the smaller societies (*deutarchie*, or secondary), followed by more autonomous and larger societies (*protarchie*, or primary), most notably the state, and finally the *etnarchia*, an association of independent nation-states. Taparelli stressed that these societies were independent in that they all served different ends and tried to obtain the common good of their members. In the pursuit of these ends, they were not subordinate to the larger societies they were part of. This association was not only a right because of the human need for it – Taparelli thus skillfully repudiated the liberal view of isolated individuals uniting in the state – but also a duty, which would lead to 'the fulfillment of the common human good'.²⁸⁶ Taparelli made his view on the social order even more clear by referring to the relationships between all these societies as 'hypotactic right', from the Greek *hypotaxis*, a grammatical term to indicate the position and the relation which clauses upheld toward each other as well as within the whole sentence. Social groups, while being part of a hierarchical structure in the greater society, retained their own liberty, unity and necessity within that society, a liberty and unity indispensable to the greater society for the achievement of the common good.²⁸⁷

²⁸⁴ Solari (2007) 'The Contribution of Neo-Thomistic Thought to Roman Catholic Social Economy', 43-45 and Solari (2010) 'The corporative third way in Social Catholicism (1830-1918)', 94-96.

²⁸⁵ Behr (2003) 'Luigi Taparelli D'Azeglio, S.J. (1793-1862)', 105. The rest of the following paragraphs is based on and indebted to Behr's immensely valuable analysis.

²⁸⁶ Behr (2003) 'Luigi Taparelli D'Azeglio, S.J. (1793-1862)', 106.

²⁸⁷ Behr (2003) 'Luigi Taparelli D'Azeglio, S.J. (1793-1862)', 105-107.

If Taparelli's system had a dryish, philosophical feel due to the neologisms, he did draw more applied 'laws' from it. The most important were concerned with the responsibility of the *protarchie* and its authority, the *protarch* or government, with which Taparelli in fact added to the ongoing debate of state intervention. The government had a right to intervene, but this right only became a duty if the authority of the lower-level or intermediary society did or could not act (or not sufficiently so). The logic behind this 'law of correction' held that, in such a case, the intermediary authority had failed to guarantee the unity of its society, which left its members exposed as a 'mass of individuals closed in certain limits of space' and justified intervention to again direct the society towards the common good.²⁸⁸ This law was also reflected in the Latin translation of *hypotaxis, subsidia*, which was used in the meaning of auxiliary troops in Roman battles, who literally 'sat below' (*sub sedeo*) waiting to intervene when needed, and to which subsidiarity has been etymologically linked. Before intervening by its own right, however, the government had to spark the liberty of association in its members/societies. When confronted with individuals in the lower levels of the social order, it was wiser to let them handled by closer levels of authority. This was a question of such principles as justice, prudence, and charity. And, therefore, as with subsidiarity, it was also a question of interpretation and subjectivity. As Behr has very rightly observed, 'the rights and obligations derived from the laws of subsidiarity vary according to a host of historical considerations and competing rights and obligations.'²⁸⁹

With this theory, Taparelli not only appeared to be the 'forerunner' of neo-Thomism, but also the forerunner of subsidiarity.²⁹⁰

'Our great predecessor': Wilhelm von Ketteler (1811-1877)²⁹¹

The fourth of nine children in a baronial family, Ketteler received his education at the universities of Göttingen, Heidelberg, Munich, and Berlin, completing his law degree in 1833. After a brief period working for the Prussian government, he quit his job, outraged with their arrest of the archbishop of Cologne. During his subsequent passage at the university of Munich, he ran into the Gesellenvater Adolph Kolping, a priest of his age who had a special concern for the fate of industrial workers and became popular by setting up workers' associations. At his advice, Ketteler followed a similar path: he was ordained a priest in 1844, and built up a large following among workmen. Because of this popularity, he succeeded in being elected by his predominantly Protestant district to the Frankfurt Parliament in 1848, gained national fame with the pronouncement of the Advent Sermons in Mainz in the same year and was installed as bishop of Mainz in 1850.²⁹² Both the

²⁸⁸ Quoted by Behr (2003) 'Luigi Taparelli D'Azeglio, S.J. (1793-1862)', 108.

²⁸⁹ Behr (2003) 'Luigi Taparelli D'Azeglio, S.J. (1793-1862)', 105.

²⁹⁰ Solari (2010) 'The corporative third way in Social Catholicism (1830-1918)', 102.

²⁹¹ Hogan gives a fair explanation of this alleged statement of Leo XIII on Ketteler, see Hogan (1946) *The Development of Bishop Emmanuel von Ketteler's Interpretation of the Social Problem*, 236-237 (fn 1). See also Walton (1994) 'Rerum Novarum and Political Catholicism in the Second Reich', 108.

²⁹² Plongeron (2001) 'Christianisme et socialismes (1825-1910)', 139-140.

governments of Baden and Prussia blocked his appointment to archbishop, but nonetheless he grew into ‘the leading personality among German bishops’, earning huge popular support and praise from Pope Pius IX as ‘everything that a bishop should be’.²⁹³ Although in 1871 he tried politics again in the newly elected Reichstag at the direct request of several electoral districts, he remained reluctant to play the political game and felt that he could best defend his interest in social reform by writing and speaking in the person of church leader.

Ketteler’s intellectual legacy is a much debated but little agreed-on topic. Plongerón was typical in viewing his works as ‘a coherent mix of philosophical principles’, in which he effectively gave the social movement within the Church a highly needed ‘*enracinement doctrinal*’.²⁹⁴ Recent essays have called his major work *Die Arbeiterfrage und das Christentum* both ‘the fundamental manifesto of the Catholic-social movement’ and ‘the most important neo-Thomist work preceding this encyclical [*Rerum Novarum*]’.²⁹⁵ O’Malley, in a recent book, called Ketteler’s well-known 1848 sermons a ‘manifesto of Catholic Social Thought’, even if he admitted that Ketteler’s works were typically written for specific occasions and practical use.²⁹⁶ This partly met the more critical statements by Hogan on the other side of the spectrum, which are typically also to be found in the older Vigener, that ‘Ketteler seldom rose above the level of the brochure’.²⁹⁷ Furthermore, both Vigener and O’Malley were in agreement that Ketteler’s value did not lie in his innovative mind, but whereas Vigener seriously disputed his acquaintance with any of the important contemporary writings, O’Malley insisted that ‘he was aware of the achievements’ in philosophy, theology and politics.²⁹⁸ Ultimately, O’Malley is right in arguing that even if Ketteler was not much of an innovator, he definitely was a pioneer of Catholic social thought, because he explored a way in which the Church could establish itself within modern society, and because he had the courage to defend the according views in politics.²⁹⁹

There appears to be more agreement in the subsidiarity literature, in awarding Ketteler the title for having ‘first enunciated’ the subsidiarity principle in his phrasing of ‘subsidiary right’ (*subsidiäres Recht*).³⁰⁰ O’Malley made the same point in arguing that Ketteler used ‘the words “subsidiary” and “subsidiary right” [...] to

²⁹³ Chadwick (1998) *A History of the Popes, 1830-1914*, 311 and cited in Ederer (2007) ‘Ketteler, Wilhelm Emmanuel von’, 595.

²⁹⁴ Plongerón (2001) ‘Christianisme et socialismes (1825-1910)’, 139-140.

²⁹⁵ Solari (2007) ‘The Contribution of Neo-Thomistic Thought to Roman Catholic Social Economy’, 51. Since the appearance of *Rerum Novarum*, Ketteler had always been seen as the intellectual father of Leo XIII. See for instance Cosyns (1912) *Drie sociale levensschetsen. Adolf Kolping, Mgr von Ketteler, Leo XIII*.

²⁹⁶ See O’Malley (2008) *Wilhelm Ketteler and the Birth of Modern Catholic Social Thought*, 179 and passim.

²⁹⁷ Hogan (1946) *The Development of Bishop Wilhelm Emmanuel von Ketteler’s Interpretation of the Social Problem*, XII.

²⁹⁸ Vigener (1924) *Ketteler: ein deutsches Bischofsleben des 19. Jahrhunderts*, 107-108 cited by Walker (1967) ‘Bishop Ketteler and Ferdinand Lassalle’, 49 and O’Malley (2008) *Wilhelm Ketteler and the Birth of Modern Catholic Social Thought*, 12 and 66.

²⁹⁹ O’Malley (2008) *Wilhelm Ketteler and the Birth of Modern Catholic Social Thought*, 65.

³⁰⁰ Millon-Delsol (1992) *L’État subsidiaire*, 138.

identify the concept, essential role in his social thinking'.³⁰¹ Ketteler's ideas can indeed be said to have informed Pius XI's 'principle of subsidiary function', and as will be demonstrated below, it is very probable that Pius XI and his drafter Oswald von Nell-Breuning discovered this 'subsidiary' in Ketteler's writings. But one could also remark that if Ketteler considered this 'subsidiary' as important as Millon-Delsol and O'Malley, he would have done more than just using 'subsidiary right' twice in two lectures, and nowhere else in his more important works. To my and the literature's knowledge, he only used the phrase twice, on both occasions in the context of education: 'the state has only a subsidiary right' in comparison to that of the family (1848) and the state's right of intervention in the case of parents neglecting their duties would become 'harsh absolutism [...] if the state made improper use of this, as I like to call it, subsidiary right' (1871).³⁰² As will be shown in chapters two and three, 'subsidiary' in this sense was not at all uncommon in political discourse in Europe.³⁰³

Nevertheless, O'Malley has persuasively demonstrated that the core arguments of Ketteler's social theory were already discernible in the public quarrel in 1848 with his runner-up for the Frankfurt Parliament.³⁰⁴ Ketteler had only been voted into the parliament with the backing of the liberal Thüssing and his voters, who asked in return that Thüssing be appointed Ketteler's first successor. Apparently the rules on taking over a position were not clear, as Ketteler expected Thüssing to stick to Ketteler's own beliefs and the voting agenda of the conservative Catholic group to which he belonged. Not surprisingly, these expectations clashed with Thüssing's advocacy of state centralization and rationalization, and his equally liberal-secularist idea that rights resided in the state.

As a former student of law, Ketteler attached great importance to rights and law in his social views.³⁰⁵ Rights were essential to guarantee freedom (*Selbstbestimmung*) and autonomy (*Selbstregierung*) not only for individuals but also for the other social relations or units within society. This language of rights equally rejected the purely individualist view, which denied rights to the community, as well as the centralist view, which deprived the individual of his rights.³⁰⁶ These relationships had their

³⁰¹ O'Malley (2008) 'Currents in Nineteenth-century German Law, and Subsidiarity's Emergence as a Social Principle in the Writings of Wilhelm Ketteler', 26.

³⁰² 'Der Staat hat nur ein subsidiäres Recht' in O'Malley (2008) *Wilhelm Ketteler and the Birth of Modern Catholic Social Thought*, 58. '... harter Absolutismus, eine wahre Geistes- und Seelenknechtung, wenn der Staat dieses, ich möchte sagen, subsidiäre Recht missbraucht' in Mumbauer (1911) *Wilhelm Emmanuel von Kettelers Schriften* II, 162 cited by Höffner (1962) *Wilhelm Emmanuel v. Ketteler und die katholische Sozialbewegung im 19. Jahrhundert*, 12.

³⁰³ See for instance, the Frenchman Béchard, who in his work on pauperism in France argued that 'Partout où la charité privée suffit l'administration n'a que faire, et son intervention ne doit être que subsidiaire' quoted in Corbière (1859) 'La question de la charité par M. Ducpétiaux'. Ducpétiaux himself also used it quite commonly in the context of government intervention, see chapter three.

³⁰⁴ This paragraph is entirely based on the relevant passage in O'Malley's article: O'Malley (2008) 'Currents in Nineteenth-century German Law, and Subsidiarity's Emergence as a Social Principle in the Writings of Wilhelm Ketteler', 44-53.

³⁰⁵ O'Malley (2008) *Wilhelm Ketteler and the Birth of Modern Catholic Social Thought*, 16-17.

³⁰⁶ Hogan (1946) *The Development of Bishop Wilhelm Emmanuel von Ketteler's Interpretation of the Social Problem*, 132.

own rights and functions and they could only ‘flourish’ if granted the freedom to do so:

*For me, the state is not a machine, but is instead a living organism designed with living members in which every member has his own right, his own functions, and his own free life. Such members are, for me, the individual, the family, the community, and so on. Every lower member moves freely within his own sphere, and enjoys the right to the most free self-determination and autonomy.*³⁰⁷

Only when the occasion occurred that these respective members of the ‘organism’ no longer felt able to achieve their goals themselves would a higher member be ‘put into action’, so he added.³⁰⁸ For, so Ketteler emphasized, ‘only when the local community recognizes the rights of the family, when the state recognizes the rights of the community, and when the national assembly recognizes the rights of the state, will the German people have reached freedom.’³⁰⁹ Law, on the other hand, provided man with the opportunity to defend their rights. As they did so in front of the state, just as good a product of ‘human nature’, the state would automatically be drawn to its rightful intervention and place within the same natural order. In this respect, Ketteler attributed the state a ‘subsidiary right’.

The truth is, however, that in face of the social question Ketteler did not expect much to be done by the state. Before his election as representative he had been engaged in founding a private hospital in his parish in Hopsten. When the question arose whether this hospital was to be subject to government supervision, Ketteler refused to involve the government with the hospital.³¹⁰ At many points in his sermons, he made it abundantly clear that he did not believe that state intervention could prove effective. At heart, he saw the social question as a moral question:

*Our social misery lies not in an external need, but in an internal feeling. [...] What avail are tax redistributions and savings banks, as long as such feelings remain?*³¹¹

Neither this analysis nor the solution Ketteler proposed at this point differed much from the antirevolutionary discourse developed by the conservatives around Maistre and Bonald, as shown above. Rather than in structural political reform, this moral question had to be solved by the moral solution of a re-Christianization in general and a re-invigorated Christian charity in particular. And just as the state was not to be trusted in handling affairs other than explicitly national which could

³⁰⁷ O’Malley (2008) ‘Currents in Nineteenth-century German Law, and Subsidiarity’s Emergence as a Social Principle in the Writings of Wilhelm Ketteler’, 51-52. For the original German quote, see Mumbauer (1911) *Wilhelm Emmanuel von Ketteler’s Schriften* I, 403 cited by Höffner (1962) *Wilhelm Emmanuel v. Ketteler und die katholische Sozialbewegung im 19. Jahrhundert*, 11.

³⁰⁸ Mumbauer (1911) *Wilhelm Emmanuel von Ketteler’s Schriften* I, 403 cited by Höffner (1962) *Wilhelm Emmanuel v. Ketteler und die katholische Sozialbewegung im 19. Jahrhundert*, 11-12.

³⁰⁹ Iserloh (1977) *Ketteler, Wilhelm Emmanuel. Sämtliche Werke und Briefe* I, 70 cited by O’Malley (2008) *Wilhelm Ketteler and the Birth of Modern Catholic Social Thought*, 56.

³¹⁰ O’Malley (2008) *Wilhelm Ketteler and the Birth of Modern Catholic Social Thought*, 36-37.

³¹¹ Waterreus (1913) *Redevoeringen, preeken en toespraken. Eerste deel. Sociale vraagstukken*, 67. See also pages 64-65, 74-75, 79 en 134.

not be handled on the lower levels of the local community or the province, it was not in any way to be involved in an answer to the social question.

From the beginning of the 1860s, the production associations led by the socialist workers' leader Ferdinand Lassalle had roused Ketteler's interest.³¹² In preparation for his work on the workers' question, he had anonymously asked Lassalle for information, which was soon made public and sparked controversy. However, in the work he finally presented, he expressed a positive opinion about the workers' associations of Lassalle and even adopted some of his rhetoric. Ketteler's ambiguous attitude to socialism was a reflection of this difficulty.³¹³ Ketteler was not alone in doing this: Lassalle also inspired the great man of the Austrian *Christen-Sozialen* Karl von Vogelsang.³¹⁴ Much more than the workers' socialism of Lassalle, liberalism remained for Ketteler (and others) 'the main enemy from his earliest years until the end of his life'.³¹⁵ Although he indeed held a 'deep-seated apprehension of social radicalism', it was rather because he put down socialism as the dissolute son of liberalism. It was liberal thinking which had caused the denouncement of Christian principles underlying the moral order, which hence came under pressure of radicals.³¹⁶ His attitude changed only when the attention to and fear of Marx's revolutionary socialism increased, which was evident in his address to the Katholikentag in Mainz in 1871 on 'Liberalismus, Socialismus und Christenthum', or his speech on 'Christenthum und Socialdemokratie' in 1875.³¹⁷

The work on the workers' question that he published in 1864 after having consulted Lassalle, *Die Arbeiterfrage und das Christenthum*, quickly grew to be his most popular work. While the book still represented much of his early views on the social question as a problem of de-Christianization, it also bore prudent signs of development in Ketteler's views. But more important was that he more generally appeared to attach a greater importance to association, not only as part of the solution of the social question but also in the context of his social theory. In a passage of his book that repeated his concern for the autonomy of the different social 'members', as mentioned above, he now significantly added guilds (*Zünfte*) and corporations (*Innungen*) and all other forms of human association:

Familie, bürgerliche Gemeinde, Staat, christliche Gemeinde, Innungen und Zünfte, und zahllose andere Formen ruhen sämmtlich auf der einen Idee, daß nach einem Naturgesetz die Menschen sich verbinden müssen, wenn sie nach allen Seiten ihres

³¹² This paragraph and some of the following are roughly based on De Maeyer and Moeys (2017) 'Attrance, rejet et réaction. Catholicisme et socialisme au cours du long XIXe siècle', forthcoming.

³¹³ Friedberger (1978) *Die Geschichte der Sozialismuskritik*, 70.

³¹⁴ Friedberger (1978) *Die Geschichte der Sozialismuskritik*, 66.

³¹⁵ Grenner (1967) *Wirtschaftsliberalismus und katholisches Denken*, 211, cited by Friedberger (1978) *Die Geschichte der Sozialismuskritik*, 62.

³¹⁶ O'Malley (2008) *Wilhelm Ketteler and the Birth of Modern Catholic Social Thought*, 28-30.

³¹⁷ Ockenfels (1992) *Katholizismus und Sozialismus in Deutschland im 19. Und 20. Jahrhundert*, 52ff and Mumbauer (1911) *Wilhelm Emmanuel von Kettelers Schriften* III, 167-183 and 242-261.

*Lebens ihre Bestimmung erreichen und ihre nothwendigen Bedürfnisse befriedigen wollen.*³¹⁸

Not unlike Maistre and the other Romantic Catholics, Ketteler accused the liberals of hijacking the centuries-old and essentially Christian concept of association, a virtue given to humans by God himself, and presenting it as something liberal and new in the form of ‘social self-help’.³¹⁹ What he of course did not add is that he himself had disavowed the same Christian virtue in his 1848 sermons.³²⁰

Although the rest of the same book did not give the slightest hint, Ketteler’s interest in worker’s associations foreshadowed a turn in his views on the social question.³²¹ In the years following publication, it slowly came to Ketteler that the workers needed more than simply charity, and that political reforms or state intervention could be part of the solution. In a speech to the bishop conference at Fulda in 1869 which was afterwards published in the prominent *Christlich-Soziale Blätter*, Ketteler mentioned a list of measures to solve the social question, which included financial aid for workers and labour legislation. He confirmed this change of mind towards more intervention in his 1873 book entitled *Die Katholiken im Deutschen Reiche*, in which he elaborated his ideas of state legislation and support for workers’ associations.³²² What he did retain was the idea of an organic society in which the state could only intervene in a secondary way, as appeared in some of his unpublished notes:

*People say the Church can help. That is true in so far as it is true that without the Church no one can help, but the sentence is one-sided. Many must help. Among the many the state takes second place.*³²³

In his eyes, measures such as labour legislation were not ‘a permanent prerogative of the state, but merely a temporary stopgap’.³²⁴ Founding workers’ associations and corporations was up to the workers themselves. The state’s task existed in providing them with the opportunities to do so, from legislation to protection, until they could see to their protection themselves.

By the end of his life, Ketteler had risen to stardom in circles of socially-minded Catholics, also far outside Germany. As the most well-known and symbolic figure in the social Catholic movement, his name was linked to many influential figures and movements to come. One of the leading men of the Centre party, Franz Hitze,

³¹⁸ Ketteler (1864) *Die Arbeiterfrage and das Christenthum*, 43 (Ketteler’s emphasis).

³¹⁹ Ketteler (1864) *Die Arbeiterfrage and das Christenthum*, 52-53, 84, 123.

³²⁰ Hogan (1946) *The Development of Bishop Wilhelm Emmanuel von Ketteler’s Interpretation of the Social Problem*, 67.

³²¹ Hogan (1946) *The Development of Bishop Wilhelm Emmanuel von Ketteler’s Interpretation of the Social Problem*, 139ff and 155-156.

³²² Hogan (1946) *The Development of Bishop Wilhelm Emmanuel von Ketteler’s Interpretation of the Social Problem*, 193ff, especially 202-203.

³²³ Pfülf (1899) *Bischof von Ketteler. Eine geschichtliche Darstellung II*, 204, cited by Hogan (1946) *The Development of Bishop Wilhelm Emmanuel von Ketteler’s Interpretation of the Social Problem*, 145. See also 205-206.

³²⁴ Hogan (1946) *The Development of Bishop Wilhelm Emmanuel von Ketteler’s Interpretation of the Social Problem*, 175.

held many of the same views as Ketteler and remained in contact with him until his death in 1877. Hogan has also pointed to the striking similarity, not only in substance and in structure but even in the phrasing, between *Rerum Novarum* and Ketteler's writings.³²⁵ Also very close to Ketteler, both to him personally and to his writings, were the aristocrats who gathered in the Fribourg Union, with which our story continues. By this time, judging by Ketteler's publications in the last years of his life, the realization had gradually grown that socialism and the workers' movement it inspired posed a more serious threat than ever.

The network: the Union of Fribourg (1884-1893)

The Fribourg Union, officially the *Union internationale catholique d'études sociales et économiques*, between roughly 1884 and 1893 united a host of ultramontane aristocrats who were the undisputed heads of the Social Catholic movements in their respective countries. A modest European intellectual space for exchanges, observation visits and international conferences had already existed. From the 1850s on, the German and French schools influenced each other, first with contacts between pioneers such as Adolph Kolping and Armand de Mélnun and later René de la Tour du Pin, who was an important link between the French school and the Austrians of Vogelsang, himself a disciple of Ketteler.³²⁶ Out of these networks, a secret information network of aristocratic ultramontanes evolved in the 1870s, the Geneva Committee, later also the Black International. Their initial ultramontane zeal as a lay communication army fighting for the pope turned into an equally ultramontane but sincere social concern to restore the 'social kingdom of Christ'.³²⁷ The Fribourg Union owed its founding meeting to René de la Tour du Pin, who made contacts in the spring and succeeded in gathering a first meeting in October 1884. Not insignificantly, the attending aristocrats were either disciples and friends (like Count de Kuefstein and Prince Löwenstein) or at least well acquainted with the writings of Ketteler, who had died not long before in 1877. However, as the members never failed to remark during their sessions over the following years, the Union's existence and its ties with the Holy See were to a large extent the achievement of cardinal Gaspar Mermillod. In the years of his exile from Switzerland, which was due to a dispute between the Holy See and the State of Geneva, he had actively built his network by passing time in Paris and Germany. Since his appointment as bishop of Lausanne and Geneva in the spring of 1883 he resided in Fribourg, which provided a venue for the annual gatherings of the newly-founded Union.³²⁸

Rather than as an apparatus of opinion forming, the members perceived their Union as an international group of synthesis. It offered the possibility to bring confirmed

³²⁵ Hogan (1946) *The Development of Bishop Wilhelm Emmanuel von Ketteler's Interpretation of the Social Problem*, 236-237.

³²⁶ Solari (2010) 'The corporative third way in Social Catholicism (1830-1918)', 99.

³²⁷ For the story of the Geneva Committee, the Black International and the Union of Fribourg, see Lamberts (2016) *The Struggle with Leviathan*, 177-310.

³²⁸ Plongerón (2001) 'Christianisme et socialismes 1825-1910', 118-148, 140-141.

social Catholic leaders together annually and to discuss their differing national opinions on topical issues. This way, they gained new insights and identified points of agreement, which they then could bring back into their respective national movements. On repeated occasions, the members emphasized the discreet nature of their discussions. Going public with opinions or publications was rare and mostly occurred through use of the national channels. Above all they cherished the idea that they were part of an unstoppable movement on which they exerted influence by remaining at the background and steering from behind the curtains:

« Rien n'est beau comme de préparer des triomphes auxquels on ne participe pas. » Si cela est beau, Messieurs, vous pouvez revendiquer une large part de cette beauté. Vous avez semé, d'autres récoltent et récolteront encore à votre place.³²⁹

At their annual gatherings in Fribourg, the Union discussed specific issues such as the credit system or labour legislation, which were put on the agenda beforehand and prepared by individual members. Behind those items, however, also lay the bigger picture in their image of society. Opening and closing speeches, as well as reports on their system of corporatism, give us an idea of this. Both the starting point and the objectives of the Union were clearly inspired by opposition to socialism:

Le monde marche à une gigantesque transformation sociale. Elle se fera suivant la doctrine socialiste ou la doctrine chrétienne, aujourd'hui les socialistes ont une doctrine et c'est ce qui fait leur force ; il faut que les catholiques soient aussi des hommes de doctrine. [...] Nous avons compris que le libéralisme a fourni sa carrière hérétique, nous avons vu que l'avenir serait au socialisme si Dieu laissait périr la société; mais nous croyons fermement que l'avenir est à la restauration chrétienne.³³⁰

It was therefore necessary to regain the workers who had been lost to socialism, because they 'are not enemies but exiles of the truth'.³³¹ More than against liberalism, which they considered already out of fashion, one of their considerations consisted of taking the wind out of the powerful sails of the socialist movement. Ironically, this strategic aim in a sense put in the right Marx and Engels, who had written in their *Communist Manifesto* that 'A part of the bourgeoisie is desirous of redressing social grievances, in order to secure the continued existence of bourgeois society.'³³²

Individualism, that is what lay at the bottom of society's illness. Not only was it the driving force of capitalism, the main reason behind the social misery, it was also the breeding ground for both liberalism and socialism, respectively the former and the

³²⁹ BCUF, Documentation concernant l'Union de Fribourg, H35 62,4: procès-verbaux Ve conférence, 1890 and procès-verbaux IVe conférence, 1887.

³³⁰ BCUF, Documentation concernant l'Union de Fribourg, H35 62 4° : Procès-verbaux de la III^{me} Conférence annuelle réunie à Fribourg/Suisse, 10, 11, 12 et 13 October 1886.

³³¹ BCUF, Documentation concernant l'Union de Fribourg, H35 62 4° : Procès-verbaux de la III^{me} Conférence annuelle réunie à Fribourg/Suisse, 10, 11, 12 et 13 October 1886.

³³² Marx and Engels (1969, originally 1848) *Manifesto of the Communist Party* quoted by Stolleis (2013) *The origins of the German welfare*, 42.

current biggest threat to humanity. The influence of Ketteler cannot be clearer. The members of the Fribourg Union considered the concept of individualism in itself incompatible with the idea of society, as it changed a society into a 'purely molecular and mechanic agglomeration'.³³³ By contrast, and strongly similar to Taparelli and Ketteler, they saw society as an organic system of distinct parts pursuing their own ends, functioning within a harmonious interaction and under the auspices of a superior force towards 'social unity'.³³⁴ More in particular, the Union feared two consequences of individualism. Again, socialism was first pointed at, as a 'natural consequence' of individualism. The second fear, perhaps somewhat paradoxically, was the fear of an omnipotent state, which was seen as inevitable if the agglomeration of isolated individuals were to be kept together.

In accordance with the habit of nineteenth-century intellectuals, a diagnosis of society's illness was followed by proposed solutions. Such solutions had to be grounded in neo-Thomism as their guiding principle. The political order had to aim for the common good and social justice should serve as its touchstone. The Union of Fribourg had high hopes for a corporatist system. If individualism could effect two answers, the first – and the wrong one – was socialism, while the second – and the correct one – was the corporative, which was the obvious result of the normal development of the family life. Corporations uniting employers and employees could act not only as political interest groups in a new system of political representation, but also as an effective counterbalance against the threat of an omnipotent state. A corporatist society would render the state for the most part unnecessary. Thus, corporatism stood out as the ideal for a peaceful and harmonious social order without class warfare. Its aim was the social unity of society, which was to be achieved by a hierarchical system of associations on different levels beginning from the most basic of all, the family:

*c'est une succession de groupes rapprochant sans se confondre, se fédérant les uns avec les autres, qui doit réaliser l'unité expressément voulu par Dieu.*³³⁵

However, most members of the Union realized that it was impossible to establish a corporatist society overnight and therefore accepted short-term solutions such as international labour legislation, compulsory social insurances and state support. In the eventual case of a corporatist society, these forms of state intervention would prove unnecessary. Convinced of its value, the Union spent several meetings of discussing its application in different thematic fields.

And then, in 1891, there was *Rerum Novarum*. During the course of the preceding years, the Union had heavily anticipated the long-expected social encyclical. In a joyful session in October 1891, they praised its importance, not without noticing

³³³ BCUF, Documentation concernant l'Union de Fribourg, H35 62 4°: Rapport sur le régime corporatif. Première partie, 10 October 1886.

³³⁴ BCUF, Documentation concernant l'Union de Fribourg, H35 62 4°: Rapport sur le régime corporatif. Première partie, 10 October 1886.

³³⁵ BCUF, Documentation concernant l'Union de Fribourg, H35 62 4°: Rapport sur le régime corporatif. Première partie, 10 October 1886.

that the encyclical confirmed the ‘positions that we have taken since the foundation of our work’.³³⁶ This must have felt like a sweet revenge on what was in a sense their ideological counterpart, the so-called ‘school of Angers’, a group of more conservative Catholics rallying around the bishop of Angers who opposed every form of state intervention.³³⁷ Apparently, *Rerum Novarum* had taken away the urgency of the Union to the extent that the line of annual sessions since 1884 was broken for the first time in 1892 and that the following year, a session in Rome started off with the question of whether the mission of the Union was now accomplished and if the Union had to be dissolved.³³⁸ It must have been answered affirmatively. Ten years later, in 1903, a reunion followed, but the Union appeared to be finished. Thus, their greatest achievement at the same time seemed to mark their end. In the early literature, too, the end of the Union has long been linked with the accomplishment of their demands in *Rerum Novarum*. However, later research has emphasized that only part of this success story was true. While the Union had indeed been received in audience by Leo XIII and presented him with a compilation of their work, they seemed to have had no direct impact on the writing of the encyclical.³³⁹ This was due partly to the fact that Leo XIII was under pressure from different angles, and not only from the Union’s demands. Furthermore, Leo XIII was particularly wary not to endorse one specific strand of social Catholicism with his encyclical.³⁴⁰ But what was more significant, largely omitted by the members of the Union, was that *Rerum Novarum* did not at all endorse their system of corporatism. They would have to wait another forty years for that to happen, in Pius XI’s *Quadragesimo Anno*. However, all in all the Union was right to feel that the bulk of their views were confirmed by Leo XIII.³⁴¹

The ‘Magna Charta of social Catholicism’: *Rerum Novarum* (1891)³⁴²

Its extreme popularity and hence the proliferation of differing views have made interpreting *Rerum Novarum* not an easy task.³⁴³ Even official Vatican translations contained substantial differences between Latin, Italian and English, as is most clear in its first sentence, which in the official English version reads as ‘That the spirit of revolutionary change, which has long been disturbing the nations [...]’.³⁴⁴

³³⁶ BCUF, Documentation concernant l’Union de Fribourg, H35 62 4°: Procès-verbaux de la VII^{me} conférence annuelle réunie à Fribourg, 3, 4, 5, 6, 7 October 1891. See also Lamberts (2016) *The Struggle with Leviathan*, 289-290.

³³⁷ For more information on the school of Angers, see also chapter two.

³³⁸ BCUF, Documentation concernant l’Union de Fribourg, H35 62 4°: Réunion tenu à Rome chez le comte de Kuefstein, 17 April 1893 and June 1893.

³³⁹ Molony (1994) ‘The Making of *Rerum Novarum*. April 1890 – May 1891’, 27.

³⁴⁰ Goldstein and Boyer (1988) ‘Leo XIII, *Rerum Novarum*’, 375 and Molony (1994) ‘The Making of *Rerum Novarum*. April 1890 – May 1891’, 28-29.

³⁴¹ See also Botos (2006) ‘La postérité de l’Union de Fribourg dans la mémoire catholique’.

³⁴² See paragraph 39 in *Quadragesimo Anno* (May 15, 1931) | Pius XI, last accessed 31 July 2016 (http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html).

³⁴³ Poulat (1994) ‘Réflexions sur un Centenaire’, 21-26.

³⁴⁴ *Rerum Novarum* (May 15, 1891) | Leo XIII, last accessed 18 July 2015

(http://w2.vatican.va/content/Leo-XIII-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html).

The Latin translation following an Italian draft had left some room for a different interpretation, but it did not intend to speak of revolutionary change, rather something more like ‘The burning desire for change’.³⁴⁵ In fact, the writing process had taken more than a year, with four Italian and four Latin drafts composed by the two Italian Jesuits Liberatore and Mazzella, the Dominican Zigliara, Leo XIII’s personal secretary Boccali and his secretary of Latin Letters Volpini. Leo XIII was involved only during the last weeks before its promulgation in May, in rephrasing and editing the definitive Latin version. The final text combined Liberatore’s bluntness and his general favour towards state intervention and the working masses with Zigliara’s grandiloquence and his more Church-oriented and conservative attitude. Evidence of its somehow eclectic nature was that it bore some remarkable elements of Lockean property theory which had probably survived from Taparelli’s notes that formed the basis of Liberatore’s first draft.³⁴⁶ As we will see further on, some of the more neo-Thomist passages also reflected Taparelli’s thought on the sociopolitical order as described above.

Rerum Novarum enjoyed such wide resonance that it also influenced the perception of its proclaimer himself, Leo XIII. In one breath with his most important encyclical in the nineteenth century as the ‘workers’ charter’, Leo XIII obtained the label of the ‘worker’s pope’.³⁴⁷ These overly progressive labels ignored the fact that Leo XIII was as suspicious and negative of modernity, liberalism and the rationalist notion of progress as his notorious predecessor Pius IX, as had become clear for his contemporaries in his first encyclical *Inscrutabili* in 1878. The single most important difference, however, was that Leo XIII, rather than just plainly rejecting those notions, proposed a Catholic alternative in the form of his neo-Thomism.³⁴⁸ His 1879 encyclical *Aeterni Patris* confirmed his earlier attraction to scholasticism and elaborated neo-Thomism as ‘a coherent, rational, and true philosophy for the modern world’.³⁴⁹ Therefore, Ventresca was right to point to the importance of *Aeterni Patris* and argue that *Rerum Novarum* ‘can only be understood properly when set against Leo XIII’s more fundamental concern to draw the Church and society at large back to “authentic principles” from which to engage with modernity’, a concern which must also have been underlying *Rerum Novarum*.³⁵⁰ It is not surprising that the drafters of *Rerum Novarum* to a man were established experts in the study of neo-Thomism, even if it was their own ‘neo-Thomist interpretation of the history of Thomism’ rather than a ‘restoration of Thomism per

³⁴⁵ Molony (1994) ‘The Making of *Rerum Novarum*. April 1890 – May 1891’, 36-37.

³⁴⁶ Very interesting in this effect is Joe Hargrave, ‘How John Locke Influenced Catholic Social Teaching’, published 5 November 2010, last accessed 17 July 2015 (<http://www.catholicity.com/commentary/hargrave/08646.html>).

³⁴⁷ Walsh (2012) ‘The myth of *Rerum Novarum*’, 156.

³⁴⁸ Ventresca (2009) ‘“A Plague of Perverse Opinions”’, 145-147.

³⁴⁹ Ventresca (2009) ‘“A Plague of Perverse Opinions”’, 144.

³⁵⁰ Ventresca (2009) ‘“A Plague of Perverse Opinions”’, 149.

se', based on a selective and 'erroneous reading of the history of Thomism in Catholic thought'.³⁵¹

This neo-Thomist thought clearly manifested itself early in *Rerum Novarum* as part of the substantial repudiation of socialism.³⁵² One of the gravest vices of the socialist contentions was that it would 'distort the functions of the state'.³⁵³ *Rerum Novarum* opposed this by elaborating on the rights, derived from natural law, of man as an individual and of the family, whose existence, so it was stressed, preceded the state. These more philosophical parts were particularly reminiscent of Taparelli's system in their depiction of the family as the smallest form of association, 'a true society' prior to that of the community, enjoying the right to pursue 'things needful to its preservation and its just liberty'. This included the view that interference from a higher authority, i.e. the state, was seen as 'pernicious', unless it could be established that 'the limits which are prescribed by the very purposes for which it exists [...] be transgressed'. This passage reflected the fear, similar in Taparelli, that the state, once it had been called to action, would exaggerate its intervention 'abolishing' and 'absorbing' the natural rights. However, if on the other hand there was talk of 'exceeding distress' or 'grave disturbances of mutual rights', the state also had a duty to intervene, since the authority was responsible for the common good and for the preservation of the natural rights in its society. In such cases, and because 'each family is part of the commonwealth', it was deemed only 'right that extreme necessity be met by public aid'. This logic did not only relate to the social unit of the family, but also applied to associations.

Thus, *Rerum Novarum's* conception of the state involved a moderate, diplomatic yet significant opening to state intervention, hovering between fending off the state's meddling in individuals', households' and associations' own affairs on the one hand and fostering its positive yet secondary role on the other, or put differently, somewhere between the possibility and the necessity, the right and the duty of state intervention. No better example of this than the statement that 'to further in the most practical way the interests of the working classes [...] recourse should be had, *in due measure and degree*, to the intervention of the law and State authority' (my own emphasis). Similar statements returned in a number of places in the encyclical, another example of which was the following:

³⁵¹ Colish (1975) 'St. Thomas Aquinas in Historical Perspective: The Modern Period', 434 quoted in Ventresca (2009) "A Plague of Perverse Opinions", 160 as well as the quotes by Ventresca himself on the same page.

³⁵² Lamberts (2016) *The Struggle with Leviathan*, 285-286; Ventresca (2009) "A Plague of Perverse Opinions", 147-148 and Chadwick (1998) *A History of the Popes, 1830-1914*, 311.

³⁵³ All subsequent quotes to *Rerum Novarum* are taken from *Rerum Novarum (May 15, 1891) | Leo XIII*, last accessed on 18 July 2015 (http://w2.vatican.va/content/Leo_XIII-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html). For a sometimes significantly different translation (in this case for instance 'divert government from its proper tasks') see also chapter three, text n°33 ('Leo XIII, *Rerum Novarum*') of Goldstein and Boyer (1988) 8. *Nineteenth-century Europe: Liberalism and Its Critics*, 375-397. Interested readers should be warned that this text represents only a selection from *Rerum Novarum* and that – confusingly – its paragraphs do not correspond with the paragraphs in *Rerum Novarum*.

Whenever the general interest or any particular class suffers, or is threatened with harm, which can in no other way be met or prevented, the public authority must step in to deal with it. (my own emphasis; §36 as well as 35 and 37)

Unlike the Union of Fribourg, which had at one point, for example, supported state-subsidized compulsory social insurances, Leo XIII did not go so far as to specify this somewhat vaguely phrased ‘State authority’ or ‘public authority’. True, he had praised traditional Christian charity and condemned those who ‘would substitute in its stead a system of relief organized by the State’. (§30 and 32) But essentially, he was convinced that the Church should not be concerned with such specific political affairs as to promote a certain form of government or certain form of policy, an attitude that was followed in encyclicals of his successor’s on socio-political issues.³⁵⁴ While Liberatore had advocated protection for worker’s associations by the state, the final version seemed to consider the role of the state more as regulatory than as lending financial or other support. However nuanced and carefully stated, *Rerum Novarum*’s statement of state intervention left room for interpretation to the extent that both social Catholics and more progressive Christian democrats interpreted it as support for their cause.

The general vision of society reflected in *Rerum Novarum* was one in which human dignity and the common good played a major role: a society in which individuals, families, voluntary associations and other ‘social units’ were granted their own place in the system and their own sphere of interest; in which the public authorities were asked to grant these units their own liberty; but in which aid and support were also expected from higher-level units, possibly even the state, not in order to take over but to complement, for the sake of human dignity and the common good. It is this logic that would be in 1931 given a name as a guiding principle that could make for a harmonious social order.

The Jesuit tradition continued: Oswald von Nell-Breuning and the making of *Quadragesimo Anno*

Their contribution to the theoretical foundations of *Rerum Novarum* only strengthened the Jesuit order to continue their theoretical work on social philosophy at the dawn of a new century. The continuity in their approach, building on the work of Taparelli, Liberatore and others, would become clear in their involvement in the drafting of *Quadragesimo Anno* and thus to the first utterance of the subsidiarity principle.

In spite of its popularity, it was not until Pius XI that one of the successors of Leo XIII thought about following up on *Rerum Novarum* with a new social encyclical.³⁵⁵ Not that the times were ideal for the pope to do so. Pius XI knew all too well that the fascist government (and opponents in the Vatican as well) would prove sensitive to an encyclical on the social question, ‘a question that, under the fascist

³⁵⁴ Burns (1990) ‘The Politics of Ideology: the Papal Struggle with Liberalism’, 1135 and 1144.

³⁵⁵ Misner (1991) ‘The Predecessors of *Rerum Novarum* within Catholicism’, 650.

government, just as later under the Nazis, officially no longer existed'.³⁵⁶ Just like Leo XIII, Pius XI turned to the Jesuit Order to find the man to write his encyclical. In the highest secrecy, with the knowledge only of his Secretary of State, he contacted the Superior General of the Jesuits Ledochowski, who in turn assigned the actual writing task to Oswald von Nell-Breuning. This 40-year old German Jesuit held a PhD in theology on the morality of stock exchange, and was more familiar with political economy than social philosophy. Therefore, he made ample use of the works on social philosophy by his fellow Jesuits Gustav Grundlach and, to a lesser extent, Heinrich Pesch. For the genesis of the subsidiarity principle, this intellectual milieu was of far more importance than would appear at first sight. As German Jesuits, they undoubtedly had an excellent knowledge of Ketteler's writings and his coining of the 'subsidiary right' of the state as well as Taparelli's more philosophical social theory. Nell-Breuning finished the job with only once consulting with the pope. The only parts of the text actually written by Pius XI himself (paragraphs 91-96, originally in Italian) referred, both positively and critically, to the fascist corporatist state in Italy and later led to controversy.³⁵⁷

Essentially, the analysis of modern society's ills in paragraph 78 offered the same diagnosis as *Rerum Novarum* did forty years before.³⁵⁸ As Nell-Breuning later explained and was also apparent in the rest of the encyclical, this 'wrong' individualism was 'extremely different from sound emphasis and forceful development of human personality'. The latter implied the individual's attachment to and engagement in social connections, for man was an 'essentially social being [and could] develop only by *contributing to and receiving from society*' (Nell-Breuning's emphasis). The former, said Nell-Breuning, had already been challenged by Ketteler for its 'atomist-individualist spirit' and its resulting situation of state tyranny against lost and powerless individuals.³⁵⁹

In general, *Quadragesimo Anno* paid tribute to *Rerum Novarum* in a similar concern for the working class and human dignity, and also in antisocialist rhetoric. However, it also went further down the same line. While *Rerum Novarum* emphasized the role Christian charity had to play, rejecting more interventionist alternatives to achieve human dignity, *Quadragesimo Anno* developed the notion of social justice. The influence of Taparelli, whom Nell-Breuning explicitly mentions in his recollections, is apparent here as an inspiration, as he had advanced social justice from what Thomas Aquinas understood as legal justice.³⁶⁰ Social justice meant more than legal or individual justice because it started from the assumption

³⁵⁶ Von Nell-Breuning (1986) 'The Drafting of *Quadragesimo Anno*', 67.

³⁵⁷ Misner (1991) 'The Predecessors of *Rerum Novarum* within Catholicism', 665-668 and Von Nell-Breuning (1986) 'The Drafting of *Quadragesimo Anno*', 62-65.

³⁵⁸ As with *Rerum Novarum*, I will consistently quote from the official English version, see *Quadragesimo Anno (May 15, 1931) | Pius XI*, last accessed 31 July 2016 (http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html).

³⁵⁹ Von Nell-Breuning (1936) *Reorganization of Social Economy. The Social Encyclical Developed and Explained*, 201-202.

³⁶⁰ Krier Mich (1998) *Catholic social teaching and movements*, 80.

that ‘the good of the individual is part of the common good’.³⁶¹ Connected to this advanced position was that *Quadragesimo Anno*, in contrast to the more reluctant *Rerum Novarum*, admitted that charity alone was not enough and that structural social reform was needed. However, it also emphasized that this attitude did not correspond with social *politics*, which only served the interest of an ever-increasing centralist state. Instead of only burdening the state, a well-thought-out and Christian act of social reform should also mobilize all of society’s social ‘units’. And with this, the encyclical was about to enter the field of subsidiarity.

Conclusion: reflecting on a principle and its genesis

The exercise of tracing subsidiarity’s intellectual genealogy as well as the literature on the principle, provides us with enough food for thought to formulate some concluding remarks. As explained in this chapter, it is my conviction that the principle of subsidiarity acquired its meaning essentially in the modern context, a context characterized by the struggle to find a new balance of power between the pre-modern social order and the emergent powers of individualism, liberalism and secular government. Subsidiarity in this context stood for the idea that, within an organic social order composed of social entities other than the individual and the state, every social entity enjoyed its own sphere of interests and its rights to autonomy – a sphere of interest and autonomy that contributed to the pursuit of the common good – and that higher entities – especially the state as guard of the common good – had both a duty and a right, not only to respect this autonomous sphere but also to provide it with support if necessary.

Classical liberalism has traditionally been related less to subsidiarity than social Catholicism, but it definitely laid the intellectual foundations by its increasingly dominating blend of moral individualism, a capitalist market economy and (varying degrees of) intervention by the modern state. Underlying the Classical’s accounts was the assumption that individuals striving for their self-interest within the self-corrective operating system of the market economy could and should provide their own welfare, and that the state was only to play a secondary, ‘suppletive’ role should the markets and individual initiative fail to do so. Some later liberal thinkers additionally saw some promise for individuals striving for their welfare in an intermediary level of associations and ‘civil society’. One of the principal dangers of the modern state, so all liberals seemed to agree, consisted in the state’s role being taken to the extreme, as the absolutist examples and mercantilist economic policies had proven. Catholic thinkers may have had different motives, but essentially shared this concern. Thus, they seemed to use what was believed to be the modern interpretation of the state – that is, a liberal economic one – in order to protect their traditional prerogatives in such areas as popular education and charity. This is only

³⁶¹ Krier Mich (1998) *Catholic social teaching and movements*, 81.

evidence to the fact that the Catholic stances (understood here not so much as the official Church doctrine) towards 'modernity' were far less dogmatically antimodernist and more ambiguous than has sometimes been assumed.

Subsidiarity from a Catholic point of view can certainly be seen as the ideological answer to the nineteenth-century modernizing context of industrialization, democratization and state centralization. It originated in the conservative antirevolutionary thought following the French revolution and was developed from a practical point of view by the discourse of committed Catholic 'social workers', from a theological point of view by the neo-Thomist social philosophy of a Taparelli, and, eventually, also by the official Church doctrine. These diverse threads merged into an increasingly coherent system of thought which was vague and subjective enough to be supported both by conservative and more progressive stances within the broader Catholic world. The subsidiarity thinking became more widespread through the clever use of rhetoric. Depicting economic liberalism (the same liberalism which many Catholics endorsed) and socialism as the far ends of the ideological spectrum and as equally dangerous to the existing social order, they increasingly used the metaphor of the 'middle way' that would remain a powerful Catholic rhetorical tool throughout history.³⁶² However, as its Classical liberal foundations already showed, the ideas behind subsidiarity were by no means an exclusively Catholic affair. By the end of the nineteenth century a substantial number of progressive liberals supported the same ideas, as they perfectly fit in with their social commitment to the self-help principle, voluntary associations (cultural, social and educational) and a well-considered state intervention. Both the 'middle way' metaphor and the ideological variety of subsidiarity thinking will be further elaborated in the next two chapters.

Other authors before me have made other conflicting claims mainly, I believe, because of some more general underlying areas of tension. The first is that much depends on what you understand as a principle. The analysis of the literature on subsidiarity has taught that historians may have been more prudent than philosophers in not relating the names of contemporary principles to the same ideas in past times, even if their underlying assumptions were similar. This is not intended as a reproach, it is just a remarkable difference that may have contributed to the difference in approach. The second is that the more basic or universalist you conceive subsidiarity and the more you disregard the context of the ideas you relate to it, the easier it becomes to trace it back to whatever distant times or to apply it to whatever political system you wish. It is something I have discussed in the first part of this chapter. The third is that the conceptual development of any given principle depends fundamentally on the context of its use and more in particular the interpretation and the intention of its users. In EU policymaking, subsidiarity appeared in a context of controversy about the allocation of tasks between national and European levels, and it was used with the intent of defusing this highly

³⁶² Misner (2003) 'Christian Democratic Social Policy: Precedents for Third-Way Thinking'.

sensitive dossier in a way acceptable for all parties involved. Thus, its meaning was the result of a certain interpretation which was affected by a certain intention. This use has also contributed to the development of subsidiarity as a principle, and it will keep developing through the same process. If subsidiarity has grown into a 'do-all principle, a political handyman's dream' or 'an agreement to disagree' and if it has been interpreted and defined differently, I think that is to a large extent to be accounted for by a combination of the three issues just mentioned.³⁶³

³⁶³ O'Malley (2008) 'Currents in Nineteenth-century German Law, and Subsidiarity's Emergence as a Social Principle in the Writings of Wilhelm Ketteler', 23 and Adams (2007) 'The Mixed Moral Economy of Welfare', 58.

2

CHAPTER TWO | INTELLECTUAL NETWORKS

(TRANS)NATIONAL SOCIAL AND POLITICAL DEBATES AND NETWORKS

In 1830, an alliance of malcontent bourgeoisie, clergy, aristocracy, journalists and other intellectuals succeeded in declaring Belgium independent of the Kingdom of the Netherlands of King William I. The initial financial crisis and uncertainty of international recognition made political unity a necessity. The liberal constitution of 1831 drew the blueprints for a parliamentary monarchy with an independent judicial power. The freedom of education, religion, press, association and opinion it encompassed united Catholics and liberals, and their ‘unionism’ continued even after the revolution. Subsequently, Belgium underwent a rapid process of modernization and quickly grew into the first industrialized country on the continent. But as a consequence of the modernization process, Belgian society suffered from growing pains. Widespread poverty and increasing proletarianization were reinforced by industrialization in major industrial regions such as the Borinage, Ghent and Liège. Political, social, and cultural conflicts would gradually divide the country. In the social sphere, the growing number of workers’ associations and trade unions and the establishment of the Belgian socialist party in the 1880s were signs of the discord between capital and labour. At the same time, a Flemish cultural movement emerged, speaking up against the French-speaking bourgeoisie and in favour of the granting of equal rights for the Flemish language. The process of ‘pillarization’ that emerged around the turn of the century is considered a consequence of these divisions. A slight increase in purchasing power and the abolition in 1866 of the infamous Le Chapelier-combination act that made strikes and trade unions altogether liable to punishment had given birth to an emerging movement of professional, social and cultural organizations, which against the background of a gradual but difficult process of democratization and under the influence of political parties became segregated along ideological lines. This ‘pillarization’ (referring to the different ideological ‘pillars’ in social life) coincided with the growing importance of social movements as forces in the decision-making process.³⁶⁴

³⁶⁴ Witte, Nandrin and Gubin (2005) *Nieuwe Geschiedenis van België (I): 1830-1905* and Witte and Craeybeckx (1985) *Politieke geschiedenis van België sinds 1830. Spanningen in een burgerlijke democratie*, XI-XV.

This first century of Belgian independence witnessed the emergence of a wide array of intellectual networks which were both rooted in and concerned with social and society-related questions. They ranged from informal circles or study groups, and national federations and pressure groups to international congresses and associations. In an age of limited democracy, where power was in the hands of the few aristocrats and bourgeoisie, these networks exerted considerable influence over decision-making. Just as their importance depended on the adherence of influential politicians, academics and civil servants, this adherence conversely gave their members prestige. The social and political discussions within these networks, which not seldom centered on the relationship between the state and social organizations, made for an intellectual breeding ground that formed the minds of those in power and those who advised or befriended them. Key figures in the development of subsidiarity in Belgium rooted their ideas in the debates of these networks, and used informal and formal contacts from and within these networks to spread such ideas. In this sense, they were the Belgian counterparts of some of the thinkers who intellectually developed important lines of the subsidiarity principle as was demonstrated in the previous chapter.

Of course, these Belgian actors and networks did not only act in and build up their own cultural or national sphere. Quite on the contrary, Belgians also figured amongst the most important and influential members of newly emerging transnational networks from the 1840s onwards. Belgium as a country benefitted from its geographical location as well as from its liberal character and an openness to intellectual exchange. As the nineteenth century proceeded, it became more and more apparent that it was not only a century of progress or a century of revolutions, but certainly also a century of international congresses or ‘gatherings’, as a Dutch reformer observed in 1856.³⁶⁵ Dramatically improved international mobility and new means of knowledge distribution together with the increasing bureaucratization of European states, paving the way for an increased role for intellectual elites, were at least part of the explanation behind the emergence of such transnational encounters. Congresses functioned as ‘fairs of progress’, where networks of experts identified the perceived problems and shared a general belief in modern society, progress and social reform as their solution. Although intense cooperation and correspondence had already existed before, the nineteenth century saw an intensification and alteration of network practices, ‘shaping and shaped by their new transnational context’.³⁶⁶ By the turn of the twentieth century, one of the ‘peaks of internationalism’, the number of international congresses had exploded.³⁶⁷

³⁶⁵ Von Baumhauer (1856) ‘Het liefdadigheidscongres en de tentoonstelling van huishoudelijke voorwerpen te Brussel in September 1856’, 108 as cited by Leonards and Randerad (2015) ‘Building a Transnational Network of Social Reform in the Nineteenth Century’, 114.

³⁶⁶ Rodogno, Struck and Vogel (2015) ‘Introduction’, 6, 13 and see also 7.

³⁶⁷ *Les congrès internationaux de 1681 à 1899. Liste complète. International congresses 1681 to 1899. Full list*, Brussels, 1960 and *Les congrès internationaux de 1900 à 1919. Liste complète. International congresses 1900 to 1919. Full list*, Brussels, 1964. For a statistical analysis see Stijn Van de Perre’s conference paper “‘These mutual lessons of nation to nation’ The International Philanthropic Congresses of 1856, 1857 and 1862”, Voluntary Associations History Conference Liverpool.

International congresses brought together professionals, academics, high officials and national representatives convening on reports, discussions and resolutions, turning the initial ‘easy-going “debating societies” into authoritative bodies of expert knowledge’.³⁶⁸ Their importance lay not so much in their effective impact on national decision-making but in their dissemination of ideas: gathering and exchanging data for comparative analyses, searching for common ground between different good practices, testing hypotheses in front of a critical audience and contributing to the building of what historians have called ‘epistemic communities’.³⁶⁹ Typically, they were held in prestigious cities such as Paris, London, Vienna, Frankfurt or Brussels (but also smaller cities) where exquisite banquets and receptions had to reaffirm national splendour. Together with the usual personal visits, study tours and trips as part of ‘philanthropic tourism’, this generated a shared feeling of ‘transnational connectedness’.³⁷⁰ Following the recently exploding literature on transnational networks, transnational refers to ‘the permeable space situated between and beyond governments and intergovernmental relations and domestic politics’.³⁷¹ The many international congresses took place in the same transnational sphere: they were organized at least partly by the same circle of transnationalists, frequented by a common audience and increasingly aimed at international solutions. More informal *rendezvous* in elitist saloons, for Belgians especially those in Paris, maintained or reinforced such connections.³⁷²

In the second half of the nineteenth century, this emerging transnationalism came under increasing pressure from ideological ‘culture wars’ between seculars and Catholics as well as from wars and diplomatic conflicts between the European powers. However, this never fully thwarted the many and diverse connections between the local, national and transnational spheres. For example, even when international tensions torpedoed prestigious transnational projects such as

³⁶⁸ Leonards and Randraad (2015) ‘Building a Transnational Network of Social Reform in the Nineteenth Century’, 116.

³⁶⁹ Exemplary in this respect was an opening address in 1857 by Belgian Minister of Interior Charles Rogier, in a high-flown style that is typical of such nineteenth-century official discourse: ‘What can be more instructive, more fruitful, than these inquiries, this exchange of information, these mutual lessons of nation to nation, and these eloquent facts gathered from the lips of the most distinguished, the most competent, the most truthful men? Is not this the commencement of a profound reform and of a new progress in the relations of governments and of people?’. The original French text can be found in (1857) *Congrès international de bienfaisance de Bruxelles. Session de 1856. Tome I*, 62. The translation appeared in Roberts (1859) ‘Report on the Congrès International de Bienfaisance, and on the Association International de Bienfaisance’, 688. For ‘epistemic communities’ see Haas (1992) ‘Epistemic Communities and International Policy Coordination’.

³⁷⁰ Viaene (2015) ‘Professionalism or proselytism? Catholic ‘Internationalists’ in the Nineteenth Century’, 36-37 and Leonards (2007) ‘Ter bestrijding van armoede, misdaad, oorlog en immoraliteit. Europese congrescultuur in de negentiende en vroege twintigste eeuw vanuit filantropisch perspectief’, 57.

³⁷¹ It is not entirely clear where transnational/-ism differs in meaning from international/-ism. Rodogno, Struck and Vogel admit that there seems to be ‘a certain degree of wooliness in the current usage of the terms’, but the discussion thereof is beyond the scope of this thesis. Rodogno, Struck and Vogel (2015) ‘Introduction’, 5-6. See also Saunier (2004) ‘Circulations, connexions et espaces transnationaux’ and from the same author (2008) ‘Les régimes circulatoires du domaine social 1800-1940 : projets et ingénierie de la convergence et de la différence’ and Unfried, Mittag and Van der Linden (2008) *Transnationale Netzwerke im 20. Jahrhundert. Historische Erkundungen zu Ideen und Praktiken, Individuen und Organisationen*.

³⁷² De Maeyer and Moeys (2014) ‘Toniolo e il movimento cattolico internazionale’.

permanent international associations or follow-up congresses, key figures in the transnational movement modelled their national events upon similar events picked up somewhere abroad or invited foreign acquaintances from their 'epistemic communities'. Just as on the international level, the lingering Belgian 'culture war' between increasingly anticlerical secular liberals and increasingly intransigent Catholics from the late 1850s onwards made mixed associations and networks far more politically sensitive and hence increasingly difficult, but divisions were never clear-cut. Throughout the nineteenth century cross-overs and personal ties between the two main ideological 'camps' in Belgium never ceased to exist. Rather eclectic networks such as the *Société Huet* never adhered to one of the main camps, some networks explicitly tried to maintain their ideological neutrality and others, while bearing a certain ideological 'stamp', nonetheless included thinkers otherwise associated with opposing parties.

Before the next chapter, which will focus exclusively on an in-depth study of the subsidiarity thought of some Belgian key figures, this chapter will first try to identify the intellectual networks that were engaged in relevant discussions on social and political topics. Remaining true to the main focus of this study, this chapter will elaborate on those networks which more specifically engaged with the changing perspectives on the role of the state in relation to civil society and voluntary initiatives and associations. Some of the discussions on state and society in these networks were in a way the more policy-oriented translation of the same subsidiarity-like ideas and discussions that were presented in the previous chapter. Where particularly relevant for the focus of this study and wherever possible, this chapter will hence also offer a glimpse of the contents of these networks' discourse. Therefore, some parts will necessarily dwell on certain discussions within particularly important networks at rather great length, while other networks will simply be reviewed since they are important in painting the picture.

As all the networks under scrutiny here were grounded in the same social context and essentially tackled the same issues. In order to maintain the focus on the content of their debates, this chapter will be structured along chronological lines. Whether national or transnational, liberal or Catholic or socialist or otherwise, all these networks sought answers to the fundamental question that was first known as the 'workers' question' (*la question ouvrière*) and later as the 'social question' (*la question sociale*). In whatever form it appeared, this 'social question' was the perceived evil which haunted nineteenth-century Europe and which was to be combatted with their actions as a 'reform vanguard'.³⁷³ The subject of these reforms mainly depended on the spirit of the times: an early example was the prison reform movement, just like the emphasis on private charity and public assistance and, as the nineteenth century proceeded, on social economy, mutual-aid institutions and social regulation. The issue of state intervention was of course never far away – which was very much in keeping with the dynamics among economists and

³⁷³ Leonards and Randerad (2010) 'Transnational Experts in Social Reform, 1840-1880', 221.

philosophers as explained in chapter one. Even if the proposed solutions to this question differed of course in their underlying ideological (Catholic or liberal or otherwise) interpretations or their scope (national or international), they roughly followed the same, general evolution from emphasis on charity and political economy towards more fundamental demands for social reform.

The chapter is therefore roughly divided in four sections representing four periods. The first tackles the constitutional and institutional debates around the independence of the Belgian state and the 'unionist' discourse which was important in supporting in subsidiary ideas between 1820 and 1850. The second focuses on the national and transnational networks and discussions on charity and political economy, the hot topics between roughly 1840 and 1870 which focused on the role of the state in the public poor relief system and its relationship with private charity. The third then proceeds to deal with the emerging corporatism and social science networks from 1860 to 1890, after which the fourth deals with the movement and discourse of social reform at the end of the century, which in Belgium also translated in the pillarization of, among other movements, the workers' movement.

2.1 The age of unionism: constitutional and institutional debates and networks (1820-1850)

Essential for an understanding of Belgium in the nineteenth century are its institutional foundations and the related political debates. Debates on the relationship between liberty and authority, and religion and state, had already taken a start in Catholic circles soon after the French revolution and the Concordat between Napoleon Bonaparte and Pope Pius VII in 1801. The same debates inspired Catholics and liberals to join forces against what they saw as the tyrannical reign of William I of the Kingdom of the Netherlands. Their mutual frustrations and longing for freedom, however different their motivations, gave rise first to the Belgian constitution of 1831 and then to the acts that laid down the division of power between the national state, the regional provinces and the local municipalities in 1836. The discussions preceding the constitutional and institutional framework of the new Belgian state are in many respects essential, for this chapter but also in the light of our concern with government policy in the next part of this thesis. Not only did they already contain the seeds of many of the subsequent political quarrels on social policy but they also created the political networks that dominated national government policy until well into the 1850s. These discussions, and the networks that formed around these discussions, will therefore serve as the point of departure in this chapter.

The institutional edifice of Belgium: local autonomy and the need for a central state

To understand the foundations that lay at the basis of the union between Catholics and liberals, the drawing of the Belgian constitution and the dominant political networks thereafter, we must go back to the 1820s. Opposition to William's rule grew steadily because of the underrepresentation of Belgians in the power centre of The Hague, the king's assertive language policy and not in the least his secularizing education policy. As Belgian Catholics found themselves at increasing odds with William's plans to construct a strongly regulated Belgian 'state church', they grew more inclined to conclude a bargain with equally frustrated liberals and democrats who in the meantime had moderated their anticlerical tone.³⁷⁴ In spite of their initial aversion to modern liberties propagated by liberals, they reasoned that given the circumstances freedom would suit the Church's interest better than William's straitjacket. The instrumental acceptance of civil liberties would also offer the Church its so-needed freedom, a freedom which Catholics expected would soon eclipse all other liberties anyway. The resulting opposition movement, the *Union des Oppositions*, united newspapers from both sides, started a campaign of petitioning against William's government and rallied politicians in the leading representative body to their cause.

After revolt had broken out and turned into anti-Dutch sentiment in Brussels in August 1830, the opposition immediately sought to secure Belgian independence by the appointment of a provisional government and the formation of a constituent assembly. After less than three months of discussion the Constitution was promulgated in February 1831. The outcome was a somewhat strange but original *compromis à la belge*: a parliamentary monarchy, based on restrictive tax-based suffrage and balanced by ministerial responsibility, an overwhelmingly aristocratic Senate, independent judicial courts and municipal autonomy; a half-hearted separation of Church and State which ensured freedom of religion and the priority of civil over church marriage but also guaranteed priests a spot on the state's payroll; and a list of liberties favoured by both Catholics (education, association, religion) and liberals (press, opinion) which earned it the name as the most liberal constitution on the continent.³⁷⁵ Republican and democrat radicals as well as ultramontane Catholics had lost their battles, and disappeared from the main stage. No less than in the Dutch kingdom, a conservative elite of aristocrats and bourgeoisie, albeit a majority of them Catholic now, pulled the strings. Other leading revolutionary figures, who because of their more humble descent were not automatically eligible for political posts, were rewarded for their loyal service with high positions in the new administration.³⁷⁶

³⁷⁴ Jürgensen (1963) *Lamennais und die Gestaltung des Belgischen Staates*, 75, 80-81, 84 and Viaene (2001) *Belgium and the Holy See*, 56.

³⁷⁵ Viaene (2001) *Belgium and the Holy See*, 27-34.

³⁷⁶ Ducpétiaux was a good example of this. Witte (1979) 'Wijzigingen in de Belgische elite in 1830', 242ff and Witte (1977) 'De Belgische radikalen: brugfiguren in de democratische beweging', 11-45.

As the constituent assembly had every reason to finish the drafting of the constitution as soon as possible in order to secure Belgium's independency, it left many points of discussion open to interpretation. The result therefore was that the constitution was a 'masterpiece of constitutional camouflage'.³⁷⁷ Certain subjects that were deemed too politically sensitive were side-stepped by simply ordering the parliament to draft organic laws. Most important in this respect was the decision concerning the responsibilities of the different levels of government, the institutional edifice of the new state. On 25 and 26 January 1831, the assembly discussed the provincial and municipal powers. The article under discussion only asserted that the responsibilities of the provinces and municipalities were to be regulated by law and listed the tenets guiding these laws, such as the direct election of councils and the transparency of accounts and proceedings. If the debates that followed laid bare the underlying difference in opinions, they were also proof of the ambiguous situation the assembly was in. On the one hand, many members and certainly the more radical revolutionaries felt suspicious of the provincial and municipal authorities, many of whom still held sympathies to the Dutch throne. They therefore felt that it was paramount to strengthen national sentiment and establish a strong central state if Belgium was to survive as an independent nation. But on the other hand, the 'pragmatic conservatism' they avowed held that a constitution must reflect the customs and traditions of the people, as an expression of their sovereignty.³⁷⁸ Thus, they were in the awkward position where although intuitively a strong centralism seemed best, at heart they also realized better than anyone that the revolution could only succeed if the constitution was in line with the Belgian traditions of provincialism and local autonomy.

These fundamental ambiguities made it difficult to reach a compromise between those who considered Belgium a region of provinces that had always favoured a strong local autonomy, and their adversaries, who argued that the only way Belgium could survive was as a rigorously centralized state. Driven by national sentiment as much as the latter, the former went far to establish local autonomy and the commune as something as ancient and natural as the Belgian people themselves. The commune had always existed and would always exist. It was the first and the most basic expression of association and freedom, constituting not only the basis of every political edifice, but also the basis of society itself.³⁷⁹ Essentially, the commune was an organic element of society, derived from natural law, and not merely a level of government or an administrative power.³⁸⁰ This was an ambiguous point: although fully independent from the state as an organic

³⁷⁷ Dippel (2005) 'Modern constitutionalism, an introduction to a history in need of writing', 164.

³⁷⁸ De Dijn (2002) 'A pragmatic conservatism. Montesquieu and the framing of the Belgian constitution (1830-1831)'. See also de Dijn (2002) "In overeenstemming met onze zeden en gewoonten." De intellectuele context van de eerste Belgische constitutie (1815-1830)'.
³⁷⁹ Faider (1834) *Coup-d'œil historique*, 7; Parliamentary Proceedings, Chamber of Representatives, 3 May 1834; Parliamentary Documents, Chamber of Representatives, 1833-1834, n°139, 1 and Bernimolin (1892) *Les institutions provinciales et communales de la Belgique*, VIII and 80-81.

³⁸⁰ Parliamentary Documents, Chamber of Representatives, 1833-1834, n°139, 1 and Bernimolin (1892) *Les institutions provinciales et communales de la Belgique*, 79.

expression of the natural local ‘franchises’ (even independent of the number and the identity of its members), the commune was considered part of the state, subject to supervision by the state and fully responsible with respect to the state.³⁸¹ Proximity to the citizen was what made the commune responsible for ‘local relations’ and the state for mere ‘political relations’.³⁸² Views on the province were less strong, which seems strange after a revolution that had been executed under the different provincial banners (Brabant, Liège, Flanders). Indeed, the French revolutionary interpretation of a province as a mere *département* of the central state was seen as unjust as in the case of the commune. But an implicit agreement seemed to reign that, considering the tense post-revolutionary context, the province rather than the commune could be sacrificed on the altar of centralization.³⁸³

Not until 1836, after over 90 plenary sessions, did the parliament reach agreement over both the provincial and the municipal acts.³⁸⁴ The eventual compromise constituted a real ‘transaction’ between the opposing parties; it was no coincidence that the municipal act and the provincial act were treated simultaneously and enacted only one month apart. On the one hand, the Municipal Act of 1836 displayed a strong local autonomy: most of the powers lay with the directly elected local council, and although the King officially held the right to appoint the mayor, he had to pick someone from within the elected local council. This was a controversial point, which infuriated the king to such an extent that he forced a later government to withdraw this obligation in 1842. The Municipal Act also confirmed the local responsibility in poor relief: every municipality should have a Welfare Office and, if applicable, a Commission of Civil hospices; the local council had a say in the nomination of their members and was entrusted with the financial supervision of its accounts. In 1842 the responsibility over popular (elementary) education was added to the local government’s official duties. Although this had been a local responsibility for ages, it had been neglected by some municipalities since the introduction of freedom of education. On the other hand, this kind of local autonomy was only possible because the Provincial Act served as a counterbalance. The provincial council only convened once a year and had far fewer competences than the local council. By contrast, the provincial ‘governor’, who was explicitly depicted as a government official and a confidant of the king, in many cases held the ultimate power of decision and was almost solely charged with the executive power. Aside from the prerogatives of the King in the appointment of the mayor and some minor changes in legislation in 1887, little would change throughout the nineteenth century. But the institutional structure of Belgium as a multilevel governance

³⁸¹ Bernimolin (1892) *Les institutions provinciales et communales de la Belgique*, 63, 80-81; Parliamentary Documents, Chamber of Representatives, 1833-1834, n°139, 8-9 and Tielemans and de Brouckère (1838) *Répertoire de l’Aministration et du Droit Administratif*, 168-169.

³⁸² Tielemans and de Brouckère (1838) *Répertoire de l’Aministration et du Droit Administratif*, 167-168 and Bernimolin (1892) *Les institutions provinciales et communales de la Belgique*, 82.

³⁸³ Heylen (2005) ‘Inleiding’, 14-15 and Heylen (2005) ‘Politiek en beleid’, 40-45.

³⁸⁴ For a more detailed study on the coming about of the Municipal Act, 1833-1836, see Haag (1946) *Les droits de la cité. Les catholiques-démocrates et la défense de nos franchises communales 1833-1836*.

definitely shaped government policy, as there will be ample occasion to show in the next part.

Unionism and liberal-Catholic networks

During the 1820s Belgian Catholics had found increasing inspiration with the French priest Felicité de Lamennais (1782-1854), who was mentioned briefly in the previous chapter as one of the Romantic Catholics in the beginning of the nineteenth century. His ardent intransigent form of ultramontanism, advocating religion as ‘the very essence of society’ and the pope as ‘the keystone of Europe’s social order’, enjoyed wide resonance among young Belgian priests and Catholic aristocrats.³⁸⁵ Lamennais himself started to see the Belgian case as the perfect example of how the Church could actually benefit from freedom as well as from an alliance with the people rather than with the throne, which made him evolve in both more intransigent and in more liberal-Catholic directions, away from his ultramontane conviction.³⁸⁶ Belgian Catholics were developing along the same path. While Lamennais’s 1829 *Des Progrès de la révolution et de la guerre contre l’Eglise* was still predominantly ultramontane, his Belgian followers, convinced as they were of their new approach, already interpreted it as a doctrinal expression of support for their liberal-Catholic cause.³⁸⁷ By 1830, Lamennais too had struck out on the new liberal-Catholic course, the tenets of which he now decided to share in the newly-founded journal *L’Avenir* together with his new allies Charles de Montalembert (1810-1870), Henri Lacordaire (1802-1861) and Charles de Coux (1787-1864). As the slogan on the front page demonstrated, the journal favoured ‘God and Liberty’ above everything else. Widely read in Belgian Catholic circles, *L’Avenir* became the main inspiration for Catholics involved in the Belgian constitutional debates: liberal-Catholics supported the whole set of civil liberties and in particular municipal autonomy as much as Lamennais did in *L’Avenir*.³⁸⁸

However, Lamennais and the Belgian liberal-Catholics would soon go their own ways again. After rumours of papal discontent with the activities of *L’Avenir*, the ‘three musketeers’ of liberal-Catholicism, Lamennais, Montalembert and Lacordaire, had naïvely made a journey to the Vatican where they hoped and expected to be given solid backing by the new Pope Gregory XVI. The still-radicalizing Lamennais first failed and then refused to understand the Pope’s silence as an implicit message of disapproval, which earned him an implicit papal condemnation in 1832 *Mirari Vos* and an explicit one in 1834 *Singulari Nos*.³⁸⁹ If many Belgian liberal-Catholics initially tried to find a way to reconcile themselves with both

³⁸⁵ Viaene (2001) *Belgium and the Holy See*, 48-49.

³⁸⁶ Lamberts (1972) *Kerk en liberalisme in het bisdom Gent (1821-1857). Bijdrage tot de studie van het liberaal-katolicisme en het ultramontanisme*, 24-27.

³⁸⁷ Viaene has convincingly argued that *Des Progrès*, which was written in 1828 and published in early 1829, has been misinterpreted as Lamennais’s first liberal-Catholic work not only by contemporary liberal-Catholics, but also by most of the subsequent observers in the literature. See Viaene (2001) *Belgium and the Holy See*, 54-55. For a different view see Harrison (2014) *Romantic Catholics*, 112.

³⁸⁸ Harrison (2014) *Romantic Catholics*, 124-125 and Viaene (2001) *Belgium and the Holy See*, 66.

³⁸⁹ Harrison (2014) *Romantic Catholics*, 129-134ff.

Lamennais and the papal encyclicals, their intransigence and adherence to *L'Avenir* gradually faded. As part of the unionist government, they had put into practice the intransigent program of *L'Avenir* with the successful implementation of municipal autonomy and their vehement opposition to state control over education. But after 1837, with the union between Catholics and liberals 'brain dead', Catholics rallied to a more transigent, conservative and assertive program: a natural reserve towards parliamentary government, an inclination to see Catholicism as both an ally and a counterweight to liberty, and a willingness to direct government policy in the direction of a more explicit protection of their own liberties.³⁹⁰ This new course distanced them from Lamennais, whilst retaining an intellectual focus on France with inspiration from Bonald and Montalembert.³⁹¹

It was this group of unionist, transigent liberal-Catholics who first advocated a form of subsidiarity.³⁹² Shaped by their own interpretation of the liberal constitution, they answered the increasing liberal self-confidence and the so-despised 'deification' of the secular state with an ardent desire to actively shield and favour their own liberties. One of the major fields under discussion was education, on which parliament had started working not long after independence, resulting in laws on higher, primary and secondary education in 1834, 1842 and 1851 respectively. To the liberal ideal of a secular state responsible for education, liberal-Catholics added a focus on private, Catholic schools in close cooperation with the local government, although they did not reject state inspection and control. Their position revealed two major general points. First, while the state as guard of the public interest had a right to watch over and control policy and even to organize 'model institutions', there was no reason for a state monopoly if liberty could account for the necessary provision.³⁹³ On the other hand, if liberty could *not* account for the necessary provision, they admitted that the state had the right and duty to complement the necessity:

*tous ceux qui ont foi en la liberté doivent la nourrir, parce que le progrès social [...] n'est, au fond, que l'émancipation graduelle du peuple, en d'autres termes, n'est que la diminution successive de l'intervention de l'Etat dans cet ordre de choses. [Mais] si les institutions libres laissent des vides dans le domaine des sciences, si elles ne suffisent pas aux besoins des populations, eh bien ! alors l'Etat est obligé de suppléer au manque d'action de la liberté.*³⁹⁴

Second, in the execution of its policy, the central government had to acknowledge and respect the prerogatives not only of the other levels within the sphere of the state, such as the local and provincial authorities, but also of other social units such

³⁹⁰ Viaene (2001) *Belgium and the Holy See*, 75, 77 and 79.

³⁹¹ See for instance Callier (1847) 'M. de Bonald et L'université catholique', 12ff.

³⁹² This is explicitly argued by Viaene (2001) *Belgium and the Holy See*, 75, 93, 94 and 95. For these paragraphs, I am indebted to Viaene's ideological analysis of the liberal-Catholics, see Viaene (2001) *Belgium and the Holy See*, 77-100.

³⁹³ BAB, Papieren De Haerne, C603: letter by Adolphe Dechamps to Désiré De Haerne, 31 December 1831.

³⁹⁴ Parliamentary Documents, Chamber of Representatives, 1834-1835, n°134, 10-11. See also de Moreau (1911) *Adolphe Dechamps (1807-1875)*, 123-124.

as the family.³⁹⁵ A deep distrust regarding the central state in its spectre of the Hobbesian *Leviathan* would remain a key element in the liberal-Catholic doctrine, only to be challenged in the last quarter of the nineteenth century by more socially-minded ultramontanes.

The liberal-Catholic ideological attitudes were disseminated in the political arena through the 're-founded' Catholic University of Leuven and in journals such as the *Revue de Bruxelles* and the *Revue Catholique*. Often composed of the same figures from the same small elite, these networks blended into each other. Two notable speakers in the Chamber of Representatives, Adolphe Dechamps (1807-1875), whose brother redemptorist would become archbishop of Malines in 1867, and Pierre De Decker (1812-1891) together founded the *Revue de Bruxelles* in 1837 and acted as editors-in-chief. Both men would take up important roles as ministers in national government during the 1840s and 1850s, particularly involved in the education and charity bills. The Catholic University served also as a central nerve in this network. From 1843, the university's professors published the academic journal *Revue Catholique*, which nonetheless did not refrain from political discussions and bore a controversial liberal-Catholic stamp, opposed by fierce opponents of Lamennais. One of the many foreigners among the professors was Charles de Coux, who had collaborated on *L'Avenir* and who was given the chair in political economy in 1834. After his return to France in 1845, his student Charles Périn (1815-1905) followed in his footsteps and became the illustrious leader of the intransigent, ultramontane Catholic wing in Belgium. As a liberal-Catholic bastion, the university's professorate kept on harbouring other leading figures in the Catholic establishment such as the later minister Jean-Joseph Thonissen (1817-1891). Even if the ultramontane wing would grow more dominant throughout the years, liberal-Catholics held a firm grip on the parliamentary faction, known as the Catholic 'Right'.

2.2 The age of charity and political economy (1840-1870)

Despite their initial agreement in national politics, tensions between Catholics and liberals mounted from the 1840s onwards. Within the liberal party, established in 1846, secular ideals and anticlerical feelings were on the rise. Catholics, on the other hand, tried to maintain the established order as much as possible, and invoked their constitutional liberties specifically to protect their cherished network of Catholic institutions in education and health care. Like other European countries, Belgium as a result was plunged into the ideological and political 'culture wars' between political Catholicism and secular liberalism.³⁹⁶ The first exclusively liberal cabinet in 1847 marked a new era of homogeneous one-party cabinets instead of unionist governments consisting of moderate representatives from both sides. The new

³⁹⁵ This second point had already been defended as one of the main doctrines of *L'Avenir*.

³⁹⁶ See Witte (2003) 'The battle for monasteries, cemeteries and schools: Belgium'.

liberal cabinet was immediately confronted with the social consequences of a massive agricultural crisis in 1847 and the 1848 revolutionary uprisings across Europe, but most importantly in neighbouring France. Karl Marx's and Friedrich Engels's first edition of the *Communist Manifesto* in early 1848 had come too early to play a role, but years of increasingly popular utopian socialism had preceded this outburst.³⁹⁷ Prudent electoral reforms and temporary state support for agriculture prevented further turmoil in Belgium. In the longer term, however, these events kindled discussions on free-trade and economic policy as well as on poor relief and charity. At the centre of both discussions stood the role the government had to play. The private-charity versus public-assistance question in particular dominated the next decade, both in the Belgian political arena and on the international level, ending with one of the most severe political crises in Belgium in 1857.

'Christian socialism' as the breeding ground for progressive liberalism: the *Société Huet* (1846-1851)

Characteristic of the revolutionary and utopian-socialist momentum before 1848 was the so-called *Société Huet*. François Huet (1814-1869) was a French philosopher who was appointed professor at the age of 21 at the State University of Ghent in 1835.³⁹⁸ He himself saw his self-proclaimed 'Christian socialism' as a means to find a middle way between an individualism gone wrong and a socialism that was naïve. However, in the years preceding but especially following the 1848 revolutions, his radical and progressive views caught the eye of political leaders and he gradually became labelled a revolutionary instigator. That Huet sympathized with the February revolution in France was beyond doubt, because he had travelled there as soon as revolts had broken out. That he also brooded about a similar revolution in Belgium and therefore instigated it among his friends is not entirely out of the question but much more debatable.³⁹⁹ After King Leopold had already asked for Huet's resignation during the summer of 1848, Huet was increasingly the target of criticism both in doctrinal liberal government circles and in Catholic circles.⁴⁰⁰ Initially cabinet leader Charles Rogier, acquainted with Huet's writings, tried to protect Huet from dismissal. But when in the second half of 1849 the pressure increased from such diverse quarters as the Ghent university board, the Catholic press, the liberal provincial governor De Jaegher, some major doctrinal leaders such as Paul Devaux and again the King, Rogier could do nothing but search for a diplomatic way for him to resign.⁴⁰¹ Officially because of health problems, Huet

³⁹⁷ Vanhaute, Paping and Ó Gráda (2007) 'The European Subsistence Crisis of 1845-1850: a Comparative Perspective'.

³⁹⁸ Merten (1887) *Biographie nationale tome 9*, 332-334. Wils wrongly dated the beginning of his professorate back to 1831. See Wils (2005) *De omweg van de wetenschap*, 114-115.

³⁹⁹ See Coppens (1972) *La Société Huet*.

⁴⁰⁰ Van Dijck (2008) *De wetenschap van de wetgever*, 71.

⁴⁰¹ Coppens (1972) *La Société Huet*, 149.

resigned in the late spring of 1850 and returned to France where he wrote his most famous book *Le règne du christianisme social* (1853).⁴⁰²

Somewhere in the course of the 1840s, a group of young former students rallied round Huet and his older colleague Henri Moke. In the seclusion of Moke's living room, they discussed the political and social knots of the time with both their former professor and their old college teacher.⁴⁰³ During these years, many similar discussion groups had already been established in radical circles in Brussels, and later they also emerged outside the capital.⁴⁰⁴ The immediate cause for turning these informal meetings into an official study circle was without doubt a common indignation after the first liberal congress in June 1846. The congress was and has been considered the founding ritual of the liberal party ever since, although it was certainly not yet a political party in the strict sense we now know it. Huet and his sympathizers were right in analysing that the doctrinals had taken the lead over the liberal camp. In their eyes, however, doctrinal liberals 'in their narrow egoism' deliberately chose to focus entirely on 'their hatred for the clergy and the people' in order to divert attention from 'the democratic questions' that they undoubtedly considered to be the proper liberal values.⁴⁰⁵ The same values were publicly defended in their own magazine *La Flandre Libérale*, of which at least five double issues were published irregularly between 1847 and 1849, and in *Le Messager de Gand*, a journal with Dutch sympathies – not uncommon in Ghent. From 1848 they also supported the progressive Flemish newspaper *De Broedermin*.⁴⁰⁶ After Huet's return to France, the *Société Huet* lost much of its appeal and its position was taken over by the more moderate *Société Littéraire*.⁴⁰⁷

The ideas that circulated in the *Société Huet* were to a large extent inspired by Huet's own ideas, which will be discussed more thoroughly in the next part because of their interesting parallels with subsidiarity. Despite Huet being the main driving force, the *Société Huet* was a discussion group in the real sense of the word: members often held widely differing opinions and the conclusions with which an argument had been closed one session could easily be under scrutiny again the next session.⁴⁰⁸ Basically, however, they all rallied around the three 'truths' of the French revolution.⁴⁰⁹ Although they saw themselves as the defenders of 'the true principles of liberalism', they did not fail to emphasize that liberty always came together with

⁴⁰² Accounts on the precise events differ, so it is not entirely clear whether it was on the government's initiative, but in 1850 Huet was forced to resign and returned to France. See the already mentioned Coppens, Van Dijck and Wils. For a detailed analysis of *Le règne du christianisme social* and Huet's ideas, see section 3.1 in chapter three.

⁴⁰³ Coppens (1972) *La Société Huet*, 136.

⁴⁰⁴ De Spiegeleer (2011) *Een blauwe progressist*, 105.

⁴⁰⁵ UBG, Fonds Voituren, G11962 : [Voituren], *Questions politiques et sociales. Notes et réflexions diverses*, (sd).

⁴⁰⁶ Van Daele (2002) *Van Gent tot Genève*, 18.

⁴⁰⁷ Wils (2005) *De omweg van de wetenschap*, 116.

⁴⁰⁸ See for instance UBG, Fonds Voituren, G11962 : [Voituren], *Questions sociales 1847-48*, (sd), 27. See also a diary notice of Virginie Loveling, whose half-brother César Frédéricq was a member of the *Société Huet*, cited in Schrans (2015) *Tussen burgerpak en blauwe kiel*, 77-78.

⁴⁰⁹ Callier (1847-1848) 'Philosophie politique', 259.

solidarity (or fraternity) and equality. Therefore, the *Société Huet* was not only extremely critical toward its 'own' doctrinal liberal party, but they also heavily opposed utopian socialism and economic liberalism. Famous French socialist thinkers such as Charles Fourier, Louis Blanc, Pierre-Joseph Proudhon often stood at the centre of the discussion, just as what they called the 'English school of economics'. In spite of their emphasis on solidarity and equality, utopian socialists 'deny the first of these two elements, and hence arrive at the despotism of the state'. No better were the conservatives and extremist individualists, in Catholic as well as in liberal ranks, who thwarted every impetus towards a more just social organization.⁴¹⁰ A balance between liberty and solidarity also informed their views on state intervention, a topic often touched on in discussions. The belief that state intervention, though necessary and helpful for the time being, would be less and less necessary and eventually entirely superfluous because of gradual social progress, sounded surprisingly similar to the early liberal-Catholics defending their cause for liberty.

The importance of the *Société Huet* lies not only in its functioning as a think tank, by its discussing the important ideological authors of the time and moulding different theories into an encompassing system. It also proved to be the start of a long-standing network of major figures representing the progressive wing of the liberal movement in Belgium. For instance, by trying to set up their own channels, these rather more democratic 'progressists', only a radical minority group, challenged the dominant 'doctrinal' faction that had obtained government power in 1847 for the liberals and had held it since.⁴¹¹ Many of the *Société Huet's* core members thus grew into influential figures in progressive liberal associations or university circles. Founding member Emile de Laveleye (1822-1892) became known as an internationally renowned economist associated with the German 'historical school' and even more with the interventionist school of the *Kathedersozialisten* ('socialists of the chair'), somewhat like his friend John Stuart Mill. The Société's secretary Paul Voituron (1824-1891), as the leading figure of the progressists, became the nail in the coffin of doctrinal establishment although he failed to keep his pressure group, the Progressist Circle, in the long term. And while Gustaaf Callier (1819-1863) died young, his son Albert Callier (1846-1920), who married the daughter of his friend and head of the liberal movement in Ghent Francois Laurent (1810-1887), followed in his footsteps by founding his own discussion group.

The era of economic liberalism

The 1850s heralded an era of dominant doctrinal politics in Belgium as well as the turn to – and the golden years of – economic liberalism. Although it had less impact in Belgium than in other parts of Europe, the 1848 Revolution had strongly weakened the case of progressist liberals. With the exception of a failed last unionist cabinet between 1855 and 1857, the doctrinal liberals dominated national

⁴¹⁰ UBG, Fonds Voituron, G11962: [Voituron], *Questions sociales 1849-50 2e partie*, (sd), 166 and 169.

⁴¹¹ Van Praet (2015) *Liberales hommes-orchestres en de sociale kwestie in de negentiende eeuw*, 21.

government between 1847 and 1870. In the meantime, both the establishment of political economy as a distinct discipline and the steady rise of economic liberalism and free trade had continued, with chairs of political economy at most universities and a growing free trade movement. In 1855 a core of Belgian liberal economists founded, first, the journal *L'Economiste belge* and then also the *Société belge d'Economie Politique*.⁴¹² They had already been active in these circles both in Belgium and abroad, for example in organizing the first international *Congrès des Economistes* in 1847 in Brussels. The *Société belge d'Economie Politique* was modelled on similar organizations in Paris (*Société d'Economie Politique*) and London (Political Economy Club) with the aim of giving a further impetus to the diffusion of liberal economic ideas in Belgium. Their gatherings every three or four months in exquisite restaurants in Brussels were regularly attended by famous international invitees, among them the French socialist Proudhon.⁴¹³

The circles the *Société belge d'Economie Politique* originated in foreshadowed its ideological profile: throughout the years it became known as the cradle of radical *laissez-faire* economists following the French and the Manchester schools. This was what hardliners like Gustave de Molinari (1819-1912) and Charles Le Hardy de Beaulieu (1816-1871), together with Giovanni 'Jean' Arrivabene (1787-1881) the leading men, had in mind. Their radical plea for freedom also applied to the highly sensitive matters of charity and education, which put them on a collision course with the doctrinal liberal government. Like the progressists, the liberal economists accused the doctrinal government of giving up the liberal ideals in their crusade against Catholic dominance in private education and charity.⁴¹⁴ Some doctrinal members even left the Society because of the harsh critiques directed at the liberal government by some of the hardliners.

However, at least during the initial years there was no total agreement on the hardliners' idea of government non-interference as a doctrine that had to be followed stringently, whatever the consequences. Not only Arrivabene himself, but Brussels mayor Charles de Brouckère (1796-1860), the French economist Pascal Duprat (1815-1885) and the influential inspector general of prisons and charitable institutions Edouard Ducpétiaux (1804-1868) were also much more open to and pragmatic about the possibility of government intervention. If there was a demonstrable need due to a lack or insufficiency of private initiative, government intervention should be accepted. It was Charles de Brouckère, for instance, who said:

Le premier devoir du gouvernement c'est de laisser la plus grande liberté possible à la charité; de n'entraver en rien l'action des citoyens, soit individuelle, soit collective. En second lieu, il doit protéger, et, à défaut de la charité ou de la spéculation honnête, aider à la constitution des institutions qui tendent à prévenir la misère [...] Enfin l'Etat doit

⁴¹² Erreygers and Van Dijck (2011) "A powerful instrument of progress" *Economic textbooks in Belgium*, 216.

⁴¹³ Erreygers (2001) 'Economic associations in Belgium', 95-98.

⁴¹⁴ Van Dijck (2008) *De Wetenschap van de wetgever*, 67-68.

*l'instruction, l'éducation à tous ceux qui ne sont pas en état de subvenir par eux-mêmes à ce besoin essentiel des individus comme de la société.*⁴¹⁵

This was a good example of early expressions of the 'suppletive state' – and not at all uncommon, even among liberals. Doctrinal government leaders such as Charles Rogier (1800–1885) had been pragmatic enough to offer state support through subsidies when the country suffered from agricultural crisis in the late 1840s. Far from being an exceptional case this was a more general conviction, as he declared in his function of Minister of the Interior in 1859:

*Dans un pays libre comme le nôtre, l'initiative doit avant tout partir des particuliers et de la commune. [...] Mais je dis aussi que c'est tomber dans une exagération ridicule que de contester au gouvernement [...] le droit de venir en aide aux particuliers, l'obligation d'aider les communes alors que les particuliers et communes prennent l'initiative d'une mesure utile.*⁴¹⁶

In the same period, leading his second cabinet, Rogier also passionately defended the prerogatives of the public institutions in the poor relief system and refused concessions to the advocates of private and religious charity. That this position put him on a collision course, even internationally, with Adolphe Le Hardy de Beaulieu (1814–1894), who was a liberal representative but also president of the *Société* and cousin of its founder Charles Le Hardy de Beaulieu, was a good example of the underlying tensions within the liberal family.⁴¹⁷

All in all, however, the argument on state interference within the *Société* was quickly settled in favour of the hardliners. In 1857 Molinari announced in an article in *L'Economiste belge* that state intervention as a whole was to be combatted as much and as doctrinally as protectionism.⁴¹⁸ With the sudden death of Charles de Brouckère, Arrivabene's return to Italy and Ducpétiaux's increasing identification with the Catholic party made the balance gravitate towards non-interventionist orthodoxy from 1860. After a very successful first decade, the *Société belge d'Economie Politique* lost its most important organ of propaganda and mouthpiece when *L'Economiste belge* stopped publication in 1868. By 1871, with de Molinari moving to Paris, the *Société* had lost all of its founding and leading members and, while continuing its activities under a new administration, it lost much of its appeal.

Charity on the transnational stage and in Belgium

The debate on charity that divided liberals in Belgium had in the meantime also found its way to the transnational sphere. The first typically transnational congresses devoted to prison reform, in 1846 in Frankfurt and in 1847 in Brussels, revealed their adherents and organizers' broader concern for the larger social picture. At the instigation of the Paris-based *Société d'Economie Charitable*, in 1847

⁴¹⁵ De Brouckère (1853) *La charité et l'assistance publique*, 39–40.

⁴¹⁶ Parliamentary proceedings, Chamber of Representatives, 25 February 1859, 647.

⁴¹⁷ (1858) *Congrès international de bienfaisance de Francfort-sur-le-Mein. Session de 1857. Tome I*, 172–174.

⁴¹⁸ Albert (1976) *Het tijdschrift "L'Economiste belge" (1855–1868): Zijn stellingen en invloed*, 25.

the second penitentiary congress in Brussels decided to establish an international charity society, *Société internationale de Charité*, but the 1848 clashes prevented it from ever functioning.⁴¹⁹ However, the Belgian inspector general of penitentiary and charitable institutions Edouard Ducpétiaux, who had been closely involved in the organization of both congresses and its failed charity spin-off, had not abandoned the plan.⁴²⁰ He was spurred by the organization of a statistical congress in Brussels in 1853 by the renowned statistician Adolphe Quetelet (1796-1874) and of the first international charity meeting at the very first World Exhibition in Paris in 1855, again under the auspices of the *Société d'Economie Charitable*. With the help of his colleague in government administration Auguste Visschers (1804-1874), like Quetelet a close friend of the same transnational and reformist mind, he organized the first *Congrès international de bienfaisance* in Brussels in 1856. His good relationship with the famous German reformers Karl Mittermaier (1787-1867) and Georg Varrentrapp (1809-1886) and their transnational network, made the congress a success in terms of international audience and paved the way for follow-up congresses in (again) Frankfurt in 1857 and London in 1862. The important French group around the French Société's leading man and social Catholic Viscount Armand de Mélnun (1807-1877) boycotted the first two congresses in Brussels and Frankfurt, probably because they did not agree with the subtle departure, in terms of terminology, from (Christian) 'charity' to the more neutral and widely accepted *bienfaisance*.⁴²¹ In the build-up to the 1855 international charity meeting, the Société and de Mélnun had been criticized by members of the conservative, ultramontane French press who feared that the meeting would be an excuse to give up the Catholic predilection for *charité libre* or Christian charity in favour of the despised *bienfaisance publique* or public assistance. French commentators afterwards also remarked that the meeting had not been given enough publicity.⁴²² In that sense the turn towards *bienfaisance* can be understood as an attempt to attract a more diverse audience, but it nonetheless put the French in an awkward predicament. Economist Pascal Duprat, the liberal but quite interventionist economist, was among the few French figures attending the congresses in 1856 and 1857.

When discussing the central tenets of social assistance policy in relation to private charity, the reformist discourse was remarkably consensual: while regulation, and to a lesser extent and more controversially intervention (direct or indirect) by public policy, was necessary and welcome, it was not allowed to hamper in any way the private efforts on which the system should basically rest. The Congress' vice-president and omnipresent transnationalist Marie Mathieu von Baumhauer (1816-1878) declared with respect to the Dutch case:

⁴¹⁹ (1858) 'Association internationale de Bienfaisance en Belgique', 282ff.

⁴²⁰ Vanhulle (2010) 'Dreaming about the prison: Édouard Ducpétiaux and prison reform in Belgium (1830-1848)', 114-118 and Leonards (2004) 'Priceless Children', 129.

⁴²¹ D'Andigné (1961) *Armand de Melun: un apôtre de la charité, 1807-1877*, 275 and Viaene (2015) 'Professionalism or proselytism? Catholic 'Internationalists' in the Nineteenth Century', 36-37.

⁴²² De Bausset-Roquefort (1859) 'Rapport sur les séances du Congrès international de Charité, réuni à Paris, à la fin du mois de juillet 1855'.

*En général, dans les Pays-Bas, il est admis que la bienfaisance doit être exercée, autant que possible, par les particuliers ou par les associations religieuses. L'Etat ou plutôt les communes [...] ne doivent intervenir que lorsqu'il y a nécessité absolue et lorsque les associations privées n'ont pas des ressources suffisantes.*⁴²³

One year later at the Congress in Frankfurt, Stafford Northcote, an English representative of the Conservative Party and the later foreign secretary, was more normative in saying:

*Que l'Etat nous aide, qu'il nous surveille, qu'il pose des principes dont nous ne puissions nous écarter, soit; mais si l'Etat se mêle trop de nos arrangements intérieurs, s'il s'efforce de traduire en formules légales les inspirations de la charité, il est à craindre que cette intervention directe ne produise beaucoup plus de mal que de bien, et n'entrave ce qu'il faudrait encourager.*⁴²⁴

The same was more or less stated in the Congress' resolutions.⁴²⁵ As we will see in the next chapter, this very much mirrored Ducpétiaux's (and also Visschers's) ideology. Ducpétiaux's views will receive ample treatment in the next chapter, because as a widely respected public figure he made important contributions to the theory and practice of social policy and, more importantly, to the theoretical development and diffusion of subsidiarity ideas in Belgium.

Ducpétiaux initially saw his plan of a permanent international association being realized in the *Association internationale de Bienfaisance*, officially discussed at the first and established at the second Congress. However, the plan never took off. Although the third Congress had been planned for 1859, the next was not held until 1862. It was hosted by the British *National Association for the Promotion of Social Sciences* (SSA) in London during the World Exhibition and the SSA's own annual meeting.⁴²⁶ What happened to the plan of the international association, whose Brussels-based central agency was again in the hands of Ducpétiaux, is unclear, but the introduction of the London congress mentioned not a single word about it.⁴²⁷ The silent decline was foreshadowed by the announcement that the next Congress would be organized as an independent section of the international statistics

⁴²³ (1857) *Congrès International de Bienfaisance de Bruxelles. Session de 1856. Tome I*, 110. Leonards and Randerad calculated that in terms of frequency and diversity of congress visits, Baumhauer headed the list of transnationalists, although their quantitative model clearly overrepresented Germans and underrepresented Belgians. See Leonards and Randerad (2010) 'Transnational Experts in Social Reform, 1840-1880', 221. See also *Marie Mathieu von Baumhauer*, last accessed 10 November 2015 (http://www.biografischportaal.nl/personen?search_name=baumhauer).

⁴²⁴ Northcote (1858) 'Notice sur les institutions de réforme dans le Royaume-Uni de la Grande Bretagne et de l'Irlande', 593-594 cited in Ducpétiaux (1858) *La question de la charité et des associations religieuses en Belgique*, 36.

⁴²⁵ (1858) *Congrès International de Bienfaisance de Francfort-sur-le-Mein. Session de 1857. Tome I*, 7-8 and 311-312.

⁴²⁶ The *National Association for the Promotion of Social Science* was commonly also known as the *Social Science Association*, abbreviated as SSA. See for instance the works of Lawrence Goldman cited further.

⁴²⁷ (1863) *Congrès International de Bienfaisance de Londres. Session de 1862. Tome I*, V-VIII.

congress in 1863 in Berlin. While the statistics congress indeed took place, there is no evidence that the planned organization was actually created.⁴²⁸

Ducpétiaux abandoned his transnational attempts, and directed his attention to the Belgian stage. The liberal frenzy against Catholic private charity in the political crisis of 1857 and the secular policy of the subsequent liberal government confirmed him in his growing aversion to the anticlerical liberalism and made him seek alliance with the Catholics instead. Thus, he was one of the former liberal unionists who opposed anticlerical liberalism by joining the liberal-Catholic ranks and who helped in the ongoing attempts to better streamline Catholic politics.⁴²⁹ Together with Catholic member of parliament Barthélémy Dumortier (1797-1878) and professor at the Catholic University of Leuven Jean Moeller (1806-1862), Ducpétiaux was present at the annual gathering of German Catholics, *Katholikentage*, in Aachen in 1862.⁴³⁰ Upon his arrival in Belgium, Ducpétiaux made plans for a similar gathering of all popular and social organizations in the Catholic sphere. The preparation of the first gathering in Malines (Mechelen) was difficult, not only regarding its organization but also regarding its program. Provincial committees were installed as well as a central committee, and Ducpétiaux together with Dumortier succeeded in getting the archbishop's approval. Ideological differences proved more persistent: representatives of the Catholic right feared for their independence if political questions were to appear on the agenda, while increasingly radical ultramontanes considered every distinction between religion and politics unnatural.⁴³¹

Eventually the first Catholic assembly was held in Malines at the end of August 1863. It entailed five days of presentations and discussions, both in small groups and in plenary session, in five sections: religious works, charitable works, education, Christian art, and religious liberty and associations. Afterwards, however, the 1863 assembly seemed memorable only for the controversial speech given by the famous Montalembert, still worshipped in liberal-Catholic circles, who maintained a lively correspondence with his close friend Adolphe Dechamps. The title of his lecture ('L'Eglise libre dans l'Etat libre') was so controversial that he realized it needed more explanation in a separate article, which was published afterwards. This was symptomatic of the situation among Catholics: whereas the 'general tone' was still liberal-Catholic, this paradigm was increasingly challenged by a revived ultramontanism.⁴³² Ducpétiaux, as secretary-general the strong man behind the curtains, clearly wanted to hold the liberal-Catholic course with regard to the next assembly. Still a reformist in heart and soul, he interpreted charity not only in

⁴²⁸ Randeraad (2010) *States and statistics in the nineteenth century. Europe by numbers*, 103-125.

⁴²⁹ Lamberts (1984) 'Het ultramontanisme in België 1830 – 1914', 49.

⁴³⁰ Tihon (2000) *Christianisme et société*, 47-51.

⁴³¹ Soete (1996) *Structures et organisations de base du parti catholique en Belgique 1863-1884*, 26-33.

⁴³² The famous industrial ultramontane Joseph de Hemptinne admitted that, given the 'general tone' of the assembly, he was 'not really sure what to wish for: life or death of the assembly'. This he said in a letter on 23 January 1864 to the papal nuncio, cited in Soete (1996) *Structures et organisations de base du parti catholique en Belgique*, 43-44.

strictly religious but also in a more social and democratic sense. The Catholic philosopher Maurice Defourny (1878-1953) later noticed how such democratic aspirations had come too early and would only surface in the famous Liège congresses at the end of the 1880s:

*On voit s'avancer l'idée démocratique qui convaincra de plus en plus d'insuffisance l'initiative privée et visera à compléter la béante lacune par la réglementation légale [...]. Malines est un point de départ; Liège sera le point d'aboutissement.*⁴³³

Ultramontanes combatted this, incensed by their minority in the central committee and clearly lashing out at Ducpétiaux when speaking of the 'novices in the practice of Catholic opinion'.⁴³⁴ Concern about official disapproval by the Holy See, wariness about liberals instrumentalizing the Catholic discord, and a general inclination towards ultramontanism, especially since the promulgation of anti-modern encyclical *Quanta Cura* and its infamous annex *Syllabus Errorum* in 1864; these elements eventually led to a second and a third Catholic assembly in 1864 and 1867 which were far less politically relevant and less focused on discussion, and instead more ultramontane, more clerical and more religious.⁴³⁵ Another assembly in 1870 completed the ultramontane turn and made clear how much this differed from the original plan: it was just one afternoon of speeches on purely papal affairs.

What more or less met with the same fate was the *Fédération de Sociétés Ouvrières Catholiques*, a federation uniting local workers' and employers' associations in Leuven, Ghent, Verviers and Liège.⁴³⁶ The Federation was founded by industrials and jurists in the margins of the third Catholic assembly in Malines in 1867 and held a first general assembly of representatives of its adherent societies in 1868. A detailed study of its bulletin *L'économie chrétienne* showed that democratic sympathies initially prevailed. 'Early Christian democrats' Gustave de Jaer (1808-1881), Léon Mabile (1845-1922) and others dreamed of real workers' associations led by educated workers themselves, workers' newspapers, more labour regulation and more state intervention.⁴³⁷ They considered this a viable alternative to the emerging socialist *International Workingmen's Association* (1864-1876) or Internationale, a dynamic that was felt in Belgium too with the first attempts to establish a socialist party during the 1870s. De Jaer and followers drew their inspiration from democratic circles in the early 1860s, around journals like *L'Univers* (1859-1861) and similarly from progressive and social Christian

⁴³³ Defourny (1908) *Les congrès catholiques en Belgique*, 146.

⁴³⁴ Allegedly said by de Hemptinne in an ultramontane meeting, according to a letter of du Val de Beaulieu to the same papal nuncio, cited in Soete (1996) *Structures et organisations de base du parti catholique en Belgique*, 45.

⁴³⁵ Lamberts (2013) 'Les catholiques libéraux en Belgique à l'époque contemporaine', 119.

⁴³⁶ De Maeyer (1991) 'La Ligue Démocratique belge et ses antécédents', 18-35. Note that this Federation of workers' associations was not the same as the more political *Fédération des cercles catholiques et des associations conservatrices* which laid the foundations of the Catholic party and in which the Catholic leader Woeste would play an important role. See Lefebvre (1893) 'La fédération des cercles catholiques et des associations conservatrices 1867-1893'.

⁴³⁷ De Maeyer (2016) "'Démocratie catholique" et "démocratie chrétienne". Toile de fond d'une controverse idéologique à la fin du XIXe siècle', 79-80.

initiatives abroad.⁴³⁸ However, their aspirations soon clashed with the general ultramontane and paternalistic climate. An attempt by de Jaer to change the by-laws in a more democratic direction provoked vehement reactions from, among others, the young ultramontane engineer and architect Arthur Verhaegen (1847-1917). After de Jaer's departure, the democrats gradually lost the internal struggle. The Federation became more ultramontane with every passing year; it thenceforth focused on the moralization and religious guidance of its workers' groups and rejected all state intervention in the social sphere. However, during the 1880s the Federation lost its influence to new initiatives which tackled the same social question by formulating fresh answers, one of which was more state intervention.

Significantly, however, the Federation's bulletin *L'économie chrétienne* devoted a remarkable amount of attention to Taparelli in their volumes of 1874 and 1875.⁴³⁹ As the analysis in the previous chapter demonstrated, the Italian Jesuit had left an important legacy to the development of subsidiarity in Catholic intellectual circles with his neo-Thomist theory of natural law. Apparently, he had prepared a similar theory on political economy before he died in 1862, leaving a large amount of his work unpublished. Twelve years after his death, the editors of *L'économie chrétienne* seemed to hold him in such esteem that they wanted to disseminate his ideas, especially his unpublished views on political economy, in one long article serialized over two years of their bulletin (and which was subsequently also published in book form).⁴⁴⁰ Despite the fact that the Federation had acquired a more conservative connotation in these years, their reading of Taparelli did not, for example, deny the state any intervention as some Catholics did:

*il pourrait se faire que ces deux sentiments (le sentiment juridique et le sentiment religieuse) ne soient pas suffisants, pour réaliser complètement les effets sociaux de la bienfaisance [...] Or, dans cette hypothèse, nous l'avons répété plus d'une fois, le pouvoir extérieur qui régit la société est en droit de prendre des mesures.*⁴⁴¹

All in all, however, *L'économie chrétienne* seemed more interested in Taparelli's political economy views than his views on natural law, using them to make a case for the religious nature of private charity and the re-Christianization of society instead of the fallacies of liberalism and free-thinkers. On the other hand, it still demonstrated how the relatively unknown Taparelli had found some resonance in Belgian Catholic circles. More evidence for this will be provided in the next chapter, as some of the Belgian subsidiarity thinkers discussed in that chapter used his theory on natural law as a more direct inspiration. Moreover, the fact that the editors of *L'économie chrétienne* invoked Taparelli specifically with the aim to 'Christianize the social sciences' made it clear that their focus on charity and

⁴³⁸ Lamberts (1992) 'De ontwikkeling van de sociaal-katholieke ideologie in België', 51-52.

⁴³⁹ Onclair (1874-1875) 'De la bienfaisance sociale', 1-29 ; 121-138 ; 153-172 ; 321-334 ; 369-383 ; 487-500 ; 521-534 and 5-18 ; 49-64 ; 123-136 ; 145-158 ; 197-217 ; 434-451 ; 490-500 ; 549-558.

⁴⁴⁰ Onclair (1876) *La bienfaisance sociale et le problème du paupérisme: d'après les doctrines du r.p. Taparelli d'Azeglio, S.J. par Auguste Onclair.*

⁴⁴¹ Onclair (1875) 'De la bienfaisance sociale', 128.

political economy bore the marks of a new *Zeitgeist* engaged with a supposedly scientific analysis of the social question. It is this period and the new debates, around which new networks formed, to which we now turn.

2.3 The age of social science and corporatism (1860-1890)

By the end of the 1860s, the attempts at social and political reform and the cautious democratic onsets formulated within the charity debates had been suppressed and had ended up in the background. In Belgium, progressive liberals were not granted any important involvement in the doctrinal government policy and liberal-Catholics' push for reform was bogged down by growing ultramontane resistance. Likewise, the charity momentum among transnational reformists had faded away. However, far from being completely abandoned, the social question was being addressed in new ways. Such new dynamics were in many ways an answer to the increased social threat and intellectual challenge of organized socialism and communism under the leadership of Karl Marx (1818-1883) and his companions in the First Internationale (1864-1876). One of bourgeoisie's answers to this 'workers' question' was a more scientific approach involving the close and meticulous observation of social realities such as households' budgets, something in which Dupétioux was one of the avant-gardists.⁴⁴² New associations started out of the same social concern as before, but hoped to address it by gaining more knowledge of the dynamics underlying the social question. Initially developed from the positivist science of Auguste Comte (1798-1857), the social-science approach was made attractive for Catholics by the conservative interpretation of Frédéric Le Play (1806-1882), the French engineer and economist who founded the *Société Internationale des Etudes Pratiques d'Economie Sociale* in 1856. In the meantime, alternative answers to the social question had started to blossom among ultramontane Catholics. Their fight for the restoration of the harmonious social order along Catholic lines, idealized in their image of the perfect Catholic society during the Middle Ages, made them fall back on the equally idealized medieval corporatism. Corporations would bring together workers and employers in a harmonious sphere of social peace without needing too much state, which was their alternative to the violent class struggle and the calls for an all-encompassing, collectivist state preached by anticapitalistic socialists and communists.

The early social-science approach

Not coincidentally, with the downward spiral of the international welfare congresses came the emergence of the *Association internationale pour le progrès des sciences sociales* (AIPSS). A tripleheaded delegation of its founding committee, the Belgian liberals Auguste Couvreur (1827-1894), Michel Corr-Vander Maeren (1802-?) and the liberal speaker of the Belgian Chamber of Representatives Désiré

⁴⁴² Gerard (1992) *Sociale wetenschappen aan de Katholieke Universiteit te Leuven 1892 – 1992*, 5.

Vervoort (1810-1886), convened during the 1862 London welfare congress with the leaders of their British counterpart (the aforementioned *National Association for the Promotion of Social Science*, or SSA), the Belgian ambassador in London and some of the most notable figures of the welfare congress such as Ducpétiaux.⁴⁴³ The new association was overwhelmingly liberal in its origins, both politically and economically. Among its founders were the French liberal economists and republicans Michel Chevalier, Louis Antoine Garnier-Pagès and Ernest Desmarest, together with the former Lord Chancellor and founder of the SSA Henry Brougham (1778-1868) and Corr-Vander Maeren, who presided over the free-trade movement *Association Internationale pour les Reformes Douanières* and who later also became president of the already mentioned *Société Belge d'Economie Politique*. It was no coincidence that the Brussels-based seat of the former association also served as the AIPSS's central organ and the place where its first congress was held.⁴⁴⁴ Couvreur, who had close ties with the liberal economic Société, assumed the role of secretary-general. Many of the international founding members, including Ducpétiaux, had become acquainted through the Belgian *Commission Centrale de Statistique* led by Quetelet.⁴⁴⁵ In the meantime, the relevance and attraction of the SSA abroad also manifested itself in visits of other important (foreign) experts such as Frédéric Le Play and the German *Kathedersozialist* Lujo Brentano (1844-1931), who presided over the *Verein für Sozialpolitik*.⁴⁴⁶

In spite of the predominance of liberals, however, the AIPSS insisted on its ideological and party political neutrality. Catholic former ministers Alphonse Nothomb and Pierre De Decker and Ducpétiaux, by then a convinced liberal-Catholic, were granted the presidency or vice-presidency of a section at the first congress in Brussels.⁴⁴⁷ The four congresses the AIPSS convened between 1862 and 1865 were – at least theoretically – decidedly pluralistic in ideas, with a firm determination to come to the exchange rather than the clash of ideas. The AIPSS was proud not to vote or not to agree on resolutions, because

*son but n'est pas d'obtenir quelques décisions sur des sujets controversés, mais d'éprouver et d'attirer toutes les idées, toutes les vues, toutes les propositions qui pourront [...] enlever des doutes, dissiper des ombres, écarter des préjugés, jeter, enfin, à pleine mains des lumières sur la science sociale.*⁴⁴⁸

Having, by their own account, 'no flag, no social or political platform', the AIPSS is difficult to assess regarding the prevailing ideas on social reform. What can be said,

⁴⁴³ (1863) *Annales de l'Association internationale pour le progrès des sciences sociales. Première session. Congrès de Bruxelles*, VIII-IX.

⁴⁴⁴ Goldman (2002) *Science, Reform and Politics in Victorian Britain: the Social Science Association 1857-1886*, 321.

⁴⁴⁵ Van Dijk (2008) *De wetenschap van de wetgever*, 59.

⁴⁴⁶ Goldman (1987) 'A peculiarity of the English? The Social Science Association and the Absence of Sociology in Nineteenth-Century Britain', 150-153.

⁴⁴⁷ (1863) *Annales de l'Association internationale pour le progrès des sciences sociales. Première session. Congrès de Bruxelles. Première livraison*, VI.

⁴⁴⁸ These were the words of Auguste Couvreur, see (1863) *Annales de l'Association internationale pour le progrès des sciences sociales. Première session. Congrès de Bruxelles. Première livraison*, 29.

though, is that state intervention was again a hot topic at several instances, as was the case at the welfare congresses, and in tune with the reigning spirit of time. Even when debating specific fields such as education, the more philosophical discussion on the role of the state was never far away.

Success in convening these kinds of transnational congresses and maintaining their dense networks in permanent associations also depended on the international climate. The early years of 1860 showed signs of a worsening and less rosy transnational future. Grave political quarreling between Catholics and liberals, which in 1857 had already led to one of the gravest political crises since Belgium's independence, also crept in at the international level. At the second congress in 1863 in Ghent discussions about state intervention in education got bogged down in a 'tis-'tisn't argument on the role of the Church in education, causing quite an uproar.⁴⁴⁹ An initial, liberal interventionist statement by Pascal Duprat provoked a heated answer from the young Catholic lawyer and later political leader Charles Woeste (1837-1862), which in turn elicited an answer from the French future republican minister of Education Jules Simon (1814-1896). And the deepening divide between liberals and Catholics and their 'culture wars' were not the only difficulties. In 1866 the planned congress in Turin was cancelled due to the outbreak of the Austro-Prussian War and two years later, in the aftermath of the Franco-Prussian diplomatic crisis of Luxembourg and growing tensions, the AIPSS was dissolved.⁴⁵⁰

In a similar vein to the AIPSS, Frédéric Le Play had founded his *Société Internationale des Etudes Pratiques d'Economie Sociale* in 1856. The fact that he combined his observational methods and empirical approach with an organic view of society, a strong belief in the religious moral order and an emphasis on the family as the basic social unit made Le Play an attractive figure in Catholic circles – certainly after his conversion to Catholicism in 1879.⁴⁵¹ The historian and jurist Victor Brants (1856-1917) had been an ardent follower of Le Play ever since he was introduced in the French circles around Le Play by his teacher and predecessor as chair of political economy, Charles Périn. As the new Leuven professor of political economy, Brants founded the *Société belge des études pratiques d'économie sociale*, in Belgium commonly known as its abbreviated form *Société d'économie sociale*, modelled after Le Play's French example in Paris. By study tours abroad, lectures by foreign speakers and their own observations in factories and neighbourhoods, the members of the Société gathered knowledge on the social situation, a 'scientific' practice considered as important as theory. The insights they gained were shared and discussed during regular meetings, of which brief reports appeared in Le Play's French periodical *La Réforme Sociale* as well as in the *Revue sociale catholique*, a journal founded in 1896 by progressive philosophy professors at the Catholic

⁴⁴⁹ (1864) *Annales de l'Association internationale pour le progrès des sciences sociales. Deuxième session. Congrès de Gand*, 284-313.

⁴⁵⁰ Müller (2015) 'The Politics of Expertise', 138-140.

⁴⁵¹ De Maeyer and Deferme (2009) 'Entre sciences sociales et politique', 147-150.

University of Leuven.⁴⁵² Though the discussions harboured an often-varied mix of figures with different allegiances within the Catholic camp, moderate state intervention had been accepted as a general principle. As Le Play and his followers were fierce opponents of what was called ‘state socialism’, state intervention above all had to be ‘discrete’ and focused on giving incentives.

*Le véritable rôle de l'Etat, suivant Le Play, serait d'encourager, par les récompenses honorifiques dont il dispose, les patrons et les ouvriers modèles.*⁴⁵³

In Belgium, Brants endorsed such a moderate state intervention as ‘a question of measure and prudence’, a characteristic expression and typical for Brants’s thought, as will be demonstrated in the next chapter.⁴⁵⁴ While not officially Catholic in nature, the Société’s members were almost exclusively Catholics, with the notable exception of the liberal criminologist Adolphe Prins (1845-1919), an intriguingly eclectic liberal corporatist whose thought will also be discussed in the next chapter.

Victor Brants soon became the focal point in Catholic circles. In 1885 Brants also set up a similar study circle at the university which held regular conferences with students, the *Conférence d'économie sociale*. These students often made careers into the highest levels of society, becoming associated with the Société as professors at the Leuven Catholic university, among them the internationally renowned Emiel Vliebergh (1872-1925) or influential politicians such as the leader of the young Christian democrats Henri Carton de Wiart (1869-1951).⁴⁵⁵ Brants went even farther in his admiration for the social sciences following Le Play, in his help to establish the Louvain School of Political and Social Sciences in 1892. The creation of this School at the Catholic University of Leuven should be seen as a new attempt to posit a Catholic social science against the scientific positivism of Comte and his followers.⁴⁵⁶ Gradually this School became more influenced by the corporatism of German social Catholics associated with the Fribourg Union, like Victor Brants himself. As the next chapter will show, over the course of the 1880s Brants lost the conservative non-interventionist traits of his mentor Périn and after 1890 moved more in the direction of the interventionist and corporatist view of socially-minded ultramontane aristocrats like Karl von Vogelsang (1818-1890), Albert de Mun (1841-1914) and René de La Tour du Pin (1834-1924).⁴⁵⁷

Corporatism and the restoration of the social order

In their attempt to restore the ‘social kingdom of Jesus Christ’ and inspired by their German and French counterparts, Belgian ultramontanes such as Brants started to see a solution in corporatism. Picturing the pre-revolutionary past of guilds and

⁴⁵² (1910) *Société d'économie sociale, fondée à Bruxelles en 1881. Liste de ses membres. Ses travaux depuis sa Fondation. Règles coutumières*, 12 and passim, and Quaghebeur (1984) *De « Revue Sociale Catholique »*.

⁴⁵³ Auburtin (1891) ‘F. Le Play, sa méthode et sa doctrine’, 627.

⁴⁵⁴ (1893) ‘Société d'économie sociale. Séance du 24 décembre 1892’, 655.

⁴⁵⁵ Van Molle (1989) *Katholieken en landbouw in België, 1884-1914*, 78.

⁴⁵⁶ Gerard (1992) *Sociale wetenschappen aan de Katholieke Universiteit te Leuven 1892 – 1992*, 9-10 and 13-14.

⁴⁵⁷ Lamberts (1992) ‘De ontwikkeling van de sociaal-katholieke ideologie in België’, 59.

trade corporations rather nostalgically, they thought mixed corporations of employers and employees along the lines of their trades and inspired by religious devotion would bring forth a restored morality and a peaceful social order and thus a solution to the social question. The ultramontane's quest for a corporatist society therefore made the people their natural ally, even if their ideal was in stark contrast with the democratic aspirations looming large at the left side of the political stage. The central ultramontane think-tank in this respect was the elitist *Confrérie de Saint-Michel*, founded in 1875 and presided over by Charles Périn, which united the most notable ultramontane Catholics of the moment to think about Church and society. But rather than the Confrérie itself, it was its spin-off the *Union nationale pour le redressement des griefs*, a movement specifically created with a view to the national elections in 1884, which was most active.⁴⁵⁸ After the elections, the Union turned away from politics and directed its attention more to social and religious initiatives. As an answer to the social unrest in the spring of 1886 (see further), they decided to organize a congress in the tradition of the assembly of Malines.⁴⁵⁹ As the famous socially-minded bishop of Liège Victor-Joseph Doutreloux (1837-1901) hosted the event in 1886, 1887 and 1890, these *Congrès des Oeuvres Sociales* were soon known as the Liège Congresses.

In particular, the last Liège congress in 1890 attracted a wide international audience, including numerous prominent members of the Fribourg Union already described in some length in the previous chapter.⁴⁶⁰ In the Fribourg Union some of the most prominent socially-minded ultramontane aristocrats of Europe rallied around a reformist and interventionist program from 1884 until well into the 1890s. Their corporatist and interventionist blueprint for a new social order, which was influenced by the resurging neo-Thomism in Catholic circles, inspired many of the more progressive social Catholic networks in Belgium such as the Democratic League and the Liège school around Pottier.

The Liège Congresses laid bare the tensions in the Catholic camp. Whereas the first and second assembly in 1886 and 1887 seemed to confirm an overall adhesion to the conservative corporatist ideas, more emphasis was given during the third session in 1890 on the need for state intervention in the form of labour regulation.⁴⁶¹ Pleas for workers-only unions, without the cooperation of employers, and the sincere protection and integration of their position in society foreshadowed the emerging Christian democratic movement. The traditional promotion of economic liberalism and Christian charity by conservatives like Charles Périn therefore not only clashed with the more pragmatic views of social Catholics like Arthur Verhaegen but also, and increasingly so, with the more radical and interventionist Christian democrats

⁴⁵⁸ Soete (1986) 'Les catholiques et la question du programme (1878-1884)', 45-68.

⁴⁵⁹ Lamberts (2016) *The Struggle with Leviathan*, 281-282.

⁴⁶⁰ See chapter one. For an excellent account on the genesis of the Fribourg Union against the backdrop of Europe's changing political and social order, see the already mentioned Lamberts (2016) *The Struggle with Leviathan*, 251-310.

⁴⁶¹ Turmann (1900) *Le développement du catholicisme social*, 96-97.

like Antoine Pottier (1849-1923). Pottier, a Liège priest, came to be seen as one of the chief spokesmen of the so-called school of Liège, whose primary demands were social justice and labour regulation. Périn joined in with the opposing school of Angers, where in October 1890 French bishop Freppel hosted a counter-event for the Liège congress of the same year in September.⁴⁶² Their vehement opposition to what they called ‘state socialism’ sprung from a fear that once in power political opponents would abuse the state to impose their secularizing policy. Paul Hubert-Valleroux, a French lawyer and secretary of the *Société catholique d'économie politique et sociale*, expressed this fear in 1892 by calling state socialism a ‘disastrous doctrine that hands over the solution of all social problems to the State, that is, in our democrat societies, to the parliamentary faction of one party, one majority’.⁴⁶³ Not coincidentally this group resided in France, where secularizing policy went back to the 1870s and eventually led to the abolition of religious educational institutes and the separation of church and state in 1905. A year after the last congress in Liège a new ‘general assembly’, deliberately set in line with the assemblies of the 1860s, was held in Malines in 1891. A report published afterwards admitted that the question of state intervention had deliberately been excluded from the program because it constituted a matter that was ‘more thorny, less profound and more susceptible to controversy’.⁴⁶⁴

However, in the aftermath of Leo XIII’s promulgation of *Rerum Novarum* there was also a common ground to be found underneath the differences. In fact, both conservative and progressive Catholics rallied to the – deliberately vague – tenets of subsidiarity that emanated from *Rerum Novarum*, finding each other in the often-explicit adherence to the ‘middle way’ between socialism and liberalism. For all his belief in more state intervention in the social sphere, the head of the Liège school Pottier still acknowledged ‘the pre-eminence of private initiative and association (*l’initiative privée et associative*) and the adjuvant nature of state intervention’.⁴⁶⁵ By definition one of Pottier’s main adversaries, the conservative leader Charles Woeste (1837-1922) similarly considered government intervention ‘necessary’ and ‘not to be neglected’, but only in a ‘subaltern’ and ‘secondary’ way:

L’Etat a une double mission. La première, c’est de protéger les citoyens d’une manière générale par l’observation des lois de police, et d’une manière spéciale, en édictant des mesures en leur faveur, lorsque l’âge et la faiblesse ne leur permettent pas de se défendre eux-mêmes et que les soutiens naturels leur font défaut : telle est en effet l’une des raisons d’être fondamentale de la société humaine. La seconde mission, c’est d’aider la liberté individuelle, en lui fournissant les moyens ou des facilités pour s’exercer, ou en écartant les obstacles qui paralysent son action : il est rationnel en effet que, dans toute société, les

⁴⁶² Frascella (2012) *The Social Doctrine of Bishop Charles Freppel and the School of Angers*, 218.

⁴⁶³ Hubert-Valleroux (1892) ‘La Doctrine catholique et la Question sociale’, 24. Paul Hubert-Valleroux was a lawyer in Paris and the secretary of the *Société catholique d'économie politique et sociale*.

⁴⁶⁴ Nyssens (1891) ‘La Quatrième assemblée générale des catholiques à Malines’, 723.

⁴⁶⁵ Jadoulle (1991) *La pensée de l’abbé Pottier (1849-1923)*, 155.

*hommes s'entr'aident et que, si le bien-être doit résulter de leurs libres efforts, néanmoins l'Etat, quand il en a le pouvoir, mette ses membres en situation de l'acquérir.*⁴⁶⁶

It is clear that Woeste expected the state to garner and support the individual's liberty and the efforts of his association with others, rather than taking action himself. Equally conservative was the influential Jesuit Auguste Castelein (1840-1922) who defended the rights of the state in, for example, social regulation, but also added that 'The state must acknowledge the rights and allow the action of lower associations which are the fruit of the generous initiatives of liberty.'⁴⁶⁷ Even Périn himself seemed to acknowledge – however grudgingly – the importance of a moderate role of the state, not without stressing his pet subjects of charity and association.⁴⁶⁸ Ultimately, it was not the underlying principles themselves, but the specific interpretation and application of those principles that generated the bitter conflicts between the different schools of Catholicism.

The neo-Thomistic revival introduced by Leo XIII from his encyclical *Aeterni Patris* (1879) onwards did much to underpin these views. Human dignity and social justice were key elements in this neo-Thomistic design. Castelein, a professor of natural law at the Theological Institute of the Jesuits in Belgium, was one of its pioneers. Very much like Taparelli and his fellows in Italy, Castelein was evidence of the fact that the Jesuit order was particularly industrious in studying and spreading the theological interest in neo-Thomism, as also appeared from the making of *Rerum Novarum* and *Quadragesimo Anno* described in the previous chapter. But it was especially the future archbishop and cardinal Désiré Mercier who made history as the chief proponent of neo-Thomism in Belgium. Professor of Thomist philosophy since 1882, Mercier sought and found papal acceptance and money to establish the Institute of Philosophy in Leuven in 1889, with chairs in social economy (1893) and social theory (1903) among other fields.⁴⁶⁹ The Institute soon started to publish its own journal, the already mentioned *Revue sociale catholique*, chiefly edited and written by professors Simon Deploige (1868-1927) and Maurice Defourny.⁴⁷⁰ Far from avoiding the developments of modern science, Mercier and colleagues showed great interest in the emerging field of (normative) sociology.⁴⁷¹ Sociology was often denounced in more conservative Catholic circles or even by Brants because they associated it with the surrogate positivist religion of Comte. Mercier's Institute clearly held a more positive attitude towards modern science and modernity and cooperated closely for a while with the *Société belge de Sociologie*, founded in 1899 by the Christian democratic high official Cyrille van Overbergh (1866-1959).⁴⁷²

⁴⁶⁶ Woeste (1893) 'Le Mouvement Social et l'intervention de l'Etat', 188.

⁴⁶⁷ Castelein (1891) 'Le problème social et l'Encyclique "Rerum Novarum"', 178-179.

⁴⁶⁸ Périn (1891) *L'économie politique d'après l'Encyclique sur la condition des ouvriers*, 11-15.

⁴⁶⁹ Mirguet and Hiraux (2008) *L'Institut Supérieur de Philosophie de Louvain (1889-1968)*, 21-27.

⁴⁷⁰ Quaghebeur (1984) *De « Revue Sociale Catholique », 1896-1900*, 39.

⁴⁷¹ Gerard and Wils (1999) 'Catholics and Sociology in Belgium from Désiré Mercier to Jacques Leclercq: a Process of Appropriation', 38-56.

⁴⁷² Gerard and Wils (1999) 'Catholics and Sociology in Belgium from Désiré Mercier to Jacques Leclercq : a Process of Appropriation', 44.

2.4 The age of international congresses and social reform (1880-1910)

During 1879 and 1884 Belgium was struck by another highlight in the culture war between secular liberals and Catholics, known as the ‘school war’, referring to the wide Catholic resistance against the liberal cabinet’s education reforms. In 1884, the more firmly established Catholic party regained control of national government, remaining in power for the next 30 years. Only two years later, however, when violent strikes in the industrial regions were answered with equally violent suppression by police and army, the Catholic cabinet realized that the social problems it faced were far more severe than they had anticipated. The sudden and heavy social turmoil, leaving 28 people dead, caused general perplexity among the political establishment. The wake-up call was by no means exclusive to Belgium. Around the same time, the Netherlands and some Scandinavian countries were also experiencing similar social unrest. The conservative Catholic government was initially quite reluctant to engage in social reform. However, the Catholic government was pressured from different angles, and certainly not only from their political opponents, to get involved more systematically, especially after universal suffrage was voted on in 1893.

In addition, the shifting focus during the successive Liège congresses, the impetus the progressive Catholics were given by *Rerum Novarum* and the attempts to address the social question more scientifically were all symptomatic of a more general trend towards social reform. Demands for democratization, labour regulation and other forms of state intervention made by Christian democrats and progressive liberals put pressure on the heads of their respective movements from within. Externally, the growing momentum of the socialist Belgian Workers’ Party (BWP), established in 1885, and of the Second Internationale, established in 1889, caused unrest among the political establishment. Although the BWP sided with the ‘evolutionary socialism’ which the German social democrat and reformist Eduard Bernstein (1850-1932) had defended against the revolutionary Rosa Luxemburg (1871-1919) in their similar struggle of ideas within the Second International, the BWP’s 1894 political manifesto ‘the Charter of Quaregnon’ still called for the radical transformation of the social order and the abolition of capitalism.⁴⁷³ BWP leaders such as Emile Vandervelde (1866-1938) and Camille Huysmans (1871-1968), from 1900 the respective chair and secretary of its International Socialist Bureau, played an influential role in the Second International, of which the second congress took place in Brussels in 1891.

⁴⁷³ Defoort (2006) *Werklieden bemint uw profijt! De Belgische sociaal-democratie in Europa*, 485; Delfosse (1979) *Le réformisme en Belgique (1880-1914): fondements sociologiques, doctrine socio-économique et manifestations idéologiques*, 53; Vander Gucht (1961) *La pensée socialiste de César de Paepe à Emile Vandervelde*, 28-35 and Clement (1993) ‘Het Belgisch socialisme en de staat. Theorie en praktijk (1885-1940)’, 86.

The trend toward social reform was also becoming evident with regard to other, non-socialist international congresses. By the 1880s the number of congresses related to social issues had exploded and gotten ever more specialized and institutionalized. While setting up long-lasting permanent secretariats and associations responsible for organizing the congresses had previously appeared to be the Achilles heel of the transnational social reform movement, from the 1890s onwards different permanent associations were successfully established. The fact that the paths of the respective political movements' leaders increasingly crossed in this transnational sphere also facilitated cross-overs and exchanges of views on the national level.

The shadow of 1886 in Belgium: the government under democratic pressure

In the years after 1886, Brants's *Société belge d'économie sociale* developed into one of the most notable intellectual networks. When the government responded to the social unrest in 1886 by setting up a *Commission du Travail* (Labour Commission), the Société was represented by Brants and four other members. This was the start of its influence on the early years of an expanding governmental social policy, bringing the ideas of Le Play into practice.⁴⁷⁴ Three former presidents played a major role in the creation of a Ministry of Labour, with Brants as 'perpetual secretary' of the Société still pulling the strings. One of them was also deeply involved in the *Conseil Supérieur du Travail* (High Labour Council), a consultative body founded in 1892 consisting of high society members such as Brants and his liberal friend Adolphe Prins as well as representatives of labourers and employers.⁴⁷⁵ One year later, when the Catholic government reluctantly agreed to set up a distinct direction for labour issues within the Ministry of Agriculture, Industry and Public Works, again one of Brants's disciples and ex-president of the Société was put in charge.⁴⁷⁶ In this position he also contributed to the launch of a distinct Ministry of Labour in 1895, with the new post of Labour Minister awarded to Albert Nyssens, then president of the Société. With the Ministry of Labour installed the Société would gradually lose both its influence and its adherence to the ideals of Le Play. In spite of the ongoing process of ideological 'pillarization', the cautious social policy by the Catholic governments after 1886 seemed to contribute to more cooperation between the different political parties. Both in national policy circles such as the *Commission du Travail* and the *Conseil Supérieur du Travail* and in transnational circles shaping the different international associations, influential social Catholics such as Brants came across liberals such as the liberal criminologist Adolphe Prins (1845-1919) and Ernest Mahaim (1865-1938) and socialists like Hector Denis (1842-1913). Brants would later admit that such exchanges and

⁴⁷⁴ De Maeyer and Deferme (2009) 'Entre sciences sociales et politique', 156-158.

⁴⁷⁵ For a detailed analysis of the debates in these institutions, see Deferme (2007) *Uit de ketens van de vrijheid*.

⁴⁷⁶ Chlepner (1956) *Cent ans d'histoire sociale*, 231 and Peemans (1980) *L'évolution du rôle social de l'Etat belge*.

cooperation had deeply influenced him and his thought.⁴⁷⁷ Especially Prins, as the inspector general of prisons a high official within the administration, was omnipresent and shared many theoretical insights with Brants. His thoughts on an all-encompassing social and political corporatism will be discussed in detail in the next chapter.

The Belgian Catholic government saw itself challenged by the congresses and meetings of the *Ligue Démocratique* (Democratic League), a social Catholic federation founded in 1891 that swallowed the waning *Fédération des Sociétés Ouvrières Catholiques Belges*. The corporatist appeal in ultramontane circles had resulted in the successful foundation of urban guilds, and the chief Belgian advocate of orthodox corporatism Joris Helleputte (1852-1925) hoped to coordinate this movement in a national federation, not unlike the national Farmers' League set up in 1890.⁴⁷⁸ However, with the adherence of a wide array of more progressive organizations and figures the Ligue soon took a more democratic direction, from 1896 onwards headed by the leading social Catholic aristocrat Arthur Verhaegen.⁴⁷⁹ The *Ligue Démocratique* and Verhaegen voiced concerns that were very much in tune with those of the Fribourg Union and *Rerum Novarum*. Gustaaf Eylenbosch, Verhaegen's right-hand man, clarified in a congress report in 1895 the 'double action' that the Ligue advocated:

*La première voie est celle de l'association. [...] Le seconde voie est celle de l'intervention du pouvoir et des institutions publiques. Quand nos propres efforts sont insuffisants à rendre notre situation supportable, il faut que nous appelions à notre aide les pouvoirs publics, la commune, la province et surtout l'Etat.*⁴⁸⁰

What progressive social Catholics had in common with their more conservative party members was that, even if they were generally more likely to call for government support, they addressed it as *government* rather than *state* intervention, so including the municipal and provincial authorities. Moreover, they, too, saw it only as a subsidiary support to strong intermediary institutions, born by association. This also translated into more concrete demands such as the subsidizing of private commercial schools and mutual-aid societies, as will be shown in chapters five and six.

Voices in favour of democratization and social reform were also to be heard in progressist liberal circles. Doctrinal and progressist factions had lived in relative peace, rallying round their shared anticlericalism and the common interest of official education, until Catholics recaptured government power in 1884 and the social question suddenly surfaced in 1886. Progressists increasingly challenged their doctrinal party members about their reluctant reaction on that matter. Very

⁴⁷⁷ AAM, hs.703350: [Brants] Notes et souvenirs. See also Casteleyn (2013) *Notes et souvenirs de Victor Brants (1856-1917)*, 79-80.

⁴⁷⁸ Lamberts (1992) 'De ontwikkeling van de sociaal-katholieke ideologie in België', 55

⁴⁷⁹ De Maeyer (1994) *Arthur Verhaegen (1847-1917)*.

⁴⁸⁰ Eylenbosch (1895) *Congrès de la Ligue Démocratique belge à Gand*, 6.

much similar to Brants's initiatives in Leuven, a liberal student body at the University of Ghent, les *Etudiants libéraux*, started organizing lectures under the heading of *Cercle d'études sociales*. Their initiative quickly found favour in the eyes of two already mentioned professors of the Law Faculty, Albert Callier, who had also been rector of the university, and Remi De Ridder, who held a chair in political economy. In a sense, their family ties made them the direct legacy of the *Société Huet*. They decided to set up a similar discussion group and convened for the first time a year later in December 1891. The progressive liberal Louis Varlez (1863-1930), internationally renowned for setting up the so-called 'Ghent system' of unemployment insurance, was in his younger years one of the most diligent members of this *Société libérale pour l'étude des sciences et des œuvres sociales*. The name of the newly founded association reflected its double aim: the scientific approach of social questions and setting up initiatives in the social sphere. Examples of the latter were the letter to factory managers urging them to affiliate their employees with the state-run ASLK (General Annuity Funds, see chapter six) to guarantee their pension, or the foundation of a social housing association.⁴⁸¹ But the normal activities of the society still mostly revolved around the lectures that were given by specialists from very different fields and the discussions they generated. Among the invited speakers were the Nestor of the liberal economists Gustave de Molinari, the famous Ghent historian Henri Pirenne (1862-1935) and the heroine of laicist Brussels female education Isabelle Gatti de Gamond (1839-1905). The lectures and the discussions, as well as an annual report on the state of affairs of the association were published in a bulletin starting in 1892.

The new *Société libérale* was thus to be situated fully in progressive liberal bourgeois circles in Ghent. The mayor of Ghent, Emile Braun (1849-1927), acted as patron and later honorary president. An invitation letter that was sent out to the public related the foundation of the *Société libérale* directly to the sixth plank of the political platform issued by the first liberal congress in 1846.⁴⁸² The sixth plank, demanding 'improvements imperative to the condition of the working class and the paupers', had been added at the insistence of the progressists and apparently remained a point of reference and a source of inspiration. Though not officially linked to the liberal or progressist party, the liberal ideology was also mentioned in the bylaws as a source of inspiration.⁴⁸³ Of course, political interests played a role. When opening a new head office in 1894 after a period of difficulties, a letter from the president significantly drew on the recent extension of voting rights by stating that 'the ascension of the working classes to the political stage doubles the interests attached

⁴⁸¹ UBG, *Société libérale pour l'étude des sciences et des œuvres sociales*. *Bulletin* 1 (1892): letter 11 April 1892.

⁴⁸² UBG, *Société libérale pour l'étude des sciences et des œuvres sociales*. *Bulletin* 1 (1892): letter 29 November 1894.

⁴⁸³ Between 1887 a separate progressist party had seceded from the liberal party. Both were reunited under a new political platform in 1900. See for instance Gaillard (1974) 'Un événement politique méconnu: le congrès libéral-progressiste des 29 et 30 mai 1887'; Pareyn (2008) *Geschiedenis van het sociaal liberalisme. Bijlage in kader van het ACLVB Congres 15 februari 2008* and Basiliades (2001) 'De lotgevallen van het radicalisme in België. Het ontstaan, de opkomst en de ondergang van een negentiende-eeuwse links-liberale stroming'.

to the social questions and requires from the liberal party new and multiple duties'.⁴⁸⁴

If it is impossible to ascribe one ideology to what was essentially a set of different profiles and opinions, the series of lectures and discussions showed how much progressive liberals went along with the subsidiarity ideas. For many, this had to do with their unshakeable belief in the idea of self-help and a timid acceptance of moderate state intervention in combination with their sympathy for the workers' movement. Even if they were often as bourgeois-bred as their doctrinal liberals, they were far more inclined to go along with the growing public demand for social reform measures by the state. In January 1892 the *Société libérale* discussed the need for workers to affiliate with pension funds. In the initial lecture on the subject, the author had welcomed the grant of BEF 20,000 that the government had agreed on to financially support those pension funds as 'a step' in the right direction expressing his hopes that this support would be continued and expanded.⁴⁸⁵ In the following discussion three weeks later secretary Emile Waxweiler (1867-1916) insisted on discussing the role of the state, under the heading 'L'Etat doit-il intervenir pécuniairement?'. This illustrates the sensitivity of the subject of state intervention. Some members agreed that 'the duty of the state is to intervene in the allocation of the pension' because 'the free self-help (*la prévoyance libre*), even if in conformity with our principles, cannot suffice', whereas others were more suspicious and reluctant to call in the help of the state.⁴⁸⁶

Despite the disagreement on the precise modalities of government intervention, other academic lectures confirmed that the basic presumptions of 'self-help and private initiative first, state intervention if necessary' were mainstream among progressive liberals. Pieter Cort-Van der Linden (1846-1935), a professor in political economy at the University of Amsterdam and future prime minister for the Liberal Party, was the leading figure of the progressive liberals in the Netherlands and had gained popularity in the Belgian progressist circles with his programmatic book *Richting en beleid der Liberale Partij* (Direction and Policy of the Liberal Party). After having emphasized that 'what the state can and should do is one of the most important elements of the social question of our time', he went on to say that

L'Etat est une fonction de la nation: [...] il doit limiter où étendre la liberté des individus suivant les exigences de l'intérêt général; [...] il doit favoriser le développement d'organismes sociaux qui accomplissent des fonctions analogues à celles qu'il remplissait aux premiers temps de sa constitution; là enfin où l'organisation existante se montre insuffisante, il doit momentanément assumer des fonctions supplémentaires pour réaliser des améliorations sociales. Mais le pouvoir central doit toujours intervenir avec le dessein de faciliter sa destitution: il doit organiser, grouper, en s'efforçant de laisser à chacun la liberté et l'indépendance, pour autant que l'intérêt

⁴⁸⁴ UBG, *Société libérale pour l'étude des sciences et des œuvres sociales. Bulletin* 1 (1892): letter 29 November 1894.

⁴⁸⁵ Vercautere (1892) *Affiliation des ouvriers à la caisse de retraite de l'Etat*.

⁴⁸⁶ (1892) 'Les pensions de retraite ouvrières', 10 and 28-29.

*général n'en souffre point; il doit aider l'individu pour accroître sa personnalité et assurer son émancipation.*⁴⁸⁷

He added that it was this school of 'young liberalism' that should assume the role of overcoming the 'individualist trend' and reinstating the 'social right'. His French colleague at the University of Caen Edmond Villey (1848-1924), though lecturing on the subject of 'Le socialisme contemporain', implied the same in a somewhat more applied sense:

*Il existe une interprétation plus rationnelle du rôle de l'Etat: elle considère son intervention comme une forme de l'assistance mutuelle, socialement organisée. Et cette forme, par elle-même inférieure à l'assistance libre, l'est bien plus encore à l'aide par soi-même; ainsi elle ne doit être mise en action que dans le proportion où elle respecte la liberté individuelle, comme le fait l'assistance spontanée, et l'énergie personnelle, comme le fait l'aide par soi-même. [...] Que de choses l'Etat peut faire en restant dans ces limites! combien est immense son champ d'action, en provoquant et en encourageant partout la formation de comités de patronage [...], en favorisant l'essor des formes d'association qui sont incontestablement utiles aux classes ouvrières, en stimulant par des faveurs et des récompenses toute tentative sérieuse par soi-même et d'assistance libre!*⁴⁸⁸

The ways in which the role of the state was described here was remarkably similar to the discourse their Catholic homologues used. The state's supplementary actions were depicted in such terms as *aider*, *favoriser*, *faciliter*, *provoquant*, *encourageant*, *stimulant*. An analysis of the state's role never came without the necessary conditions: to temporarily assume supplementary functions (*momentanément assumer des fonctions supplémentaires*), to intervene with the aim to facilitate its own deprivation (*intervenir avec le dessein de faciliter sa destitution*), to force itself to leave everyone his liberty and independence (*s'efforçant de laisser à chacun la liberté et l'indépendance*), only to the extent of respecting the individual liberty (*que dans le proportion où elle respecte la liberté individuelle*) or by staying within these boundaries (*en restant dans ces limites*). The lecture of another Ghent professor followed the same thread when he was talking on education: the state had indeed a 'preponderant role', but in order to prevent abuse from the governmental majority, it had to consist of 'nourishing the free initiative [...] offering the material means, but the instruction itself and the science remain independent'.⁴⁸⁹

Transnational momentum of social reform

With national governments' growing interest in and concern for the topical issue of social regulation, many of the new congresses were more specifically policy-oriented.⁴⁹⁰ Following a first congress on accident insurance in 1889 in Paris, a *Comité permanent international des assurances sociales* acting as organizing committee

⁴⁸⁷ Cort-Van der Linden (1892) 'Le Rôle de l'Etat dans le développement des nations', 31-32.

⁴⁸⁸ Villey (1892) 'Le Socialisme contemporain', 41-42.

⁴⁸⁹ Hoffman (1892) 'L'opinion publique en matière de morale', 34.

⁴⁹⁰ Vanthemsche (1994) 'Laboratoires d'idées et progrès social. Le cas de l'Association belge pour le progrès social et de ses prédécesseurs (1890-1960)', 59.

for coming congresses was established in 1890. A similar international committee was installed by the *Association internationale pour la protection légale des travailleurs* from 1890 and its offshoot *Office international du Travail* from 1901. Its successful completion, after a difficult and politically sensitive trajectory since the conception of the idea in 1895, owed everything to the young sociologist Ernest Mahaim, a pupil of Emile de Laveleye and Lujo Brentano. Mahaim brought together the leading figures of the different political currents in Belgium (Victor Brants, Arthur Verhaegen, Adolphe Prins, Hector Denis) in a pluralist assembly – hence the difficulties. The already mentioned Louis Varlez intended a similar aim with regard to his pet subject. At a congress in Paris in 1910, and after busy years of international networking behind the curtains, the *Association internationale pour la lutte contre le chômage* was born.⁴⁹¹ Brants and Mahaim were again involved. I will refrain from describing these social congresses and their discourse in detail, as doing so would require another volume.⁴⁹² Only those which are specifically relevant, relating to the topics of charity, education and social insurance, will be included in the relevant analysis in the corresponding chapters of the next part. Not without reason, this peak of internationalism around the turn of the century has been pictured as a ‘reformist cloud’ (*nébuleuse réformatrice*).⁴⁹³ The Catholic Church, too, saw itself carried along in the transnational momentum, with triennial international Catholic scientific congresses from 1888 onwards where religion, philosophy, law, history and natural sciences were all treated as scientific disciplines and discussed in separate sections.⁴⁹⁴

Some of the new initiatives during the late-nineteenth-century ‘peak of transnationalism’ built explicitly on the legacy of earlier ones. In the spring of 1889, more than twenty years after the AIPSS was dissolved, a letter was sent out which stated that the holders of the AIPSS’s left-over capital wished to be relieved of their task and that there was no better way to think of than to use it for a similar association. The zeal of its most active propagators was not dead and gone. The former general secretary Couvreur was – again – the main instigator of the idea, with Visschers and Corr-Vander Maeren among the treasurers, and Rolin-Jaquemyns along with a handful of others associated with the circle around the *Institut de Droit International* among the subscribers. At the first meeting the next year those present agreed to the establishment of the international *Société d’Etudes Sociales et Politiques* (SESP). Activities such as lectures, meetings, a bibliographic

⁴⁹¹ Topalov (1994) *Naissance du chômeur, 1880-1910*, 59 and Van Daele (2002) *Van Gent tot Genève: Louis Varlez, een biografie*, 94ff.

⁴⁹² An excellent starting point in the literature is a special issue of the *International Review of Social History* 50 (2005) including Van Daele (2005) ‘Engineering Social Peace: Networks, Ideas, and the Founding of the International Labour Organization’, and Tosstorff (2005) ‘The International Trade-Union Movement and the Founding of the International Labour Organization’.

⁴⁹³ Topalov (1999) *Laboratoires du nouveau siècle. La nébuleuse réformatrice et ses réseaux en France, 1880-1914*.

⁴⁹⁴ (1889) *Congrès scientifique international des catholiques tenu à Paris du 8 au 13 avril 1888. Tome premier* and *Tome second*, and Van den Gheyn (1900) ‘Le cinquième Congrès scientifique international des catholiques à Munich’.

service and library, as well as member contributions started in 1891.⁴⁹⁵ The SESP was not only the financial but also the ideological heir of the AIPSS: it still recruited among the elites ‘who, in the different nations, lead the social and economic movement’, still hoped to be a pluralist association with ‘no dogmas to condemn nor doctrines to propagate’ and was started from the same concern because ‘the reasons that made it be found in 1862 still exist today’.⁴⁹⁶ Like its predecessor, the SESP could also boast a considerable following among foreign experts, with contributions from the British social reformist Sydney Webb (1859-1947), the Cambridge professor and president of the *Institut de Droit International* John Westlake (1828-1913), the French socialist Jules Guesde (1845-1922) and economist Frédéric Passy (1822-1912) and the Austrian sociologist Max Hirsch (1832-1905). The constellation of the steering committee reflected the Institute’s hope of being pluralist: prominent liberal economists such as Emile de Laveleye and Adolphe Le Hardy de Beaulieu (1814-1894), the already mentioned *Société libérale* president Remi De Ridder and the liberal mayor of Brussels Charles Buls (1837-1914) sided with prominent Catholics such as the president of the *Société belge d’économie sociale* Arnold baron t’Kint de Roodenbeke (1853-1928), the future Minister of Labour Albert Nyssens (1855-1901) and of course the inevitable Victor Brants.⁴⁹⁷

The SESP launched its own journal, the *Revue Sociale et Politique*, which offers a modest insight into its social views. The main contributions often consisted of the lectures at the general assemblies given by invited speakers, on such themes as social legislation, education, trade unions or the social movement in the speaker’s home country. On 21 March 1891 economist and Laboulaye’s student Frédéric Passy was applauded by the general assembly with his lecture on ‘L’école de la liberté’:

*Nous avons à nous demander quelle est, dans une société bien organisée qui veut progresser [...] la place de l’Etat, de la force collective, des services publics; [nous demander] si, de ces derniers, il y en a de bons, d’utiles, de nécessaires et, en même temps, si, à côté de ces services, il n’y a pas toute une sphère d’action dans laquelle, de nos jours, on entraîne beaucoup trop loin l’Etat.*⁴⁹⁸

Passy emphasized that, in the state’s exercise of its main duty of providing security, both ‘the exaggeration of liberty’ and ‘the exaggerated part (*la part trop grande*) of the State’ should be avoided. However, something about the SESP’s ideological preference could also be read between the lines in less important columns. A long and positive review of an English economist’s book criticizing Classical liberal Herbert Spencer’s *L’Individu contre l’Etat* in 1892 is just one example. Opposing the individual against the state was considered to be throwing away the organic vision

⁴⁹⁵ (1892) ‘Société d’Etudes Sociales et Politiques. Assemblée générale du 24 février 1892. Rapport’, 97-98.

⁴⁹⁶ Couvreur (1891) ‘La Société d’études sociales et politiques. Son origine – son but’, 5 and 7, and (1892) ‘Société d’Etudes Sociales et Politiques. Assemblée générale du 24 février 1892. Rapport’, 98.

⁴⁹⁷ Couvreur (1891) ‘La Société d’études sociales et politiques. Son origine – son but’, 10-11.

⁴⁹⁸ Passy (1891) ‘L’école de la liberté’, 356.

of society, while the fourth chapter of the book was summarized in the adagium that 'state intervention is good and useful to the extent that the state makes itself auxiliary to a rational liberty'.⁴⁹⁹ The need to downplay the role of the state, which was after all considered necessary and legitimate, was of course also inspired by the fear of the collectivist threat of socialism raging in the background. After Couvreur's death in 1894, the SESP initially seemed resolved to continue the association and its journal.⁵⁰⁰ But without Couvreur the SESP soon died away. Moreover, and as we will see in the next section, the SESP's most important members did not desperately need the SESP as a transnational network, because several other permanent international associations had been and were being set up since the late 1880s.

In many ways linked to the SESP and its review *Revue sociale et politique* was the new *Institut des sciences sociales*, founded in 1894.⁵⁰¹ It was one of the many philanthropic expressions of the liberal politician and industrial tycoon Ernest Solvay (1838-1922). Socialists Hector Denis, Emile Vandervelde and Guillaume De Greef (1842-1924), three former members of the SESP, were confirmed as the new directors of the Institute. Many other members, too, showed up at the meetings of the new Institute. Relations between the new Institute and SESP were not always harmonious. For example, the SESP steering committee refused offers from the Institute to work together (for instance, the Institute's offer to take over the editorial board of the *Revue sociale et politique*). The research the new institute engendered was mainly about the monetary question.⁵⁰² Solvay's strong and imposing views on his self-invented ideology of 'productivism' complicated his relationship with the directors. After a definitive breach, the institute was renamed into *Institut de Sociologie Solvay* in 1902 and the three directors replaced by Emile Waxweiler. Waxweiler, who had been the first secretary of the *Société libérale* ten years before, had in the meantime assumed a prestigious position as statistician at the Ministry of Labour and was also a member of the *International institute of Statistics*. Like Adolphe Prins, his three predecessors and later also Cyrille Van Overbergh, Waxweiler was allowed to join the prestigious *Institut International de Sociologie* based in Paris. It made clear once again the extent to which intellectual networks were all involved in a shared transnational sphere by the beginning of the twentieth century.

New pathways to social reform: pillarized social movements

In the meantime, deliberate attempts by the Catholic government to structure the cluttered field of social institutions such as mutual aid societies, old-age pension funds, trade unions and cooperatives into regional federations and national alliances

⁴⁹⁹ Hocart (1892) 'David Ritchie, M.A. – The Principles of State Interference – London, Swan Sonnenschein'.

⁵⁰⁰ (1895) *Revue sociale et politique*, 5-6.

⁵⁰¹ Solvay (1894) 'Le programme de l'Institut des Sciences sociales. Avant-propos', 1-3.

⁵⁰² Van Acker (2014) 'Sociology in Brussels, Organicism and the Idea of a World Society in the Period before the First World War', 147-150.

(as will be shown in chapter six) had facilitated the emergence of powerful social movements, divided along ideological lines into ‘pillars’. Although the federations and alliances resulting from this structuralization and pillarization initially lacked power as weak federative bodies in a large and essentially decentralized landscape, they developed their own political programmes and activities. In a way, the different supporters of subsidiarity *avant-la-lettre* had succeeded in putting their ideas into practice: a wide array of social organizations now constituted a powerful civil society between the individual and the state. In this regard, the social movements would keep advocating the rights of their members and their own rights as intermediary institutions in the decision-making process. As a result, their congresses, journals and permanent secretariats became new hot spots for discussing social change, and influenced the ideological courses of their affiliated political parties. Not infrequently, their growing power and autonomy caused frictions with their mother parties and other organizations within their movements. Behind the curtains, silent agreements on strikes and other actions were made between labour organizations across ideological boundaries, even in the days of pillarization and ideological tensions.⁵⁰³ Such growing pains of the emerging, pillarized labour movements will be further discussed in the context of mutual aid and social insurance in chapter six.

Coordinating different local and regional councils and organizations, the BWP was still a loose federation without much national direction or policy during its first decade.⁵⁰⁴ While their cooperative and trade-union organizations functioned as powerful recruiting mechanisms for the political party of the socialist movement, their independent development within the federation that was the BWP also led to friction. First of all, a mutual distrust existed between the different sections.⁵⁰⁵ As mentioned above, the cooperative movement flourishing in Ghent and Brussels opposed the often-violent means of the syndicalist movement in the industrial centres. The latter in turn rejected the alleged conservative nature of mutualism, even if the socialist mutualist movement appeared another powerful instrument to challenge the Catholic governments. Mutual aid societies extended their services gradually. By guaranteeing good benefits on their pension funds, they seemed to lure away funds that had until then always been invested in the cooperatives because of a good return on investment. Second, with the socialist labour movement growing in number and the Catholic government’s policy of expanding their subsidy programmes for all sorts of social provision, the question presented itself whether socialists should go along with this policy of ‘subsidized liberty’ defended by Catholics, making their organizations benefit from the state subsidies that this

⁵⁰³ See for instance the case of Arthur Verhaegen’s Antisocialist Workers’ Movement in Ghent which, in spite of the heavy antisocialist rhetoric, convened with leaders of the socialist trade unions in Ghent. De Maeyer and Moeys (2017) ‘Attirance, rejet et réaction. Catholicisme et socialisme au cours du long XIXe siècle’, forthcoming.

⁵⁰⁴ For a contemporary socialist account of the founding of the BWP, see Vandervelde (1894-1895) ‘Les institutions économiques du Parti ouvrier belge’.

⁵⁰⁵ This will also become clear in part two, when mutual aid is discussed in chapter six.

policy included, or whether they should stick to their ideal of centralist and state-organized insurance schemes. The closer implications of these internal dilemmas on a more practical level will be repeated in chapter six.

Initially lagging behind the socialist labour movement, Christian democracy also constituted a powerful and growing force in Belgian politics and it increasingly overpowered the more moderate social Catholic *Ligue démocratique*.⁵⁰⁶ Both the trade unions and the mutualist movement were given their own national alliances with the *Secretariat Général des Unions Professionnelles Chrétiennes* (1904) and the *Alliance nationale des Mutualités chrétiennes* (1906). They originated from shared networks and key figures. It was, for instance, at the annual congress of the Ligue in 1903 that Dominican father Georges Ceslas Rutten had called for a national secretariat to support the local Christian trade unions. Starting in 1908, the same Secretariat decided to organize the so-called *Vlaamse Sociale Weken* (Flemish Social Weeks) and the similar *Semaines Syndicales Wallonnes* following the French example established in 1904. Both Rutten, head of the Secretariat and his colleague-priest Arthur Eeckhout, head of the mutualist federation, had been students of Victor Brants at Leuven and influenced by the neo-Thomist philosophy of Mercier. Moreover, Mercier had been appointed archbishop of Malines in 1906. Also contributing to the renewed clerical activity on the ground, he tried to revive the tradition of social congresses in the line with the Catholic assemblies of Malines in the 1860s and the Liège Congresses of the 1880s, as well as the international think tank, the Union of Fribourg. In 1909 he succeeded in assembling a conference in Malines, marking the definitive integration of the growing Christian labour movement under the leadership of the Church.

Conclusion

This chapter should have made it clear that the establishment of informal and formal clubs and networks, the organization of international congresses, and indulging in lengthy proceedings as well as luxurious banquets were all part of the transnational European bourgeois political culture, and that Belgium and Belgian reformers played a vital part in these transnational encounters. These networks and the political and social debates they held were definitely part of the bourgeoisie's attempts to control the emerging social question, one of their ways of coping with a changing society, the international challenges of revolutionary socialism, economic and financial crisis and social unrest. The transnational dynamic was not a linear one. After a first peak between the late 1840s and the early 1860s things slowed down due to international tensions on many levels, only to gain momentum from the late 1880s onwards and come to a peak particularly in the fin-de-siècle feeling around the turn of the century. During this period, the nature of the answers that

⁵⁰⁶ Gerard (1991) *De christelijke arbeidersbeweging in België (1891-1991)*.

were formulated to the social problems of the time developed considerably. While during the first half of the century much was expected from charity and political economy, networks and social reformers started to develop what they thought of as a more scientific approach to the social question, turning towards mixed corporations to solve the tensions between capital and labour, and by the end of the century looking towards the state for better and more regulation and genuine social reform.

Most important however is how similar many of the recipes for change sounded throughout the nineteenth century and throughout the different networks and circles. Of course, this is not to deny that the motives that underpinned these views differed or that the context to which they related changed over the years, nor is it to argue that no fundamentally opposing views existed – of course they did. Still, in spite of many of the glimpses into the discourse of the networks and debates under scrutiny revealed a widespread consensus on many fundamental issues relating to the way in which society as a whole was envisioned, the way in which public authorities played a role in that society and the relationship between and duty of both in improving the life of its citizens. Many shared an individualism that put individual liberty and voluntary initiative as the foundations of any ‘living’ society, and many also combined it with emphasizing both the importance of multiple layers of human association (not in the least family) between the individual and the state as the highest political authority, and the need for the government – especially the state – to respect the spontaneous initiatives that originated on all levels and by these organic social units. Moreover, these views were never a monopoly of one particular ideological or political faction. On some issues there was more agreement between conservative liberals and ultramontane Catholics and between progressist liberals and Catholics with democrat sympathies, than between liberals and Catholics as opposing political groups. Important thinkers and social reformers were sometimes difficult to place in any one camp. Chapter three will give ample evidence of this, as it will more fully explore the glimpses of the ‘subsidiary’ discourse shown in this chapter.

3

CHAPTER THREE | BELGIAN THINKERS

THE IDEAS OF FIVE BELGIAN 'SUBSIDIARITY THINKERS' EXAMINED

Nineteenth-century networks and intellectuals in both Belgium and the rest of Europe increasingly tackled the relationship between state and society, whether seen through philosophical, economic, political or social lenses. In Belgium some of these networks more specifically set out to explore the social mission of the modern state in relation to voluntary and private initiatives created from below. Others looked at it from a more philosophical perspective and wanted to explore the relationship between state and society more broadly. The comprehensive but of course not exhaustive overview of such networks in chapter two showed how the specific 'subsidiary discourse' voiced by most of these networks was fuelled to a large extent by their leading figures. Apart from some clear and relevant examples, it did not go into too much detail. But by providing the necessary intellectual context, it did pave the way for this third chapter to delve deeper into the meanings behind and different aspects of this subsidiarity *avant-la-lettre*. This chapter will therefore elaborate on five leading figures of the Belgian intelligentsia and examine their system of thought: François Huet (1814-1869), Edouard Ducpétiaux (1804-1868), Victor Brants (1856-1917), Adolphe Prins (1845-1919) and Antoine Pottier (1849-1923).

The authors discussed here were chosen by a specific set of criteria. First of all, as this chapter is aimed at clarifying the specific ideas behind subsidiarity, it is only logical that the selected writers held ideas on state and society mirroring the later subsidiarity principle to a greater or lesser degree. Also, regardless of their views, they were also nationally and internationally renowned public figures who could boast a considerable influence among followers and who were closely connected to politics. Without implying that they represent one 'subsidiary' school of thought, they all seem to have made an important contribution in disseminating subsidiarity as a collection of principles, even from their differing ideological traditions. While it is no surprise that no collectivist socialist or dogmatically individualist and non-interventionist liberal is to be found among them, these authors did come from quite different backgrounds. François Huet was a radical democrat and self-proclaimed Christian Socialist; Edouard Ducpétiaux outgrew his initial radical-democrat views, but not his unionist beliefs, to become a moderate liberal-Catholic; Victor Brants initially followed in the footsteps of his master and Catholic

economist Charles Périn but gradually became a moderate and rational social Catholic; Adolphe Prins was an eclectic but reformist liberal in the line of the progressist tradition, and the Liège priest Antoine Pottier was a more radical Christian Democrat.

The analysis of these thinkers and their ideas is aimed at deepening our understanding of the core principles of subsidiarity. Just as a reminder, the historical definition of subsidiarity constructed in chapter one mentioned three key points: first, the layered, hierarchical and organic structure of society; second, the importance of human association in different social units as intermediary layers between the individual and the state; and third, a suppletive state encouraging and not abolishing spontaneous initiatives of these social units. How did the thinkers under scrutiny here relate to these three points and how did they develop their specific understanding of each of those points? Did they favour any of those points over others in particular and if so, why? How did they relate those points to each other? Did they embed the three points in a broader vision of society, and if they used it in their thinking about government policy in general or social policy in specific, in what ways did they do so? From which intellectual sources did they draw inspiration? And to what extent and in what ways did they relate to each other? Such are the guidelines which have steered the present analysis.

Without exception, each of the five thinkers wrote one of their major works on the topic of state and society, and a large part of the analysis is therefore based on these works. However, all other writings of theirs which were deemed useful have also been used, particularly to study the potential evolution in their thought. Based on these sources, it will be demonstrated how each of the thinkers held their own specific views or interpretations, bound to their time, their context and their ideological environment. Despite their specific interpretations, the core of their sometimes radically different views contained a common set of assumptions and legitimation underlying those opinions. To properly deal with any of those contexts, each of the five thinkers will be dealt with in their own right, chronologically, according to their most active period. Wherever possible and relevant, cross-references between the five thinkers will appear. The conclusion of this chapter in particular will make an attempt to relate them to each other, chart differences and similarities in their interpretation and thus reach some conclusions about the intellectual history of subsidiarity in Belgium.

3.1 François Huet (1814-1869)

François Huet (1814-1869), as the brief description of his aforementioned liberal progressist study circle *Société Huet* showed, was an inspiring and intriguing figure. While he often criticized the ‘early socialists’ or ‘religious socialists’ such as Fourier, Blanc or Proudhon for their neglect of individual rights, he clearly belonged to the same early-nineteenth-century intellectual tradition. He shared

their appraisals and expectations of human association but in contrast to their early communist ideals emphasized the need for a compromise between freedom and solidarity. It all came down to the right balance between the individual element (liberty) and the common one (solidarity), a balance which was denied by both communism and individualism:

*Comme l'individualisme, en niant la solidarité, anéantit l'une des bases de l'état social, le communisme renverse l'autre en détruisant les droits et la liberté individuelle. [...] Ces diverses erreurs écartées nous ramènent [...] au socialisme, je veux dire au seul système réellement, profondément social. C'est la doctrine qui, embrassant la nature humaine entière, consacre à la fois la communauté et la propriété, la solidarité et la liberté.*⁵⁰⁷

By stating that he wanted to combine both elements without one of the two gaining ascendancy and thus attempted to reach 'a fair middle ground between them', he in a sense made use of the 'middle way' metaphor that so characterized the later subsidiarity principle.⁵⁰⁸



Figure 1. François Huet

⁵⁰⁷ Huet (1853) *Le règne social du Christianisme*, 38 and 42. For similar remarks on the 'Christian-socialist' ideology in the *Société Huet* see UBG, Fonds Voituron, G11962: [Voituron], *Questions sociales 1849-1850. Deuxième partie*, (sd), 166 and 169.

⁵⁰⁸ See also Misner (2003) 'Christian Democratic Social Policy. Precedents for Third-Way Thinking', 68-92.

Christian Socialism: socialism as the 'legitimate child of the Gospel'

In fact, Huet's 'Christian socialism' was more a progressive liberalism mixed with a belief in the superiority of Christianity. Huet believed firmly in the ideals of 1789, which in his opinion were only to be found reunited in socialism, the 'legitimate child of the Gospel'.⁵⁰⁹ He was convinced that the proclamation of liberty, equality and fraternity was simply the real and ultimate expression of a mature Christianity. While typically liberal in his extraordinary belief in progress, Huet made it abundantly clear that the ultimate phase of this progress was the perfect Christian society: a society based on the socialist ideals ingrained in the Bible. For centuries, the spread of Christianity had prepared the modern world for the birth of the ideal 'natural' society. Although it had now arrived in the form of the French Revolution, it had not yet been fully accomplished.⁵¹⁰ Precisely this distinction between the imminent ideal society and the existing, imperfect society informed much of Huet's discourse.

With the dawn of the 'social reign of Christianity', the individual had broken the chains of his oppression by the absolutist state and was now only accountable to himself. The French Revolution symbolized his rebirth. The individual derived his natural rights from reason, but also from his subjection to God and his natural desire for *fraternité* or solidarity. Ideally, individual liberty was the cornerstone of society, where it went hand in hand with, and was sometimes limited by, solidarity.⁵¹¹ According to the members of the *Société Huet*, it was a common fallacy that liberalism should champion introverted and isolated individuals.⁵¹² Much to the contrary, proper liberals never lost sight of the web of social relations between individuals constituting this solidarity. In the ideal world, therefore, every human felt a natural desire and need for association, as 'There is in us a natural need for association, and nothing is more obvious than the spontaneous nature of social affection.'⁵¹³ Real association sprang from common needs and mutual dependency and was based on equality. It helped in carrying out the individual's duties to not only respect others' dignity but also 'to help them positively and to contribute to their well-being'.⁵¹⁴ Family, by far the most Christian expression of this natural desire to associate, formed the most fundamental social unit in the organic society.

It is difficult to say whether Huet also had in mind a more structural expression of association, in the form of some sort of corporatist society. Huet made it quite clear that associations only derived their rights by favour of the more fundamental natural rights of their individual members constituting the association. Individuals

⁵⁰⁹ See Huet (1853) *Le règne social du Christianisme*, 69.

⁵¹⁰ See for instance some striking passages in the short-lived journal that was linked to the *Société Huet*: (1847) *La Flandre Libérale*, 6-7 and UBG, Fonds Voituron, G11962: [Voituron], *Questions sociales 1849-1850. Première partie*, (sd), 84.

⁵¹¹ UBG, Fonds Voituron, G11962: [Voituron], *Questions sociales 1848-1849*, (sd), 6.

⁵¹² UBG, Fonds Voituron, G11962: [Voituron], *Questions sociales 1849-1850. Deuxième partie*, (sd), 147.

⁵¹³ UBG, Fonds Voituron, G11962: [Huet], *Sommaire du Cours de Philosophie*, 1845, 215. See also 215-218 and 317-321.

⁵¹⁴ UBG, Fonds Voituron, G11962: [Huet], *Sommaire du Cours de Philosophie*, 1845, 318.

were also the only representatives of the people's sovereignty, and therefore, in keeping with his plea for universal voting rights, were entitled to taking up political tasks. In this context, Huet celebrated the local government in particular as the most direct, close and approachable institution:

*La commune, dernière subdivision du corps politique, est l'élément organique de la nation. C'est là que se forme le citoyen, là que le peuple peut et doit prendre la part la plus directe au gouvernement.*⁵¹⁵

Other than this, Huet did not seem to advocate structural intermediary institutions between the family and the state. If there was still need in current society for a higher authority in the form of the state, it was to be constituted by families:

*Mais l'impuissance toujours subsistante de les remplir sans le secours des institutions positives, impose aux familles le devoir de se réunir pour constituer des Etats.*⁵¹⁶

On the other hand, however, there were a certain number of occasions where he and the *Société Huet* seemed to consider association additionally as the chance for a somewhat corporatist structure for his organic society. Such examples resulted from the claim that 'it is in the principle of association that a new social order should originate'⁵¹⁷ :

*Provoquons la fraternité intellectuelle à se déployer, elle dispense de l'équivoque appui d'un pouvoir incompetent. Elle est appelée à susciter un admirable mouvement d'associations, d'académies, de corporations enseignantes, écloses sous l'empire d'une conviction commune. [...] Chaque opinion, chaque grande école, en philosophie, dans les sciences, dans les arts, aura ses réunions, ses organes de publicité, ses instruments de propagande. Un beau rôle est réservé à ces académies de l'avenir.*⁵¹⁸

One such example was a corporation uniting teachers for the purpose of common experiences, interests and representation.⁵¹⁹ Another similar example was the 'association of workers', which, if completely independent in its organization, also met with Huet's approval.⁵²⁰ The use of 'corporations' in plural suggests that they saw their role in society as more structural, even if it is not entirely clear what they understood by the term.⁵²¹ Their preference for decentralized government as well as for interest representation by corporations could have been part of a more general progressist tradition advocating more direct forms of democracy, which

⁵¹⁵ Huet (1853) *Le règne social du Christianisme*, 418.

⁵¹⁶ UBG, Fonds Voitureur, G11962: [Huet], *Sommaire du Cours de Philosophie*, 1845, 351-352.

⁵¹⁷ UBG, Fonds Voitureur, G11962: [Voitureur], *Questions sociales 1847-1848*, (sd), 180.

⁵¹⁸ Huet (1853) *Le règne social du Christianisme*, 137-138.

⁵¹⁹ UBG, Fonds Voitureur, G11962: [Voitureur], *Questions sociales 1849-1850. Deuxième partie*, (sd), 257.

⁵²⁰ Huet (1853) *Le règne social du Christianisme*, 295- 297 and UBG, Fonds Voitureur, G11962: [Voitureur], *Questions sociales 1848-1849*, (sd), 12.

⁵²¹ See for instance UBG, Fonds Voitureur, G11962: [Voitureur], *Questions sociales 1849-1850. Deuxième partie*, (sd), 328-329. For the view of progressive liberals on 'cooperations' in the sense of production or consumption cooperations, see Van Praet (2015) *Liberale hommes-orchestres en de sociale kwestie in de negentiende eeuw*, 193-306.

would again surface in debates on electoral reform at the end of the nineteenth century.⁵²²

A state providing for weak human nature

It was Huet's distinction between the ideal, Christian and the existing, imperfect society that also shaped his ideas on the role of the state. In the ideal world, where man could freely enjoy his natural rights and execute his duties, there was no need for a government.⁵²³ The perfect human acted in perfect accordance with his rights and duties and therefore never prejudiced another's rights; on the contrary he invested in solidarity towards the other.⁵²⁴ However, in a world in which Christianity had not entirely developed and in which human nature was weak, surprised as man was by his sudden freedom, and in which some humans took advantage of the freedom they were given: in such a world there was an undeniable need for government or *société positive*. Clearly, Huet was influenced by the eighteenth-century Enlightenment thinking that emphasized the weakness as well as the malleability of human nature:

*Qu'on n'oublie pas que c'est notre faiblesse et nos vices qui rendent nécessaires les sociétés positives. Or si l'amour de l'indépendance est naturel à l'homme en général, le désir d'être dirigé commandé est naturel à l'homme faible et dégradé.*⁵²⁵

If there was general agreement on that score, Huet seemed to expect or accept less from the state in the ideal society than some of his followers at the *Société Huet* as well as his master, the philosopher Jean Bordas-Demoulin (1798-1859). In a posthumous compilation edited by Huet, the latter favoured the state as 'the inevitable link between all men'.⁵²⁶ Similarly, according to the *Société Huet*, the government 'gives a certain direction to social action, without which the preservation of society and progress would be impossible'.⁵²⁷ Therefore, it was criminal to discredit the government when in fact society would benefit from its 'necessary' assistance for a long time. The state thus deserved respect from citizens, and not the contempt it was receiving from intellectuals such as Proudhon.⁵²⁸ By

⁵²² De Dijn (2002) 'De afweging van het algemeen belang', and Röttger (2005) 'Een rode draad voor een blauw verhaal'.

⁵²³ As in Huet's works, the role of the state was a recurring topic ('Du gouvernement dans la société') in the *Société Huet*. They discussed it at length at the meetings of 7 November 1846, 4 December 1847, 11 December 1847, 18 December 1847, 13 April 1849, 8 June 1849, 8 December 1849, 6 February 1851 and 13 February 1851. See UBG, Fonds Voituren, G11962: [Voituren], *Questions sociales 1847-1848*, (sd), 13-35; UBG, Fonds Voituren, G11962: [Voituren], *Questions sociales 1848-1849*, (sd), 409-415; UBG, Fonds Voituren, G11962: [Voituren], *Questions sociales 1849-1850. Première partie*, (sd), 42-63 and UBG, Fonds Voituren, G11962: [Voituren], *Sciences sociales. Conférences chez Huet. 1850-1851. Questions sociales*, (sd), [168]-[174] and [188]-[208]. As the 1850-1851 manuscript does not show page numbers, the page numbers between brackets refer to the page numbers in the digitized version that can be found in the Ghent University Library and on Google Books.

⁵²⁴ UBG, Fonds Voituren, G11962: [Voituren], *Sciences sociales. Conférences chez Huet. 1850-1851. Questions sociales*, (sd), [168]-[174].

⁵²⁵ Huet (1848) *Éléments de philosophie pure et appliquée*, 177.

⁵²⁶ Huet (1861) *Oeuvre posthumes de Bordas-Demoulin. Tome premier*, 202.

⁵²⁷ UBG, Fonds Voituren, G11962: [Voituren], *Questions sociales 1849-1850. Première partie*, (sd), 50.

⁵²⁸ UBG, Fonds Voituren, G11962: [Voituren], *Questions sociales 1849-1850. Première partie*, (sd), 62 and 42-43.

helping to bring about the perfect society, the government ‘worked to render itself superfluous, worked toward its own suicide’, although at other instances it was still expected to represent the common interest and to actively maintain solidarity.⁵²⁹

However, just because the state's role depended on the moral and material state of the society, Huet argued that it was not a matter of dogma or positive science but rather something that had to be adapted to the circumstances, ‘relative and not absolute’: ‘They [=governments] supplement (*suppléent*) or should supplement in the absence of (*au défaut de*) reason and sociability’.⁵³⁰ The lightning expansion of industrial labour, for instance, necessitated an adequate response by the state, a response that for Huet clearly had to correspond to the situation and respect the principles of a ‘suppletive’ state. In a lengthy passage thereon, Huet’s particular use of verbs eloquently expressed his preferential mode of state intervention:

*ce n'est pas que nous contestions la légitimité, la nécessité de l'intervention du gouvernement dans l'industrie. Mais il s'agit d'en bien fixer le caractère et les limites. [...] Garantir le droit, voilà partout sa mission : c'est de cette garantie qu'il est, quant à lui, producteur. [...] Il maintient la concurrence loyale [...] Il veille spécialement sur la moralité et la santé des apprentis. [...] Il favorise, il provoque les assemblées générales [...] l'autorité publique ne doit-elle pas surveiller l'exécution des clauses protectrices de tous les contrats, et même y suppléer quand il n'en existe point ? [...] En ce qui concerne les associations ouvrières, l'Etat ne peut ni créer ni devancer le mouvement ; mais il sera appelé à le régulariser.*⁵³¹

With regard to education as well, Huet was not planning to equate his plea for compulsory education with a monopoly for the state in any way. On the contrary, compulsion by the state had to ‘stimulate’ and ‘fructify’ (*féconder*) the freedom of education and would result in a multiplication of schools and (religious) educational institutions.⁵³² In the *Société Huet*, too, opinions were much more divided on the precise role of the government. Everyone in the *Société Huet* agreed that the government must guarantee the inalienable individual rights of everyone, but some also wanted the government to provide its citizens with the *means* to develop their rights.⁵³³ What this phrase precisely implied was never specified, but it was clearly a step too far for some of the others.

It is remarkable how Huet's idealized view of society resulted in a subsidiarity-like social order that differed little from those of the other thinkers discussed in this chapter. Without a doubt, Huet shared his principal insistence on equality and justice only with the Christian democrat Pottier, who otherwise was critical of the

⁵²⁹ UBG, Fonds Voitureur, G11962: [Voitureur], *Sciences sociales. Conférences chez Huet. 1850-1851. Questions sociales*, (sd), [173] and UBG, Fonds Voitureur, G11962: [Voitureur], *Questions sociales 1848-1849*, (sd), 10.

⁵³⁰ Huet (1853) *Le règne social du Christianisme*, 30.

⁵³¹ Huet (1853) *Le règne social du Christianisme*, 300-301.

⁵³² Huet (1853) *Le règne social du Christianisme*, 176-181.

⁵³³ UBG, Fonds Voitureur, G11962 : [Voitureur], *Questions sociales 1848-49*, (sd), 409.

rest of the revolutionary legacy.⁵³⁴ Brants deeply resented the same revolutionary ideals, and though more liberal, Ducpétiaux and Prins also rejected the equality and belief in the sovereignty of the people underlying Huet's views. And yet, for all the differences in their set of underlying values, Huet, like them, accepted a stimulating state that left the building of the social order to individuals who by their faith in reason and Christianity were driven towards solidarity and the common good. Significantly, if Huet in principle insisted on a world without a higher authority in the form of the state, his preference for a suppletive government also emerged quite clearly in his argument that local government 'supplied (*suppléerait*) to a certain extent the action of the press and political associations', without excluding the necessary surveillance of the state. Thus, both in their respective domains and attributions, local and central government held powers only in relation to and with respect for the existing initiatives in society:

*On comprendra enfin le précepte de rendre à César ce qui appartient à César, et de rendre à Dieu ce qui appartient à Dieu. Les sciences, les arts, l'enseignement, comme les cultes, seront laissés aux individus et aux associations privées, par lesquelles se manifeste le plus énergiquement la vie sociale. L'intervention du gouvernement sera nulle tant qu'il n'y aura ni délit ni scandale. On ne réclamera de lui d'autre encouragement que de maintenir inviolables la liberté, l'égalité et la fraternité.*⁵³⁵

3.2 Edouard Ducpétiaux (1804-1868)

Edouard Ducpétiaux (1804-1868) was a typical exponent of the Belgian revolution in 1830. Born to middle-class parents, he held a university degree in law and wrote as a journalist for the revolutionary cause as part of a radical democrat core of revolutionary liberals. As with many others, his revolutionary commitment earned him a high post within the new state apparatus, although in the meantime the most radical democrats had been successfully defeated and carefully excluded by the new Belgian elite.⁵³⁶ In accordance with his strong views against the death penalty, he was appointed inspector general of the prison system and the charitable institutions, a function he retained until 1861. Building on his experience with the broad field of social institutions and growing in his role as a national publicist, Ducpétiaux turned himself from his initial radical views into a typical nineteenth-century bourgeois social reformist. As a correspondent of such foreign associations as the *Société d'Économie Charitable* in Paris and one of 'the first propagators' of international congresses, Ducpétiaux not only became a 'key figure in the

⁵³⁴ That Huet seems to be among the first to have coined the term *démocratie chrétienne* only reinforces the parallel with Pottier. See Huet (1853) *Le règne social du Christianisme*, 185. For more on the development of the term Christian democracy, see De Maeyer (2016) "Démocratie catholique" et "démocratie chrétienne". Toile de fond d'une controverse idéologique à la fin du XIXe siècle', 75-88.

⁵³⁵ Huet (1853) *Le règne social du Christianisme*, 144.

⁵³⁶ Witte (1979) 'Wijzigingen in Belgische elite in 1830. Een voorlopige verkenning', 243-249, especially 247. See also Witte (1977) 'De Belgische radikalen', 11-45, 12ff and Ghijssens (1986) 'Aanzetten tot sociale politiek vanuit de middenklasse'.

transnational web of mid-nineteenth-century philanthropy' but was also highly acclaimed in statistical circles around his friend Adolphe Quetelet.⁵³⁷ If measured by the four basic characteristics that the Dutch historians Leonards and Randeraad borrowed from Rüdiger vom Bruch, Ducpétiaux's bourgeois descent and his function within the state bureaucracy were already a good starting point. However, in an analysis of his thought, the third characteristic will be especially of interest, arguing that as the nineteenth-century public debate demonstrated time and again, it hovered 'between communism and capitalism', and can be regarded as some sort of 'third way'.⁵³⁸



Figure 2. Edouard Ducpétiaux

⁵³⁷ Leonards and Randeraad (2015) 'Building a Transnational Network of Social Reform in the Nineteenth Century', 115; Viaene (2015) 'Professionalism or proselytism? Catholic 'Internationalists' in the Nineteenth Century', 32 and Randeraad (2010) *States and Statistics in the nineteenth century. Europe by numbers*, 183.

⁵³⁸ Leonards and Randeraad (2015) 'Building a Transnational Network of Social Reform in the Nineteenth Century', 113. See also Misner (2003) 'Christian Democratic Social Policy. Precedents for Third-Way Thinking', 68-92.

Before his appearance in the recent literature on transnational networks, Ducpétiaux had already been given quite some attention in Belgian historiography. His radical democrat views and his later switch to the liberal-Catholic side were commented on by historians from liberal and Catholic circles, respectively, while criminologists focused more on his criminological research.⁵³⁹ Though generally praised for his early social reformism, Ducpétiaux is chiefly seen as a practitioner writing in function of his fieldwork, someone observing the facts, analysing the causes and presenting cut-and-dried solutions. Ducpétiaux himself also considered this to be his main task, and he is especially remembered for his writings in this line.⁵⁴⁰ Michotte took this characterization to the extreme in his 1904 study on the history of economic thought in Belgium, in which he argued that Ducpétiaux's views were 'opportunistic' and that his works contained 'no theoretical conception whatsoever':

*Tantôt il sera interventionniste même exagéré, tantôt il réclame la liberté, cela dépendra du moment et de l'état de la question. On peut cependant marquer une certaine évolution dans sa manière de concevoir le remède social; au début, avant 1848, les théories utopiques d'alors, à tendance très altruistes, le séduisaient; [...] plus tard il deviendra plus individualiste, moins étatiste; ce n'est que plus tard aussi que la vérité chrétienne éclairera réellement sa pensée.*⁵⁴¹

Michotte's somewhat paradoxical double claim – that Ducpétiaux did not start from a theoretical conception but that his thought still showed an evolution from interventionism to non-interventionism – has reappeared in the more recent literature.⁵⁴² Strangely enough, however, the most theoretical work Ducpétiaux ever wrote has been mainly left out of the picture, incomprehensibly so.⁵⁴³ His *Mission de l'État. Ses règles et ses limites* was published in 1861, perfectly in line with the intellectual tradition of the time and, not surprisingly, written at a point when he wanted to demonstrate that his switching political sides had little to do with switching ideas. While Ducpétiaux admitted that he had little experience with this type of work, he based his account on many of the same international writings and authors used in his other works. Not surprisingly, these 'usual suspects' were often either interventionist liberal economists such as Pascal Duprat, John Stuart Mill

⁵³⁹ For the first strand, see footnote 539 hereabove. For the Catholic strand, see Heyman (1955) 'Een sociale voorloper. A.E. Ducpétiaux en zijn tijd'; Rezsóhazy (1958) *Origines et formation du Catholicisme social en Belgique 1842-1909*, 10-21 and Rezsóhazy (1985) 'Les débuts de la science politique dans les milieux chrétiens', 509-520. For the criminological research, see Vanhulle (2010) 'Dreaming about the prison: Edouard Ducpétiaux and Prison Reform in Belgium (1830-1848)', but also Dupont-Bouchat (1988) 'Ducpétiaux ou le rêve cellulaire', and Dupont-Bouchat (1995) 'De la prison à l'école de bienfaisance. Origines et transformations des institutions pénitentiaires pour enfants en Belgique au XIXe siècle (1840-1914)'.

⁵⁴⁰ His most popular works in this regard are Ducpétiaux (1843) *De la condition physique et morale des jeunes ouvriers et des moyens de l'améliorer*; Ducpétiaux (1846) *Enquête sur la condition des classes ouvrières et sur le travail des enfants*; Ducpétiaux (1850) *Mémoire sur le paupérisme en Flandres*, and above all Ducpétiaux (1855) *Budgets économiques des classes ouvrières en Belgique. Subsistances, salaires, population*.

⁵⁴¹ Michotte (1904) *Études sur les théories économiques qui dominèrent en Belgique de 1830 à 1886*, 335.

⁵⁴² Especially in Deferme (2007) *Uit de ketens van de vrijheid*.

⁵⁴³ Only Rezsóhazy offers a fair review of this work. The relevant part in his 1985 essay is almost entirely taken from his earlier work in 1958. See footnote 539.

and Edouard Laboulaye or outright social reformists such as Charles Dupont-White or Robert von Mohl. A profound analysis of this work – and his others – will show that Ducpétiaux at that point held a rather consistent theoretical framework in line with the later subsidiarity principle.

The ‘Mission of the State’ and the respective rights of the individual and the society⁵⁴⁴

Ducpétiaux’s intended inquiry on the role of the state immediately led him towards the far more extensive philosophical area of the social order. He almost immediately came to reject both the collectivist notion of the state ‘absorbing the whole society’ (6) and its individualist counterpart considering ‘the maxim of *laissez faire* and *laissez passer* sufficient to determine all social relations’. (7) Rejecting these two simplistic doctrines made things more complicated. If society was not made up entirely or mainly of the state or the individual, then there was need to specify all three of those ‘spheres’ as well as their mutual relations.

L’homme, la société, l’Etat, sont trois éléments, trois organismes distincts ayant leur but et leur développement propres, et qu’il faut éviter de confondre tout en les conciliant et en harmonisant leur existence et leur action. (16)

The individual had been given, by divine right, the freedom to pursue his own progress, whether it be material, moral, religious, physical or intellectual progress. This freedom was not or at least not entirely celebrated for the sake of freedom as such, it was an important means to human dignity. An individual enjoying this human dignity, such was his argument, would use his freedom not only to assert his rights but also his responsibilities. (156ff) But even when protected in his dignity, the individual was weak and would not succeed in fulfilling his earthly business without help from others, primarily his family. (17) This is where Ducpétiaux inserted the human sentiment of association. Instead of remaining weak and putting all his hopes in the hands of the government, which had been to no avail all those years, the individual could gain more by associating and thus helping and being helped by his associates.

Ducpétiaux seemed to have lost the last fibers of paternalism, embedding his renewed belief in association in a ‘theory of independence’.⁵⁴⁵ With regard to the workers’ situation, he thought of workers’ associations as retaining the good qualities of the medieval corporations while leaving apart the bad ones.⁵⁴⁶ Such associations would not only be materially and morally uplifting for workers, they would also make them hold on to the bourgeois state, a concern of pacification that Ducpétiaux had expressed more explicitly in earlier times.⁵⁴⁷ All the same

⁵⁴⁴ Unless otherwise indicated, the following quotations will always be taken from Ducpétiaux (1861) *Mission de l’Etat. Ses règles et ses limites*. To reduce the load of footnotes, I will simply put the pages that are cited between brackets.

⁵⁴⁵ Ducpétiaux (1860) *De l’association dans ses rapports avec l’amélioration du sort de la classe ouvrière*, 9–12.

⁵⁴⁶ Ducpétiaux (1860) *De l’association dans ses rapports avec l’amélioration du sort de la classe ouvrière*, 31–32.

⁵⁴⁷ Ghijsens (1986) ‘Aanzetten tot sociale politiek vanuit de middenklasse’, 434, 437 and 449–451.

references would later return in the discourses of Adolphe Prins and social Catholics such as Brants.

The state's role was geared to this same organic vision of society, which as we have seen in chapter one was by no means untrodden terrain in the field of nineteenth-century philosophy. Not surprisingly, Ducpétiaux drew his inspiration here from a German philosopher, which he paraphrased as follows:

L'Etat a la mission [...] d'assurer à toutes les branches de l'activité humaine les moyens de se perfectionner. [...] Toutefois il n'est qu'un des organes principaux du vaste organisme social. La société est un tout organique, composé de diverses institutions qui se rapportent chacune à une face importante de la vie humaine, et qui toutes sont appelées, à une époque de maturité et d'harmonie sociale, à constituer une unité supérieure, maintenant à chacune son indépendance relative et les soumettant toutes à une direction générale pour l'accomplissement commun de la destination de l'homme et de l'humanité. (14–15)

Only the state was able to guarantee the individual's rights, the common good in the form of the majority's wishes and the perpetual order of morality and justice all at the same time. More importantly, the state should also see to the difficult task of fostering the perfecting of the individual as well as that of society, whilst also bringing them toward the all-encompassing goal of the common good and humanity's destiny. This ideal resembles Luigi Taparelli's more metaphysical and abstract system, also discussed in chapter one.

Thus, it was beyond question that the state had a positive part in this organic social order. What Ducpétiaux (and others) were more concerned about, however, was the way in which the state would put those tasks into practice. A careful description of the precise interpretation of the state's role revealed his concern:

En procurant à l'homme et à la société les moyens d'accomplir leur destination, l'Etat doit s'abstenir par là même de tout ce qui pourrait directement ou indirectement l'entraver. Il faut qu'il protège l'exercice des droits et facilite l'accomplissement des devoirs, en évitant de porter atteinte à la liberté et de substituer sa responsabilité à celle de l'individu; qu'il respecte sous tous les rapports la liberté individuelle, en tant qu'elle s'applique à la vie et à la conduite personnelle. Chacun doit rester libre de se servir des moyens que la société lui fournit pour exister et se développer en sa qualité d'homme, pourvu que l'usage ou le non-usage n'implique pas une lésion du droit vis-à-vis des autres membres de la société. (19)

The state's role was clear: to furnish the individual and society with the means to fulfill their destiny, protect their right to do so and otherwise leave them to their business, as long as their choices did not lead them to harm others. Nothing more and nothing less. Remarkable – and so similar to some of the nineteenth-century accounts in chapter one – is the ambiguity here: the role the state had been assigned was defined negatively (the state is not supposed to...: *s'abstenir, éviter*) and positively at the same time (the state should...: *facilite, fournit, procurant, protège*), a difficult and subjective balance which was so characteristic of the later subsidiarity

principle. This was a recurring theme throughout his oeuvre, though it was often formulated in a more accessible and less abstract language. In more applied terms, it sounded for instance like this:

L'Etat ne constitue pas la vie sociale, il n'en est que l'ordonnateur et le soutien. [...] A ce titre, l'Etat ne peut absorber les autres sphères de l'activité humaine, les institutions religieuses, morales, scientifiques, artistiques, industrielles, commerciales; il doit laisser à chacune d'elles sa valeur propre, sa liberté d'action particulière; il faut qu'il se borne à leur fournir les conditions extérieures de développement, à assurer leur équilibre et leur harmonie sans prétendre régler leur organisation intérieure [...] L'Etat doit s'abstenir de poser son action à côté de celle des particuliers ou des associations sans une nécessité bien démontrée, afin d'éviter de créer une concurrence qui peut aboutir au monopole. Loin d'entraver l'initiative particulière ou collective, il doit s'efforcer de l'encourager, de la susciter ou de la raviver en l'éclairant au besoin. Ce n'est qu'à titre transitoire qu'il peut intervenir dans l'une ou l'autre sphère, se charger de telle ou telle fonction sociale qui resterait négligée, sauf à restreindre et même à abdiquer son intervention lorsqu'elles n'est plus justifiée par la nécessité et à mesure du développement de l'esprit d'entreprise. (89)

Besides sharing much of the same language, again both negatively (*s'abstenir*, *absorber*, etc.) and positively (*soutien*, *fournir*, *encourager*, *susciter*), this more down-to-earth and applied version of the state's sphere of action said more about the conditions and the methods of state intervention. State intervention was allowed only in the case of a 'demonstrated necessity' and preferably temporarily, indirectly and not in any way competing with existing private initiatives.

The applied science of state intervention

With his *Mission de l'Etat* Ducpétiaux theoretically consolidated what was a long process of thinking about the 'workers' question' and social reform. In roughly the last decade of his life, he had a clear vision of how social reform as a whole could be successfully established, taking into account the different circumstances and situations different workers' groups found themselves in: assistance, for those who needed and deserved help; patronage, for those who wanted to elevate themselves but needed a hand; and association, for those who wanted to be independent and responsible for themselves. He had devoted separate writings to those categories: in 1858 he tackled the system of public assistance and private charity in *La question de la charité et des associations religieuses*; in the same year he also elaborated on a specific example of patronage in *Du patronage des condamnés libérés*; and in 1860 he clarified his comprehension of association and his theory of independence in *De l'association dans ses rapports avec l'amélioration du sort de la classe ouvrière*. One general device ran as a connecting thread through these works: state intervention was only required if individuals or society, whether it be voluntary associations or private initiatives, had not already provided sufficient solutions.

Especially with regard to the burning issue of public assistance versus private charity in the late 1850s, Ducpétiaux and followers were still inclined to reserve a

role for the state. Surprisingly and paradoxically, state *support* was legitimized and claimed as a consequence of their refusal of state *intervention*. Thus the positive conception of state support seemed to spring directly from the negative one of non-interference. If state support seemed superfluous because private efforts sufficed, then the state had to abstain from support and only facilitate these private efforts by preventing abuse. His book on *La question de la charité et des associations religieuses* (1858) as well as his lectures at the international *Congrès de Bienfaisance* in 1856 and 1857 were larded with quotes from other authors, repeating the same message in barely differing words.⁵⁴⁸ A representative quote used by Ducpétiaux was one from the German liberal economist Robert von Mohl (1799-1875), the first to advocate a ‘science of society’, which he considered both distinct from the existing fields of political science and economics, and concerned with ‘the entire realm of the intermediary corporations and associations between the individual and the state’⁵⁴⁹:

« L'autorité publique, » dit-il, « ne doit intervenir dans le soulagement de la misère, que lorsque ce soulagement n'est pas assuré suffisamment par les efforts particuliers. [...] » Il conclut de ce principe, « non seulement qu'il ne faut pas entraver la charité privée, mais encore que le gouvernement doit l'encourager et la favoriser. Il importe, à cet effet, qu'il provoque la création d'associations particulières et d'établissements utiles, et qu'il écarte tout ce qui pourrait gêner leur action ; qu'il accorde aux institutions charitables libres la faculté de posséder et d'acquérir, en les dégageant de toutes les entraves [...] Si la charité privée pourvoit spontanément aux besoins de certains établissements, tels que les hospices, les école de pauvres, etc., l'Etat peut et doit s'abstenir, en se bornant à éclairer et à guider l'action des particuliers, à prévenir les abus et l'inconvénient des doubles emplois [...] »⁵⁵⁰

In this context, it is interesting to note that *subsidaire* and *subsidiairement* were already in use and quite common in the same meaning which also implied the later subsidiarity principle. In one instance, Ducpétiaux printed in italics only the last sentence of a quote by the French author Duchâtel: ‘Wherever private charity suffices, the administration has nothing to do, and its intervention must only be subsidiary’.⁵⁵¹ In the same work, another quote was reminiscent of the supposed etymology of ‘subsidiarity’ from the Latin *subsidium*, used in Roman times to indicate the reserve troops, as was already put forward in the general introduction: ‘Private, free charity, that is the army; public assistance, that is the reserve corps’.⁵⁵²

Evolving thought and/or subsidiarity?

The increasing pessimism and the sharpening of his tone as well as his stressing the complete independence and self-reliance of workers in his ideal of association, which

⁵⁴⁸ See for instance the resolutions on ‘Encouragement et propagation des institutions et des sociétés de prévoyance etc.’ at the 1856 Congress initiated and organized by Ducpétiaux: (1857) *Congrès international de bienfaisance de Bruxelles. Session de 1856. Tome I*, 30.

⁵⁴⁹ Kaufmann (2013) *Thinking about social policy*, 32.

⁵⁵⁰ Robert von Mohl cited by Ducpétiaux (1858) *La question de la charité et des associations religieuses*, 28.

⁵⁵¹ Ducpétiaux (1858) *La question de la charité et des associations religieuses*, 28.

⁵⁵² Ducpétiaux (1858) *La question de la charité et des associations religieuses*, 19.

were especially apparent in his last piece of writing on *La question ouvrière* (1867), may have given the impression that Ducpétiaux had fully converted to non-interventionism in the later stages of his life. In that sense there is something to say for Deferme's claim that Ducpétiaux grew less inclined to state intervention after 1860 – if not for Michotte's similar claim of 1848. However, this can be put into perspective in many ways. One thing to keep in mind was that in the meantime, socialists under the influence of Marx grew stronger with their message of a strong state, which may have influenced Ducpétiaux to go in the opposite direction. On the other hand, although Ducpétiaux ruled the government out in assuming the initiative for direct social provision, he was still open to the state's regulation of labour. At the Catholic Malines assemblies in the 1860s, which he co-organized, he had been the driving force behind resolutions demanding labour regulations for women and children, regulations on working hours and a family minimum wage. His demands, not to mention his lingering democrat sympathies, would have made much more resonance had it not been for the controversy around Montalembert's liberal-Catholic opening speech.⁵⁵³ Furthermore, when Ducpétiaux was reproached by a member of the Royal Academy at a session in 1858 for his overly non-interventionist discourse, he decided to insert an extra paragraph in the printed version, hoping to clarify that within the 'double basis' (private efforts and public intervention) he still considered of great importance 'the active stimulus and the welcoming cooperation of the public administration'.⁵⁵⁴ In the same paper, he emphasized that the primary concern for private or voluntary initiatives did not in any case mean that these initiatives were not liable to regulations and approval by the state.

Even before 1848 Ducpétiaux only resorted to state intervention only 'at the instance when private charity could no longer control', whereas his radical compatriots meanwhile demanded systematic and structural intervention.⁵⁵⁵ This suggests that some of the same considerations had always been underlying Ducpétiaux's thinking. This is of course not to say that the resulting propositions he drew from these considerations did not in any way develop throughout his lifetime, for the same considerations resulted in different propositions when applied to different circumstances and different questions. Ironically, Michotte was actually right to observe that Ducpétiaux's judgement 'depended on the moment and the state of the question'.⁵⁵⁶ When addressing the question of popular education in one of his first writings on social issues, Ducpétiaux distinguished between three systems of education: (1) a state monopoly leaving no room for private undertakings, (2) total freedom without any interference from the government and (3) a mixed system attributing to the state the management of public education without any infringement of the freedom of private and voluntary initiative. Not surprisingly, he preferred the mixed system. In hindsight, Ducpétiaux seemed to

⁵⁵³ De Volder (1965) *Sociale geschiedenis van België. II: Socialisme en christelijke arbeidersbeweging*, 383-384.

⁵⁵⁴ Ducpétiaux (1858) *Du patronage des condamnés libérés*, 33-34.

⁵⁵⁵ Ghijsens (1986) 'Aanzetten tot sociale politiek vanuit de middenklasse', 439.

⁵⁵⁶ Michotte (1904) *Études sur les théories économiques qui dominèrent en Belgique de 1830 à 1886*, 335.

attribute more responsibility to the state than he would later accept when he passionately fought public education as unfair competition to the private Catholic schools. However, his justifications showed very clearly that this state intervention was far from inspired by dogmatic reasons.

*Eh bien ! les raisons qui militent en faveur de la protection à accorder par l'État à l'instruction sont absolument les mêmes ; cette protection est également commandée par le besoin de mettre l'enseignement à l'abri des chances, de l'apathie, de l'indifférence du mauvais vouloir et de l'ignorance des particuliers. Un temps viendra peut-être où la diffusion des lumières, le progrès des saines doctrines et les convictions éclairées de l'immense majorité des citoyens rendront, comme aux États-Unis, moins nécessaires et peut être même tout à fait inutiles l'intervention et le protectorat du gouvernement en matière d'instruction.*⁵⁵⁷

The *need* for state intervention fully depended on the *insufficiency* of private initiatives. Under better circumstances this would one day be less necessary or, with some luck, totally superfluous. From a remarkably similar observation in 1858 he drew the same conclusion with regard to charity:

*Si nous étions encore aux temps de la primitive Église, si les devoirs du chrétien étaient généralement pratiqués, la charité privée pourrait suffire pour satisfaire à tous les besoins ; mais dans ce siècle d'alanguissement et d'égoïsme, nous comprenons la nécessité d'un intermédiaire, d'une institution publique qui vienne en aide aux efforts particuliers et qui supplée à leur insuffisance.*⁵⁵⁸

In the concluding words of *Mission de l'Etat*, Ducpétiaux beautifully nutshelled his thoughts, which again reflected the same fundamental considerations: the notion of a middle course away from the extremes, with a rightful role for the state, respecting and favouring the independence of existing initiatives from below in a harmonious and organic society.

Je conclus. Il y a une double erreur à combattre, celle qui place l'Etat sur une sorte de pavois d'où il est appelé à régir la société dans toutes ses branches et à absorber dans l'administration toute l'activité du corps social, et celle qui consiste, au contraire, à ne voir dans l'Etat qu'un ennemi qu'il faut combattre en tout et partout, dans l'autorité administrative qu'une excroissance malfaisante dont il faut se débarrasser à tout prix. C'est trop et trop peu. La vérité doit être recherchée dans un juste milieu où l'action et le développement de l'individu soient protégés et favorisés sans porter atteinte à la mission nécessaire de l'Etat ni affaiblir sa légitime influence. (159)

⁵⁵⁷ Ducpétiaux (1838) *De l'état de l'instruction primaire et populaire en Belgique. Tome premier*, 124.

⁵⁵⁸ Ducpétiaux (1858) *La question de la charité et des associations religieuses*, 20.

3.3 Victor Brants (1856-1917)

Born the only child in a modest bourgeois family in Antwerp and raised by a deeply religious mother, Victor Brants's (1856-1917) passage at the Catholic University of Leuven did not go unnoticed. The serious young man obtained doctoral degrees in history and law with brilliant scores and engaged actively in ultramontane study circles. Even during his studies, Brants was introduced in the circles around the French economist Frédéric Le Play (1806-1882) by the famous ultramontane teacher of political economy Charles Périn (1815-1905) whom he so admired. Both Périn and Le Play deeply influenced the young Brants. When in 1881, the ultramontane Périn was asked to resign due to a lingering conflict with liberal-Catholic colleagues, Brants was appointed his successor in the chair of political economy. During the following decades Brants gradually developed into the focal point of Belgian social Catholicism. Though retaining the conservative tenets of Périn's teaching, Brants was considered a moderate and conciliating figure within the ongoing struggle between the interventionist and non-interventionist camps. His influence translated into taking part in the *Commission du Travail* set up after the 1886 unrest as well as in the successive *Conseil supérieur du Travail* from 1892 onwards. Brants himself experienced his participation as particularly enriching because of the intense contact with liberal and socialist members.⁵⁵⁹ As perpetual secretary of his own *Société belge d'économie sociale*, he also had a hand in the newly-founded Ministry of Labour, since not only the director-general of the administration but also the successive ministers themselves were members or former members. Although he maintained correspondence with his French friends, he gradually also became more interested in and connected to the German circles of Catholic social reform.⁵⁶⁰

Brants's involvement with the interventionist Austrian school was held accountable in the Belgian literature for his growing openness toward social state intervention. In that regard, the year of 1891 figured as a symbolic turning point in his thinking: he still carried the intellectual legacy of Périn but Leo XIII's seminal encyclical *Rerum Novarum*, together with the anticipation of electoral reform, supposedly made him advance in a more interventionist direction.⁵⁶¹ Without diminishing the general truth of this claim, a thorough analysis of his thinking will establish that the growing openness toward state intervention was carefully integrated in his

⁵⁵⁹ AAM, hs.703350 : [Brants], *Notes et souvenirs*. See also Casteleyn (2013) *Notes et souvenirs de Victor Brants (1856-1917)*, 79-80.

⁵⁶⁰ Meerts (1981-1982) *Victor Brants. Grondslagen van zijn sociaal denken 1856-1891*, 26-69. See also Meerts (1982) 'De Leuvense hoogleraar Victor Brants: een brugfiguur in het sociaal-katholicisme (1856-1891)', and Meerts (1983) 'De Leuvense hoogleraar Victor Brants: sociale ideeën tussen katholieke romantiek en realisme (1856-1891)'.

⁵⁶¹ Meerts (1981-1982) *Victor Brants. Grondslagen van zijn sociaal denken 1856-1891*, 212, 219-220.



Figure 3. *Victor Brants*

wider theoretical framework.⁵⁶² The historian in Brants was prudent in every sense of the word, acutely aware that measures should accord with circumstance and tradition. If Brants for example hesitated to follow the demands of progressive liberals in the context of the emerging *Association Internationale pour la Protection Legale des Travailleurs*, it was not (only) because he feared the conservative critique in his own ranks but (also) because he had lost neither his prudence and realism nor his earlier beliefs.⁵⁶³ As will be shown, this was also an essential part of his theoretical framework and one of the main reasons why he can be counted among the Belgian ‘subsidiarity thinkers’ of the nineteenth century.

Restoring the social and moral order of Christ⁵⁶⁴

Like Périn, Brants’s diagnosis of the social problems was completely coloured by his anti-revolutionary, anti-individualist and ultramontane beliefs. The French Revolution had not only abruptly finished off the moral order of Christendom, which admittedly was already in decline, but it had also abolished the social order, leaving nothing but an isolated individual and a centralist state. Where Christian charity and social corporations used to accompany the individual and his family in their worthy struggle on earth, there now ruled irreligion, individualism and revolutionism. (447) The harsh capitalism which increasingly characterized large-scale industry had led to the breaking up of workers’ families. Workers’ wages, insufficient to provide for their families, obliged the workers’ wives and children to also maintain a job in the industry. If they had not already been deprived of their dignity because they could not enjoy their rightful place in the natural social order, they were by the unworthy circumstances in which they often worked. It was no coincidence that Brants linked the existing misery to a dysfunctional social order, for he later admitted that reading treatises on natural law and philosophy of law while preparing his PhD in law had made him aware of social and political problems in the first place.⁵⁶⁵ Brants’s idea of the natural social order was particularly influenced by Taparelli’s magnum opus *Theoretical Treatise on Natural Law Based on Fact*, of which he had received a copy (probably a French translation) as a prize in his student years. It made his conception of the social order just as neo-Thomistic as that of the natural-law theologians such as Taparelli from which he drew his inspiration, if not as explicitly – after short elaborations Brants always reminded readers that as an author of political economy he had neither the intention of nor expertise in writing volumes full of natural law.

⁵⁶² For a focus on Brants’s post-1891 thinking see, Meerts (1992) ‘De personalistische traditie aan de Katholieke Universiteit te Leuven rond de eeuwwisseling’.

⁵⁶³ Kurgan-van Hentenryk (1994) ‘Introduction’, 13 and Vanthemsche (1994) ‘Laboratoires d’idées et progrès social’, 60.

⁵⁶⁴ As a professor of political economy, Brants wrote a number of books or ‘manuals’ on political economy. His *Les grandes lignes de l’économie politique* of 1901 integrated the reworked versions of three earlier textbooks written in 1883, 1885 and 1887. I have mainly used this version here. Unless otherwise indicated, the page numbers between brackets in this section will always refer to this version.

⁵⁶⁵ AAM, hs.703350 : [Brants], *Notes et souvenirs*. See also Casteleyn (2013) *Notes et souvenirs de Victor Brants (1856-1917)*, 58 and 61-62.

Like his economic order, Brants's preferred social order was based on a free individual pursuing his own interest. Only through personal effort, responsibility and independence could the individual ensure his own and his family's material betterment. If this interest was stimulated by a sense of moral duty and the right moral aspirations, it was the most natural and powerful means of action to achieve human progress. (56) However, if this interest was not restrained in any way, it would soon result in abuse, individualism and social disorder. The individual therefore needed to be incorporated in social relations that helped him accomplish his goals and prevented isolation and deprivation as well as selfishness and individualism. The family was the most fundamental social unit, most perfectly realizing the ideal of the individual's social existence. It stood out as a perfect microcosm of a good society: a harmonious unity in which all members had their own specific role to fulfil, in which the younger members learned and in which parents and children united tradition and renewal.

Still, for the perfection of their social existence, the individual and his family also fit into larger social groups within society. As individuals, associating themselves with others was in their own interest, as it only doubled the individual efforts. (60) The primary concern of social groups in fact consisted of helping achieve their members' progress and development, if not directly then at least by pursuing the common good of all their members without violating their inalienable individual and family rights. Brants's social order mirrored that of Taparelli, particularly where he argued that the individual, the family and the other social groups also contributed to the pursuit of the common good by pursuing their own particular interests (and having the freedom to do so). In this harmonious and organic social order, every social unit had the right *and* the duty to pursue his own interest in the light of the common good:

Disons-en deux mots: les individus, les groupes, les classes sociales ont leur rôle ; elles l'ont pour le bien général et pour leur bien particulier. [...] S'ils sont inférieur à leur tâche, l'intérêt particulier et l'intérêt général en souffrent. (472)

Brants however did not limit the importance of social groups to the necessary help they constituted for the individuals' incorporation in society. Like Prins, he believed that powerful social groups, exemplary of a vibrant society, also ensured that the government remained focused on its suppletive task. By employing those collective interests that individuals could not realize themselves, they prevented these interests from being assumed by the state, which could otherwise easily turn a suppletive and legitimate state into a despotic and all-absorbing one. Thus they formed a powerful 'cushion' between an overly centralist state, in the worst example of the Jacobin state during the French revolution. Brants was obsessed with this idea of a powerful society as an intermediary between the individual, the family and

the state. For the same reason, Brants was convinced that a strong middle class would help bring about social stability.⁵⁶⁶

The ultimate authority to oversee the common good in society belonged to the government (Brants mostly used the common French term *pouvoirs publics* or public authorities). Of course, the actual realization of the common good was due to the whole of society, its individuals and its social units, but it was the government who was its legitimate guardian. This authority led to a double responsibility: the *essential* responsibility of protecting the inalienable rights of individuals and social groups alike and enabling them to pursue their interests freely and independently, and the *suppletive* responsibility of intervening if and when individual or social efforts proved insufficient:

Le pouvoir supérieur de la société, l'État, n'en conserve pas moins la mission générale de maintenir le respect des droits pour les individus et les groupes, celle de les protéger et de les sanctionner eux-mêmes. C'est son attribution essentielle.

Le pouvoir public en outre s'occupe d'encourager, stimuler le bien et de promouvoir les intérêts. Il le fera déjà, c'est clair, par la sécurité de la bonne organisation générale. Il devra le faire plus spécialement, quant à des points déterminés, si les forces individuelles ou celles des groupes sont insuffisantes. C'est sa mission supplétive. (60)

This distinction was very important in Brants's thinking. In more than one way it mirrored Ducpétiaux's views. Like Ducpétiaux, he accepted the government's protective task with much fewer reservations than the suppletive task. The latter was more special, only allowed in well-defined cases (*des points déterminés*) and described in rather indirect terms (*stimuler, encourager, promouvoir*). Brants acknowledged the difficulty in tracing the limits of state intervention, especially in the context of the ongoing discussion on the state's role.

A vrai dire, il n'y a pas de limite mathématique. Il y a entre les deux extrêmes une large voie ouverte à la prudence gouvernementale. [...] Il y a une minimum nécessaire partout pour la sauvegarde de l'ordre essentiel mais plus ou moins d'intervention du pouvoir, l'extension des pouvoirs publics est une question de mesure dont les circonstances doivent fournir les éléments d'appréciation. (61)

However vague and abstract, this description already foreshadowed his pleas for a prudently measured state intervention adapted to the circumstances in more specific policy debates.

Social regulation and the corporatist social order

Brants's diagnosis of the disrupted social order and his emphasis on the legitimacy of government protection for individual and social interests led him to call for social regulation by the state. Clearly targeting the collectivist and 'godless' rhetoric of

⁵⁶⁶ Brants (1909) 'Les employés', 619-620.

socialists, Brants reasoned that social regulation could help restore and protect what he considered to be the most essential elements of social progress:

*Il faut d'abord chercher à aller aux causes et à restaurer les éléments essentiels de la prospérité sociale : religion, famille, patrimoine. Il faut qu'une sage législation entrave et réprime les abus qui compromettent l'ordre social.*⁵⁶⁷

It was precisely because the abuse of liberty had given rise to disorder and misery and thus undermined workers, their family life and their social existence that such legislation was completely justified. Opponents who held on to liberty as an argument against social regulation were harshly criticized by a Brants who grew more and more cynical of such invocations.

*La reste on l'abandonne à [...] la liberté. Dans certains milieux, peut-être, on appelle en effet cela la liberté, on n'appelle pas cela licence, anarchie, on appelle cela liberté, on le revendique comme un droit ! un droit ! comme si une telle liberté était conciliable avec la notion du droit. Le droit à la liberté de désorganiser la famille, de priver les gens de toute vie sociale véritable ! Image-t-on un tel abus de mots.*⁵⁶⁸

Even in the aftermath of the 1886 riots, when regulation was still highly controversial in bourgeois circles, Brants advocated a *compulsory* industrial accident insurance, even if he did not want it to be organized by the state itself. Arguing that this kind of social regulation by the state was legitimate, he invoked three reasons: (1) there was a demonstrated *necessity* to grant victims of an industrial accident some sort of indemnification; (2) the system of liberty had been proven *insufficient* and (3) legislation on the matter seemed an *important* solution to deal with abuses.⁵⁶⁹ Brants's justification tacitly showed that he did not consider *every* piece of legislation or case of state intervention legitimate, but he would use the same argument over the years for other kinds of state intervention as well.⁵⁷⁰ In doing so, he named three conditions – in the right order – which later underpinned the subsidiarity principle. Following the subsidiarity principle, a legitimate call for state intervention (or, in the context of EU policy, a devolution of competences from the national level to the EU level) could only be realized if – first – such a measure was necessary; if – second – other levels' actions were insufficient and if – third – there was enough reason to believe that such measures would prove successful.

Although Brants believed in social regulation to make a quick end to existing abuses and to restore the social order, he never failed to urge at the same time for a

⁵⁶⁷ Brants (1888) *La lutte pour le pain quotidien. Précis des leçons d'économie politique*, 337.

⁵⁶⁸ (1908) *Conseil Supérieur du Travail. Neuvième session. 1907-1908 Réglementation de la durée du travail des adultes. Fascicule II. Rapport et discussion*, 50.

⁵⁶⁹ (1888) *Commission du Travail instituée par arrêté royal du 15 avril 1886. Comptes rendus des séances plénières, Volume IV*, 200-202. One of the additional questions was whether social regulation had to be implemented through legislation or through administrative action. Here Brants was always wary of legislation.

⁵⁷⁰ See also (1908) *Conseil Supérieur du Travail. Neuvième session. 1907-1908*, 57. He had already more or less mentioned the same three conditions in 1887 in the *Commission du Travail*: 'L'Etat, pour gérer une industrie, n'a qu'une excuse possible: une supériorité incontestable dans une matière essentielle, ou une nécessité de fait résultant de l'inertie des forces industrielles', see (1888) *Commission du Travail instituée par arrêté royal du 15 avril 1886. Comptes rendus des séances plénières, Volume IV*, 201.

reinforcement and expansion of private and social initiatives. Even with social regulation ruling out abuses, private and social initiatives based on Christian solidarity and charity still mattered greatly to give shape to a proper Christian society, something a simple law could never establish:

*Une loi même utile, voire nécessaire, laisse à l'initiative et au patronage une vaste mission [...] en tout pays une loi, aucune loi ne peut dispenser de l'action de l'initiative privée et du patronage qui demeureront nécessaires à la paix et à la stabilité sociales.*⁵⁷¹

Once again Brants was close to the Ducpétiaux in his later years here. Although Brants did not expect social regulation, especially legislation, to be a panacea, neither did he think it was completely obsolete, an opinion held by his eminent predecessor Périn and still followed by many other conservatives. Brants sometimes used the Latin phrase *nihil leges sine moribus* (no laws without mores) which was popular in non-interventionist Catholic circles, not without significantly adding at one instance that 'the law [in itself] is not the right thing; it is only its often necessary auxiliary'. (62) At other occasions, for instance when he praised private initiatives taken by German factory owners, he mentioned that these initiatives 'could not [...] by any means make us forget the duties of the public authority'.⁵⁷² In Brants's opinion, the former did not necessarily exclude the latter – but, more importantly, neither did the latter render the former less fundamental: 'These two factors should be combined these days.'⁵⁷³

His emphasis on private and social initiatives had everything to do with his vision on corporatism, a hot topic among social Catholics in his time. Corporations, whether mixed (management/owners and workers) or exclusively workers' unions, were the fruition/realization of the rightful idea of organizing the social interests of economic groups. (492) But more broadly, the corporatism Brants envisioned was in fact a thriving civil society, composed of different social groups and classes respecting each other's independence:

*L' « organisation » des catégories sociales, ayant leurs droits reconnus, et constituant un système de groupement, de solidarité, d'appui, de devoirs et de droits, fondé sur une commune mission et de communs intérêts, [...] conforme au caractère sociale de l'homme lui-même, dont les manifestations ne peuvent ni se renfermer dans la famille, ni ne connaître d'autre lien que celui de l'administration publique.*⁵⁷⁴

A well-considered and well-organized corporatist society thus defended the interests which were too extensive to be assumed by the individual or his family, but which would be assumed wrongly or despotically when in the hands of the government. (67) In doing so, the social associations, groups and classes also contributed to the common good and relieved the state in his suppletive task. (66)

⁵⁷¹ Brants (1890) 'La législation italienne sur le travail des enfants', 274 and 282. See also pages 278-279.

⁵⁷² Brants (1892) 'Les institutions économiques et sociales à München-Gladbach (Prusse-Rhénane)', 504.

⁵⁷³ Brants (1914) 'Syndicalisme et législation', 116.

⁵⁷⁴ Brants (1905) 'Le Baron Carl von Vogelsang (1818-1890) et la réorganisation sociale corporative en Autriche', 366.

Whether Brants thought this really feasible one day or was just using a conditional phrase was not entirely clear, but a proper corporatist society might one day even make social regulation by the state completely obsolete:

*Dans un régime corporative organisé, ces initiatives sociales eussent pu se produire avec plus de régularité et j'admets tout-à-fait avec lui que l'action légale eût pu être inutile.*⁵⁷⁵

This explains the difference with the radical corporatism by Vogelsang and the Austrian school of *Christen-Sozialen* (Christian Socialists), which intrigued him but which he never endorsed and even strongly criticized. Where Brants saw corporatism as a tool to rebuild the social order, ideally resulting in *less* state intervention, Vogelsang and his school made corporations into an 'official institution, often created without any reference to the idea of moral solidarity', thus even *more* state-like.⁵⁷⁶ Brants subtly added that the medieval corporations that Vogelsang liked to bring up so frequently had been the result of a spontaneous and natural development, whereas Vogelsang's corporations had instead been 'installed', being unconsciously influenced by their national, centralist tradition.⁵⁷⁷ Therefore, Brants also feared that the radical and statist corporatism of Vogelsang would gravely endanger 'the legitimate and necessary liberty'.⁵⁷⁸ In this concern to combine liberty with authority (characteristic of his 'transigent' ultramontanism), he again resembled Prins and his corporatist system of 'organized liberty', as we will see presently.⁵⁷⁹

'L'Etat subsidiaire': a measured and adapted state intervention

Brants's idea of state intervention perfectly chimed with his corporatist views. In addition to the state's protective mission in such matters as social regulation, Brants favoured a carefully measured state intervention. He listed three occasions when direct state intervention was legitimate: helping (1) the interests that individuals or groups were not able to realize; (2) those which individuals or groups in theory *could* realize, but in fact did not sufficiently; (3) and those which individuals and groups would have liked to realize, but which they could not sufficiently realize themselves. (76-77) Rather than making them dependent on state support or even taking their place, the state should always give free rein to existing free initiatives, stimulate early ones to flourish and provoke new ones into blossoming.⁵⁸⁰

⁵⁷⁵ (1908) *Conseil Supérieur du Travail. Neuvième session. 1907-1908 Réglementation de la durée du travail des adultes. Fascicule II. Rapport et discussion*, 51.

⁵⁷⁶ Brants (1889) 'La réglementation du travail industriel en Autriche d'après les documents officiels et les renseignements privés recueillis en 1888', 237.

⁵⁷⁷ Brants (1889) 'La réglementation du travail industriel en Autriche d'après les documents officiels et les renseignements privés recueillis en 1888', 228.

⁵⁷⁸ Brants (1905) 'Le Baron Carl von Vogelsang (1818-1890) et la réorganisation sociale corporative en Autriche', 366-367.

⁵⁷⁹ For the conceptual analysis of transigent ultramontanism (in comparison to transigent liberal-Catholicism, and intransigent liberal-Catholicism and intransigent ultramontanism), see Viaene (2001) *Belgium and the Holy See*, 100ff.

⁵⁸⁰ Brants (1902) 'Un organisme de la vie moderne dans la petite industrie', 349.

Souvent il suffira d'aider, d'encourager l'initiative privée, de lui fournir des instruments légaux; ainsi il consolidera l'action sociale pour le bien, sans briser l'initiative, ni enrayer le ressort. (75)

In his consideration of state intervention, Brants held the respect for private initiative in very high esteem and did not want the state to intervene without reason or in unproductive ways. For this same reason, Brants initially felt a strong aversion to subsidies. He could only imagine subsidies being acceptable if they were temporary, for they would otherwise make the receiving party too dependent.⁵⁸¹ This was one of the 'bad habits' in Vogelsang's conception of the state, defined by Brants as 'badly delineated, very extensive, excessive in our opinion'.⁵⁸² Especially in the early years of his public career, Brants was extremely wary of being reproached for being a 'state socialist' (*socialisme d'Etat*).⁵⁸³ Conservatives on different sides of the political spectrum made clever use of the threatening collectivism of socialists to heap reproaches upon their progressive opponents in any discussion on state intervention. Later in his career, he admitted that private initiative did not suffice and that subsidies, even structural ones, were one way for the government to come to its aid. Therefore, he seemed to accept that 'Belgium has preferred the path of encouragements to private initiative: mutual aid associations that are recognized, helped and subsidized constitute the pivot of its system.' (499) The evolution in his thinking on this score was certainly due to the influence of the Austrian corporatist school, but more importantly it showed that his views were based on the interpretation of the contextual circumstances and were thus very much liable to change.

More generally, the moderate state intervention that Brants supported was just a consequence of his broader preference for prudence, realism and measures carefully adapted to the circumstances, and was also informed by his education as a historian. Unlike many of his contemporaries, Brants realized the difference between ideals and reality and the difficulty of putting theory into practice.

*Et si même la solution organique, théoriquement supérieure, devait reculer devant les difficultés présentes, le devoir serait de songer au péril actuel et d'adapter le programme pratique aux nécessités urgentes de l'heure sociale.*⁵⁸⁴

On the one hand, he thought certain images from the past could not be applied as easily as some suggested, for example in their frantic nostalgia for medieval

⁵⁸¹ Brants (1902) 'Un organisme de la vie moderne dans la petite industrie', 363-364.

⁵⁸² Brants (1889) 'La réglementation du travail industriel en Autriche d'après les documents officiels et les renseignements privés recueillis en 1888', 173. See also Brants (1896) 'Le régime des fabriques en Autriche', 225 and Brants (1905) 'Le Baron Carl von Vogelsang (1818-1890) et la réorganisation sociale corporative en Autriche', 353-378, 366-367 and 369.

⁵⁸³ When proposing a compulsory insurance (even if *not* organized by the state) against industrial accidents in the *Commission du Travail*, Brants hedged himself for such a reproach several times, see (1888) *Commission du Travail instituée par arrêté royal du 15 avril 1886. Comptes rendus des séances plénières, Volume IV*, 200-202.

⁵⁸⁴ Brants (1905) 'Le Baron Carl von Vogelsang (1818-1890) et la réorganisation sociale corporative en Autriche', 378.

corporations.⁵⁸⁵ On the other hand, he also warned that theories or policies conceived or employed in other countries could not be used in exactly the same way somewhere else.⁵⁸⁶ More generally, Brants kept arguing that social and economic reform had to correspond to national traditions and the existing situation. Preferably, changes in the social or economic construction should neither be pushed through nor be hampered by immobility:

*La tendance est réelle; sans faire d'imprudences funestes, on peut espérer qu'elle se généralisera et s'accroîtra mais avec une sage modération, au profit de tous, en tenant compte et des intérêts des ouvriers et des différences caractéristiques du régime industriels.*⁵⁸⁷

Far from being just an ordinary trait of his personality, this general realism was an essential reason why Brants's thinking so closely resembled subsidiarity. Brants had of course already made similar subsidiarity-related remarks in his justifications for social regulation or intervention by the state, more specifically in his call for a suppletive state. But in an extraordinary essay in 1914 which transcended its seemingly more practically-oriented title, he again beautifully demonstrated the intellectual path of reasoning between his rejection of doctrinal absolutism and 'the subsidiary role of the state':

*Que tout ordre social comporte une organisation, c'est ce qui n'est point contesté, mais la forme et la mesure de cette organisation sont de nature théoriquement secondaire et non de droit absolu. Le bien commun à réaliser peut l'être par les traditions fortes d'une hiérarchie traditionnelle, bienfaisante et respectée; il peut devoir être maintenu par l'équilibre de forces combinées en contrepoids; il peut exiger aussi le concours énergique et tranchant du pouvoir. Toute thèse absolue serait ici excessive, il faut laisser aux variétés du temps et de l'espace les différences d'organisation. Les ériger en principe serait créer une sorte de pragmatisme doctrinal. Ce sont des procédés qu'admettent les principes, mais dont ils ne peuvent préciser le détail d'application. Le rôle subsidiaire de l'Etat ou de la loi garantissant le bien nécessaire à la vie nationale, même en imposant des actes de l'ordre privé, dépend, dans son intensité, du rôle même que l'initiative des groupes a pu réaliser.*⁵⁸⁸

With the same concern for context and circumstances, Brants often invoked Thomas Aquinas and his 'Christian prudence [...] social prudence'. (458, 450) Thus he also conceived the idea that the natural social order was brittle and needed consideration in times of reform; that only deference to the different social units could keep the balance steady; that this stratified, multi-layered society could serve

⁵⁸⁵ Brants (1905) 'Le Baron Carl von Vogelsang (1818-1890) et la réorganisation sociale corporative en Autriche', 371 and Brants (1906) 'Le Baron Carl von Vogelsang (1818-1890) et la réorganisation sociale corporative en Autriche (Suite)', 9-10 and 12.

⁵⁸⁶ See for instance AAM, hs.703350 : [Brants], *Notes et souvenirs* and also Brants (1914) 'Syndicalisme et législation', 115.

⁵⁸⁷ Brants (1896) 'Le régime des fabriques en Autriche', 235.

⁵⁸⁸ Brants (1914) 'Syndicalisme et législation', 112.

the common good better than the despotism of either individual or the state. Brants perfectly captured this spirit in what seemed an exceptionally apt description of the subsidiarity principle:

*Pas de fétiche! Pas de moyen exclusif. Le but, c'est-à-dire l'ordre social du bien sous l'empire de la loi divine, réalisé par les moyens, combinés suivant les circonstances, des diverses forces sociales: celles des particuliers dans leur libre initiative, celles des contrats ou des tutelles traditionnelles, celles des groupes organisés et l'action convergente et complémentaire des pouvoirs publics.*⁵⁸⁹

Brants described a multi-layered social order in which, in order to accomplish the ultimate goal of the good and the divine, tasks were allocated to a wide variety of social 'forces' according to the circumstances, with respect for the traditional powers (among them of course the family and the Church) and with the government(s) taking action in a 'convergent and complementary' way.

Overlooking his writings and his thinking, it seems fair to say that if not really a turning point, 1891 and especially Leo XIII's encyclical *Rerum Novarum* at least signified an important affirmation and even encouragement for Brants as a 'desperate ultramontane'.⁵⁹⁰ What attracted him so in Leo XIII's encyclical of *Rerum Novarum* was – not surprisingly – the idea of preferring charity where charity was due but also that of demanding justice where justice was due, which in terms of official Church doctrine was quite revolutionary:

*Qu'il faille l'un et l'autre, une action morale et une action légale, c'est ce dont Léon XIII a proclamé la haute doctrine sociale en maintenant le grand principe de la charité qui fait la vie de l'ordre chrétien. [...] S'il est faux et dangereux de se confier, dans la société humaine, pour la réalisation de l'ordre, à la seule force libre de la charité, s'il faut régler par la justice ce qui est de la justice, s'il faut suppléer même par la loi à ce qui est de charité sociale nécessaire et méconnue, d'autre part il faut maintenir l'indispensable puissance de la force morale de la charité pour garantir cet ordre même et apaiser les luttes sociales.*⁵⁹¹

With this message Leo XIII had tried to endorse social Catholics' and Christian democrats' request for social justice, without compromising the adherence to Christian charity and moral re-Christianization by their opponents. Brants had sought and found the same intellectual path: intellectually born in the latter group, Brants was drawn to more reformist accounts of the former, without ever fully deserting his old views – a centrist position not unlike those of Ducpétiaux and Huet.

⁵⁸⁹ Brants (1914) 'Syndicalisme et législation', 114.

⁵⁹⁰ Meerts (1981-1982) *Victor Brants. Grondslagen van zijn sociaal denken 1856-1891*, 220.

⁵⁹¹ Brants (1905) 'Le Baron Carl von Vogelsang (1818-1890) et la réorganisation sociale corporative en Autriche', 370-371

3.4 Adolphe Prins (1845-1919)

The professional career of Adolphe Prins (1845-1919) mirrored in many ways that of Edouard Ducpétiaux. After his law studies at the Free University of Brussels and some time working as a lawyer, Prins was appointed professor in penal law at the same university, a position he held until his death in 1919. In this function, Prins taught and influenced a wide variety of later statesmen such as Paul Hymans (1865-1941), Henri Carton de Wiart (1869-1951) and Emile Vandervelde (1866-1938), the leading figures of the liberals, Christian democrats and socialists, respectively.⁵⁹² In early 1884 he was asked by the liberal government to become inspector general of the prison system, a position first occupied by Ducpétiaux. Although as a high official he stood under the direct authority of the Minister of Justice and, in spite of his liberal background, he remained in his post under the subsequent Catholic governments for more than 30 years.⁵⁹³ Like Ducpétiaux, Prins's role as inspector general offered him the chance to cooperate in international initiatives such as the *Union internationale de droit pénal*, which he co-founded in 1889. Moreover, his increasing involvement in the social and sociological debates of his time also made him a powerful voice, even in areas outside of his traditional expertise. After being awarded the first Belgian membership of the *Institut Internationale de Sociologie* in Paris he also had a seat in the Belgian *Institut de Sociologie* in 1908 and in the liberal discussion group *Comité d'études économique et sociales* in 1913.⁵⁹⁴ While his penological theory of the 'social defense' earned him continual tributes from criminologists, his appearances as a public figure also resulted in substantial attention by social (and social policy) historians.⁵⁹⁵

Though Brants's senior by nine years and active in a different professional branch, Prins's professional life (and ideas) also ran remarkably parallel with Brants's. Both were picked as members of the *Commission du Travail* in 1886 and subsequently also played an important role in the *Conseil Supérieur*. Prins was also a member of Brants's *Société d'économie sociale*, in which he figured as the very only one with a liberal stamp. But even in his own (liberal) camp, Prins was the odd one out.⁵⁹⁶ His thought was a remarkable blend of progressive, doctrinal and conservative views, resembling Brants to the extent that Puissant placed them both under the header of 'a conservative social reformism'.⁵⁹⁷ Prins was a follower of Le Play for many of the same reasons as Brants: not only for his observations and statistics as methods in

⁵⁹² Deferme (2007) *Uit de Ketens van de Vrijheid*, 84.

⁵⁹³ Puissant (1990) 'Prins et la pensée leplaysienne', 240.

⁵⁹⁴ Van Acker (2014) 'Sociology in Brussels, Organicism and the Idea of a World Society in the Period before the First World War', 156 and Deferme (2007) *Uit de Ketens van de Vrijheid*, 405.

⁵⁹⁵ Because, as this section will make clear, Prins's theory of 'social defense' closely corresponded with his general image of mankind and society, criminologists have also paid due attention to his other activities. See especially Christiaensen (1984-1985) *Destabilisatie en beheersing. De « défense sociale »-doctrine van A. Prins in het licht van zijn mens- en maatschappijvisie*, and Mary (1990) 'Adolphe Prins et la légitime défense sociale', 15-37.

⁵⁹⁶ Dedecker and Slachmuylder (1990) 'De la critique de l'école classique à la théorie de défense sociale: la protection de l'enfance dans la pensée de Prins', 127-128.

⁵⁹⁷ Puissant (1990) 'Prins et la pensée leplaysienne', 248 and also 247.



Figure 4. Adolphe Prins

social science (for which Prins additionally praised Ducpétiaux) but also for his anti-revolutionary discourse. Though different in some specific interpretations and emphasis, Prins and Brants shared a similar diagnosis of the social question as well as important parts of the proposed solution and had a common concern for realistic, contextual and pragmatic answers. Prins's thought undoubtedly centred more on his corporatism and his theory of 'organized liberty', a theory he held on to quite consistently throughout his entire life.⁵⁹⁸

The isolated individual and the 'atomization' of society⁵⁹⁹

Like many of his contemporaries, Prins resorted to the French Revolution and to history in general for his analysis of the contemporary world and his explanation for the causes of the social question. According to Prins, the political history of mankind could be seen as a recurring cycle in which the human preferences for liberty and authority alternated. (44) The risk was not in both principles in themselves – both were equally indispensable for an ideal society – but in their exaggeration. Clearly, the French Revolution had been the start of an era of unprecedented exaggeration of liberty. In all its enthusiasm for liberty and its scorn for the preceding era, the revolution had also abolished not only the old corporations characterizing the era of organization during medieval times but also the fundamental principle of association as a whole. While the physiocrats and the early economists like Adam Smith had at least placed their individualist, liberal and non-interventionist demands in the context of the reigning mercantilism, their formula had been blindly taken to the extreme.⁶⁰⁰ In theory, individualism was not something to be afraid of, but on the contrary, the source of well-being and progress (37) and the 'cornerstone' of the modern political system.⁶⁰¹ However, liberty 'without restraint (*frein*), without counterbalance' (42) and 'atomistic individualism' (98) had only led to the individual's isolation and society's atomization and thus to anarchy and misery. Individuals lived separate lives, isolated without mutual relations or common duties, like atoms which had been separated from the molecule of which they had been a part. (118) The same sort of individualism led the people to think they had to advocate the equally disturbing

⁵⁹⁸ Wodon and Servais (1934) *L'oeuvre d'Adolphe Prins*, 3 cited by Dedecker and Slachmuylder (1990) 'De la critique de l'école classique à la théorie de défense sociale: la protection de l'enfance dans la pensée de Prins', 127.

⁵⁹⁹ Prins gave a series of (published) lectures (1891) and wrote a series of articles (1893-1894) which were then slightly rewritten and published in book form in 1895 under the title of *L'organisation de la liberté et le devoir social*, one of his most important and popular works on the subject. To limit the number of footnotes, I will again refer to the pages in this book with in-text references between brackets. The references for the articles, every one of which corresponds to a chapter in the book, can be found in the selected bibliography at the end.

⁶⁰⁰ Prins (1893) 'Les hauts salaires. Les courtiers journées de travail et les unions professionnelles', 368. In other parts, Prins is even more critical towards Adam Smith and the Classical economists. See for instance, Prins (1895) *L'organisation de la liberté et le devoir social*, 101, 108-110, 119, 186. A particularly hostile passage on Adam Smith appeared in the original article but not in the book, see Prins (1893) 'La conception individualiste', 347-348.

⁶⁰¹ Prins (1888) 'Rapport sur les unions de métier ou associations professionnelles', 55.

idea that sovereignty of the people would only be realized by mass democracy or the rule of the sheer number of the masses.⁶⁰²

Already, counterforces rejecting the harsh liberty that had led to such misery for the masses were preparing an equally exaggerated rule of authority in the form of collectivism and socialism. Understandably, the fact that isolated and disillusioned individuals had only the state to turn to either turned them into anarchists, wanting to destroy it, or into socialists, wanting to conquer it. (118-119) A solution was urgent. Prins for one was pragmatic enough to realize that any kind of social reform was not only needed out of an idealistic concern for justice, but even more so out of a concern for the preservation of order:

*Toutes sortes d'idées flottent sur l'horizon. Elles seront, suivant les circonstances, des semences de révolution ou de stabilité. Si les gouvernements les repoussent en bloc, elles iront aux partis révolutionnaires et leur donneront une force invincible; si les gouvernements les acceptent dans ce qu'elles ont de raisonnable, ils arracheront à la résolution ses armes.*⁶⁰³

The same pragmatism prompted Prins to look for a solution that was maximally adapted to the national and historical context, as Brants had done.⁶⁰⁴ Also like Brants, he despised dogmatism and principles, however just and right in theory, taken to the extreme.⁶⁰⁵ He countered attacks from opponents depicting his ideas as premature and artificial by arguing that the opposite was true: the successes of mutual societies, cooperatives and trade unions in Belgium and abroad had proved the unstoppable 'tendency towards grouping (*groupement*)', and while compared to other countries Belgian law was lagging behind, its national traditions of corporatism and liberty would definitely succeed in the end.⁶⁰⁶

The solution that Prins had in mind was to come from the firm incorporation of the individual in the organic social order. This was not surprising given Prins's own criminological theory of 'social defense', in which he 'envisages social beings who have duties towards the community and considers the criminal foremost as the individual who undermines the social order'.⁶⁰⁷ Perfectly in line with this, Prins had also been giving courses in natural law before his appointment as inspector general of the prison system.⁶⁰⁸ What Prins argued was that, yes, individual liberty was a 'precious conquest' and, yes, it had to be guarded with 'special care (*un soin*

⁶⁰² Puissant (1990) 'Prins et la pensée leplaysienne', 241.

⁶⁰³ Prins (1886) 'La crise nationale', 341 and also 337.

⁶⁰⁴ Dedecker and Slachmuylder (1990) 'De la critique de l'école classique à la théorie de défense sociale: la protection de l'enfance dans la pensée de Prins', 128-129. Prins cited in Prins (1885) *De l'amélioration de la justice criminelle*, 7. See also Prins (1907) 'Avant-propos', 4.

⁶⁰⁵ Prins (1902) 'La tendance collectiviste', 418 and Prins (1906) 'La dette de la science politique contemporaine envers l'œuvre de Le Play', 206

⁶⁰⁶ Prins (1888) 'Rapport sur les unions de métier ou associations professionnelles', 66.

⁶⁰⁷ Tulkens (1986) 'Introduction. Un chapitre de l'histoire des réformateurs. Adolphe Prins et la défense sociale', IIII.

⁶⁰⁸ Wodon and Servais (1934) *L'œuvre d'Adolphe Prins*, XIII.

jaloux).⁶⁰⁹ But the real development of this hard-won individual liberty could only result from the individual's social existence, made clear in Prins's discourse by ample reference to *forces sociales*, *groupement organique* or *forces naturelles*.⁶¹⁰ Natural law created the expectation that individuals would live together. In realizing that others' interests overlapped with his own, the individual striving for collective interest would also mean striving for personal interest. Prins's device that thus 'social progress is linked to individual progress' (10) was reminiscent of Taparelli's natural law theory:

L'homme doit évidemment désirer une situation où il puisse se développer dans son originalité et agir le plus possible d'après ses besoins, ses forces, ses facultés et son droit. Cela lui est utile à lui-même; cela est utile aussi à la société: car c'est un progrès incontestable pour un ensemble organique d'avoir des parties de plus en plus individualistes. Seulement, la véritable théorie individualiste ne s'arrête pas à cette simple notion; pour elle, l'individu n'est rien s'il n'est en même temps un organe par rapport à un tout vivant qui lui est supérieur; s'il vit uniquement pour soi et le présent et non pas également pour autrui et pour l'avenir. (100)

or

L'intérêt personnel s'identifie avec l'intérêt collectif, car chacun, en recherchant son propre intérêt, est utile à l'intérêt général, et le dévouement au but commun profite à la poursuite du but particulier. (134)

At other instances, however, Prins seemed to emphasize the individual's primordial duty to serve group interests in order to serve his own, even emphasizing the individual's subordination to the common good (252), whereas Taparelli (and Brants with him) reasoned that the common interest naturally sprang from the accomplishment, individually or collectively, of personal interests (a slight but significant difference).

Not only to offer the individuals the chance to strive for their social collective interest but also to put an end to the historical pendulum swings between an exaggerated individualism and a centralist authority and its devastating consequences, Prins demanded an intermediary level between the individual and the state. As the former was too feeble and the latter too centralist, there was a firm need for 'free and moderating powers serving as regulating forces to our society, which is shaken by frequent concussions'⁶¹¹:

Il faut des groupements intermédiaires arrachant l'individu au néant; faisant de lui un élément actif d'un organisme et lui donnant avec un but, et un ressort moral, avec une conception de la vie, de la famille et du droit, le sentiment de la solidarité humaine.⁶¹²

⁶⁰⁹ Prins (1888) *Le paupérisme et le principe des assurances ouvrières obligatoires*, 9.

⁶¹⁰ Van der Vorst (1990) 'Adolphe Prins et le droit social', 259-260.

⁶¹¹ Prins (1888) 'Rapport sur les unions de métier ou associations professionnelles', 57.

⁶¹² Prins (1888) 'Rapport sur les unions de métier ou associations professionnelles', 56.

This made Prins one of the outsiders within the liberal movement. He was one of the rare liberals who saw not only room for but even the need for an organized civil society with strong intermediary institutions. As another prominent Belgian liberal noted, he thus corrected and complemented the individualism usually employed in liberal circles.⁶¹³ Prins explicitly saw fit to make the individual a part of a whole to pursue both his own personal and the collective interest, whereas other social liberals predominantly tried to ‘responsibilize’ or ‘empower’ each individual on his own by means of, for instance, popular education or ‘moral uplifting’ (*volksverheffing*).

Between liberty and authority: organized liberty

Convinced of the need for an intermediary level, Prins saw no other solution than his own corporatist theory of ‘organized liberty’.

Entre la liberté sans frein et l'autorité sans limites, il n'y a d'autre intermédiaire que la liberté organisée. Entre un Etat où les volontés sont isolées et un Etat où les volontés sont subjuguées, il n'y a place que pour un Etat où les volontés sont groupées en faisceaux résistants. (127)

His system of organized liberty implied a virtual space between the individual and the state where association reigned freely and spontaneously and where individuals sided with each other to serve their common interests. But exactly in what ways was this liberty going to be organized? For Prins there was only one way, in line with his idea of an organic social order: their natural *social* bonds would automatically bring individuals to fight for common *social* interests. Workers sided with workers, bosses with bosses, farmers with farmers. Since these social divisions constituted the society’s ‘organic framework’ (*membrure organique*) it was most natural that the interest representation be organized along these lines.⁶¹⁴ (133) And because it so closely resembled the social reality, it was also feasible in actual practice: many of the institutions needed for the representation of interests already existed, in the form of workers’ organizations, teachers’ federations, lawyers’ bars, etc. Thus, in Prins’s opinion, interest representation was a more realistic, more organic and more suitable version than the ‘social contract’ theory. This liberal conception that all free individuals were bound by a social contract was too abstract and arbitrary, too weak to actually unite individuals, and hence never could have been put into practice. (135)

It was abundantly clear that Prins drew his inspiration from the medieval corporations. Not unlike other ardent corporatists such as the ultramontane architect Joris Helleputte (1852-1925), Prins’s accounts of the medieval corporations were full of an overly optimistic nostalgia. Prins often conjured up the ‘medieval democracy’ as an era of organization during Europe’s Ancien Régime or

⁶¹³ The other prominent liberal was the socially-minded dean of the Free University of Brussels and contemporary of Prins, Eugène Goblet d’Alviella (1846-1925). See Deferme (2007) *Uit de Ketens van de Vrijheid*, 197 and 231-234.

⁶¹⁴ See also Prins (1886) *La démocratie et le régime représentatif*, 48.

England during the reign of the Tudors.⁶¹⁵ However, he was fully aware that wanting to re-establish these old corporations made no sense. Not only did he acknowledge their errors and disadvantages, he also knew that the context had changed dramatically. Medieval corporations were built on a closed model, perpetuated monopolies and other privileges, and chained and ‘absorbed’ the individual. Interest representation in the modern sense, on the other hand, was not something exclusive as it was inextricably linked with the prevailing freedom of association. Association had already engendered an immense multiplicity of all forms and kinds of societies, representing all sorts of interests. Its connection to the modern principle of association only reinforced a modern interpretation of interest representation: its advantage of being flexible enough to accommodate all these different forms and interests, its compatibility with individual liberty and initiative and, thus, a certain guarantee against the reestablishment of the old privileges. (137-140)

Prins thus forged his corporatism into a consistent theory which he applied not only to the social domain, but also to the political, juridical, moral and administrative domains. His pleas in favour of political representation, compulsory social insurances, governmental decentralization and legal personality for trade unions were all parts of the same plan. What follows is a quick run through these more specific aspects of his organized liberty.

Material and moral betterment for workers

Rather than to choose sides in the endless debate on charity and assistance, and in keeping with the spirit of the times, Prins decided to advocate insurance instead of assistance.⁶¹⁶ Public assistance and private charity were ardently defended by their respective advocates, often to an absurdly extreme extent. A well-thought-out system of social insurance could make the need for charity as well as the burden of public assistance at least partly obsolete. For the organization of such insurances, Prins relied on the ‘great effectiveness’ (150) of association in the form of mutual aid societies, trade unions and other workers’ organizations.

The organized liberty that Prins had in mind ideally combined the advantages of the English free system with those of the German state system in social insurance. In the former, free and spontaneous association had resulted in strong trade unions offering various kinds of social insurances, but only covering the elite part of the workers’ population; in the latter, compulsion had made sure that every worker was insured if not as well-covered as Prins would have wanted. Prins’s main argument in favour of compulsion was indeed that in the free system he advocated, still only a fraction was insured. And while Prins realized that compulsion in Belgian bourgeois circles was not less than a ‘spectre’ (*épouvantail*) when he first made his case around

⁶¹⁵ Vesnitch (1920) ‘Un criminaliste-sociologue belge. Adolphe Prins’, 67 and Prins (1893) ‘Les hauts salaires. Les courtiers journées de travail et les unions professionnelles’, 380.

⁶¹⁶ For more on the (perceived) relationship between assistance and insurance, see an extensive description of these debates in chapter six.

1886, he stressed that compulsion did not in any way rule out the organized liberty of the system:⁶¹⁷

*Messieurs, l'assurance obligatoire n'est pas nécessairement le monopole de l'Etat; je reconnais qu'elle aboutit à l'intervention et au contrôle de l'Etat, bien qu'il faille les réduire au minimum absolument indispensable [...] le syndicat ainsi entendu jouit d'une grande liberté. La loi intervient pour le rendre obligatoire; la loi intervient encore pour lui imposer un minimum de garanties, des règles générales et scientifiques d'organisation. Mais, cela fait, le syndicat reste indépendant.*⁶¹⁸

In fact, when he in 1895 had toned down his demand for compulsion, he had not lost his belief in the mixed system of organized liberty:

La perfection, encore une fois, ce serait la liberté organisée pour tous, c'est-à-dire des organismes libres et reconnus comme en Angleterre, étendant l'assurance à la masse comme en Allemagne. Mais que l'assurance soit généralisée ou restreinte, obligatoire ou libre, [...] elle repose et elle doit toujours reposer sur le groupement organique des intérêts semblables. (152)

But Prins also adduced moral grounds for attributing the same organizations a vital part in the social sphere. Echoing the discourse of Brants, Prins maintained that the strictly material improvement of the workers' situation could only succeed if combined with 'a correlative moral progress'. (V) Prins emphasized in this regard that trade unions and workers' organizations not only carried out a material task in speaking out for workers' rights, but also had the moral duty to make them realize their duties:

La culture individualiste [...] doit céder la place à la culture morale que l'on peut appeler organique, parce qu'elle enseigne à l'homme sa dépendance vis-à-vis de l'ensemble organique dont il fait partie, et la nécessité du sacrifice à la communauté [...] et lui inspire la notion du devoir. (250-251)

In the bourgeois circles of his time, trade unions were often dismissed as hotbeds of violence and anarchy. Prins contrasted this by emphasizing that if trade unions offered workers independence and the chance of resistance, they also imparted to them responsibility, discipline and respect for the rule of law. Unions provided the 'aliment' of those human aspirations that they could not find in their family, the most natural and basic group of all. Even more so, they reinforced their sense of and esteem for family life and their own human dignity.⁶¹⁹ All the more reason, Prins argued, to actively encourage, protect and legally recognize trade unions, instead of only tolerating them. (153-154) He particularly emphasized legal personality for trade unions and other voluntary associations, as it was only the natural consequence and juridical anchoring of the human reflex of association. (157-158)

⁶¹⁷ Prins (1888) *Le paupérisme et le principe des assurances ouvrières obligatoires*, 24.

⁶¹⁸ (1888) *Commission du Travail instituée par arrêté royal du 15 avril 1886. Comptes rendus des séances plénières, Volume IV*, 190-191.

⁶¹⁹ Prins (1886) *La démocratie et le régime représentatif*, 74-75.

Neither a political issue nor just a favour of the authorities, legal recognition ‘naturally flows from the rapprochement of human beings like the source springs from the soil’. (158) Moreover, by legally recognizing associations of civil right, the government could keep them under their control, in contrast with the far more dangerous option of letting them exist clandestinely.⁶²⁰ Again, Prins showed an attachment to the establishment and embedding of intermediary institutions which was rare in liberal circles.⁶²¹ He refused to acknowledge the fear of his liberal colleagues for the ‘mainmorte’, still associated in liberal circles with the alleged accumulation of goods and capital by religious associations.

Political interest representation

Prins also hoped to see his system of organized liberty extended to the political domain. Calling the expansion of democracy the ‘capital issue’ of the nineteenth century, Prins anticipated the coming electoral reform toward universal suffrage as early as 1884. As a social reformist, he welcomed the emancipation of the working class and their ‘incontestable rights’.⁶²² However, he saw universal suffrage as both part of and the result of the same atomized individualist society he so ardently opposed with his organic and organized liberty. Holding voting rights was confused with the right to be represented politically, Prins argued. People without voting rights could be represented by chance but in the majority system prevailing it also happened that people with voting rights were not represented. And even with universal suffrage, workers could never be confident of being truly represented by politicians whose only concern was to win as many votes as they could get. (190)

In its stead, Prins proposed a system of political interest representation, where people of the same social class or group chose their own representatives. Electing representatives by class or social group was far more natural and in accordance with the social order than the existing, merely geographical constituencies. (198-199) Going beyond prudently reformist bills that had previously been proposed by liberal members of parliament, Prins envisioned a Senate with eight electoral ‘colleges’ representing the main social interest groups: (1) labour, (2) capital, (3) science, arts and education, (4) law, (5) worship, (6) defense, (7) agriculture, (8) hygiene and public works. The Chamber of Representatives was to be chosen by voters grouped by category, divided in the countryside into rural and industrial districts and in the cities into three ‘colleges’ of census payers, ‘capacitary’ voters and workers.⁶²³ Significant was Prins’s comment that many of the representative institutions already existed, again implying that the political system had to be a natural part of, built on and modelled to the social order and that doing so would only contribute to the stability of the social order.

⁶²⁰ Prins (1907) ‘Avant-propos’, 7.

⁶²¹ Deferme (2007) *Uit de Ketens van de Vrijheid*, 231-234.

⁶²² Prins (1886) *La démocratie et le régime représentatif*, 170.

⁶²³ Prins (1891) *La représentation des intérêts. Conférence donnée à la Fédération ouvrière le 8 janvier 1891*, 16-18.

*En outre, les groupes organiques, les associations d'intérêts présenteront, pour l'établissement du droit de suffrage, une base solide que l'individu isolé est incapable de fournir. [...] le groupement des intérêts, en assurant le droit de représentation de tous, est la seule formule scientifique et juste du suffrage de tous. [...] au lieu de ne prendre que les groupes politiques, elle s'adresse à tous les groupes sociaux. Elle est la vraie garantie de la paix sociale.*⁶²⁴

Governmental decentralization

In the wake of his arguments for political reform, Prins also touched on the importance of decentralized government. If Prins wanted to install his corporatist system, it was precisely to lessen the influence and power of the central government, and reduce the chances of this central government becoming a despotic power. Aside from helping individuals in their struggle against isolation, these intermediary institutions significantly reduced the burden on the state, which could not and should not do everything by itself.⁶²⁵ Ever since the Roman Empire, there had been a recurring penchant for absolutist power of a central government standing above the nation and its people, 'detached from the social life'. (61) It had been revived by the same radicalism that had caused the exaggerated individualism, abolishing all intermediary institutions and widening the gap between individuals and the centralizing state:

à mesure que les légistes aidaient à construire et à fortifier l'autonomie centrale, et à mesure que les individus se sentaient plus isolés, ils tournaient avec plus d'inquiétude leurs regards vers le pouvoir central. (64)

Invoking Ducpétiaux with his *Mission de l'Etat* as well as Humboldt and his *The Limits of State Action*, Prins remarked that these flaws were not due to authority itself, but to exaggerated centralization of authority. (59) Therefore, decentralization was the right answer and not anarchy. Very much in line with his preference for reforms close to the existing (or ideal) social order, he praised local government for its closeness to the people and the interests it represented.

What about the role for the state within the decentralized government? Prins was not naïve: the perfect social order did not exist and the regulatory task of the state was still badly needed. As the supreme authority, the state had to reconcile order and authority with a properly democratic regime and the interest of local autonomy with those of national unity. (75) It was the state's responsibility to install the legal framework, initiate necessary reforms and provide the means to carry them out.⁶²⁶ As already shown above, intermediary institutions had to be stimulated and encouraged, subsidized if need be. Though realizing the controversy and delicacy of it, Prins never ruled out structural financial support. All that being said, it seems to

⁶²⁴ Prins (1886) 'La crise nationale', 336.

⁶²⁵ Prins (1907) 'Avant-propos', 6.

⁶²⁶ Dedecker and Slachmuylder (1990) 'De la critique de l'école classique à la théorie de défense sociale : la protection de l'enfance dans la pensée de Prins', 137. Referring to : Prins (1880) *Essai sur la criminalité d'après la science moderne*, 20.

be true that Prins seemed less interested than some of his contemporaries in discussing the role of the state, reflecting that it was only one part of the broader corporatist reform he championed.

Subsidiarity discourse

All in all, Prins's encompassing theory clearly involved the main features of subsidiarity. With his organized liberty as a middle way, he reacted against both 'liberty without restraint and authority without limits'(127):

*La vérité ce n'est ni la centralisation ni l'individualisation outrancière; c'est une décentralisation au profit des groupes locaux, avec le contrôle et l'intervention de l'Etat; c'est, de plus, à côté de la protection ainsi organisée pour les faibles, l'action énergique de la justice contre les mauvais.*⁶²⁷

The key terms revealed much: decentralized government, local groups, a controlling but intervening state, protection and justice. But more importantly, organized liberty was also meant as the blueprint of an organic social order. Only when all those aspects were brought together in a concise statement did his subsidiarity-like thought fully emerge:

*En résumé, il faut au monde désagrégé un ciment. Or, supposez que la société soit une superposition d'institutions locales, le faisceau de tous les groupes répondant à des besoins sociaux; supposez que la commune, la province, l'Etat, chacun dans sa sphère et à son tour, surveillent et complètent le fonctionnement des organes locaux; que l'Etat, notamment, intervienne pour faire de toutes ces parties un ensemble, pour leur imprimer la cohésion nécessaire et un mouvement harmonique; et sans compromettre l'unité indispensable, on maintient la diversité des forces locales, on voit renaître le sentiment du devoir social et de la responsabilité sociale; on attire à la surface les énergies latentes; on permet à l'homme de marcher sans être arrêté par les mille obstacles de la lourde machine gouvernementale, sans mourir étouffé dans la cellule de la prison collectiviste, sans se perdre dans le chaos auquel aboutit fatalement l'exaltation frénétique de l'individu. (94-95)*⁶²⁸

It is hard to find a more apt description of Prins's thinking – or a more apt description of nineteenth-century subsidiarity, for that matter: society as an agglomeration of all sorts of institutions meeting social needs; local, provincial and central government in their own proper way complementing where necessary; the state guarding and directing all elements toward the common good and social harmony, without crippling individual or social energy.

⁶²⁷ Prins (1886) *Criminalité et repression. Essai de science pénale*, 61.

⁶²⁸ An extended version of this same paragraph already appeared in Prins (1886) *Criminalité et repression. Essai de science pénale*, 60-61. For a slightly shorter paragraph conveying the same idea of subsidiarity see 'Si nous voulons ... d'une vie organique'. (153-154)

3.5 Antoine Pottier (1849-1923)

Until the late 1880s Antoine Pottier (1849-1923) was little more than a little-known priest who taught moral theology at the Liège seminary. Pottier had attended the Gregorian University in Rome to study theology, was ordained a priest in 1874 and was appointed to a teaching position at the Liège seminary in 1879.⁶²⁹ The 1886 incidents aroused his interest in the social question and in 1887 Pottier found himself endorsing the corporatist views of leading ultramontane Joris Helleputte at the second social congress in Liège. Much changed when two years later his paper on *La coopération et les sociétés ouvrières* appeared, in which his corporatist tone had changed and in which he emphasized the need for autonomy for workers. Conservatives subsequently prevented him from presenting a paper on the workers' demands at the third social congress in Liège in 1890. However, at the insistence of his progressive and supportive bishop Victor-Joseph Doutreloux, who was already mentioned in the previous chapter for his part in organizing the Liège congresses, the paper was included in the proceedings published afterwards.⁶³⁰ During the following years, Pottier was mired in controversy through attacks by conservatives, who continuously tried to associate him with the more radical and dissident Christian democrat priest Adolf Daens (1839-1907).⁶³¹ He also increasingly engaged in workers' initiatives himself, founding several syndicates over the years and a Christian democrat journal *Le Bien du Peuple* in 1892. Pottier himself insisted that his program was 'reformist' and 'progressive' but not at all 'subversive'.⁶³² However, conservatives kept pulling the strings and in 1895 Leo XIII intervened in the ongoing quarrels. Without an expression of sympathy for the conservatives or an unequivocal disavowal for Pottier, the pope asked Pottier in the name of Catholic unity to abstain from social or political action from then on and focus on his theological work instead.⁶³³ Over the course of the following years, Pottier gradually withdrew from his activities. Around the turn of the century health issues led him to the gentle climate of Rome, where he in 1905 was offered a teaching position at the Leonine College.

Because of his extensive contacts with Italian, German, French and other European social Catholics, Pottier was seen and remembered mostly as a Christian democrat activist and 'leader of the "Liège school"' when he in fact remained an intellectual.⁶³⁴

⁶²⁹ Jadoulle (1992) 'Le Question sociale, une question religieuse avant tout. Réponse d'un démocrate-chrétien : Antoine Pottier (1849-1923)', 53.

⁶³⁰ Delville (2009) 'Antoine Pottier (1849-1923), le « docteur de la démocratie chrétienne » : ses relations internationales jusqu'à son refuge à Rome en 1902', 221.

⁶³¹ The Brussels Christian democrat and minister Henri Carton de Wiart later said that 'L'abbé Daens n'avait ni la haute dignité intellectuelle ni la culture philosophique et sociologique qui caractérisaient un autre apôtre du mouvement social catholique, M. l'abbé Pottier'. See Carton de Wiart (1948) *Souvenirs politiques (1878-1918)*, 73.

⁶³² (1892) 'Notre programme', 1.

⁶³³ Jadoulle (1991) *La pensée de l'abbé Pottier (1849-1923) Contribution à l'histoire de la démocratie chrétienne en Belgique*, 74-75.

⁶³⁴ Misner (2015) *Catholic Labor Movements in Europe*, 9 en 83 ; McLeod (1995) *European Religion in the Age of Great Cities: 1830-1930*, 287 and Delville (2009) 'Antoine Pottier (1849-1923), le « docteur de la démocratie chrétienne »', 212.



Figure 5. Antoine Pottier

For a focus on Pottier's international networks, see Delville (2009) 'Antoine Pottier (1849-1923), le « docteur de la démocratie chrétienne »', 209-260. For Pottier's influence on Spanish Catholicism, see: Delville (1992) 'Monseigneur Pottier dans la tourmente espagnol', 271-294. For his correspondence with the Italian movement, see Tedeschi (2008) 'Un rôle nouveau pour les ouvriers au sein des entreprises après la grande guerre : les idées de l'Abbé Pottier et le syndicalisme chrétien en Italie'.

His thinking was heavily influenced, from his student days onwards, by a thorough reading of the Classical economists such as Adam Smith and more importantly by his sympathy for Italian neo-Thomistic Jesuit thinkers such as Taparelli, Matteo Liberatore (1810-1892) and August Lehmkühl (1834-1918).⁶³⁵ His withdrawal from political and social activities as well as his stay and position in Rome allowed Pottier to elaborate his sociological and theological theory in peace and quiet.⁶³⁶ In 1901 he published a theoretical treatise on *De Jura et Justitia* and he reappeared on the Belgian scene after the First World War with two important volumes on *La Morale Catholique et les questions sociales d'aujourd'hui*. Pottier thus made an important contribution to the intellectual development of European Christian democracy, laying the foundations for a 'doctrine of the early Catholic solidarists'.⁶³⁷ It is no coincidence that post-war German Christian democracy, often seen as one of the laboratories of the subsidiarity principle in policy implementation, seemed to echo Pottier's ideas.⁶³⁸ The same was true to a certain extent for Pius XI's *Quadragesimo Anno*. The encyclical containing the first official utterance of subsidiarity as a principle was also the first to speak about *social justice* rather than the *legal justice* more common in neo-Thomist theological circles. Pottier was one of the pioneers in using social justice as a term, which as we will see formed the cornerstone of his theory.⁶³⁹ Therefore, of all the thinkers discussed in this chapter, Pottier was the one who most theoretically gave shape to and championed the ideas that less than ten years after his death would become known as subsidiarity.

Natural rights à la Taparelli

Sharing the same field of expertise, Pottier very much thought along the lines of Taparelli's natural right system. Nature itself bestowed individuals with four fundamental rights: (1) the right to procure a living from their labour; (2) the right to private property; (3) the right to marriage and (4) the right of association. Those rights essentially provided them with the material goods that they needed to strive to their own development and perfection. They could simply never accomplish such perfection outside of society, hence nature had made them naturally inclined to live in relation to this society. Therefore human beings were also social beings. As the two latter natural rights implied, family and association were most helpful to individuals in fulfilling their individual quest. As intermediary levels in the social order, themselves enjoying their own natural right of existence and thus a certain level of autonomy, they stood between the individual and the state as the protector of the common good. The four natural rights and the individual's social existence were only to be limited when they clashed with the rights of his fellow men and the

⁶³⁵ Pottier (1890) 'Ce qu'il y a de légitime dans les revendications ouvrières', 40; Delville (2009) 'Antoine Pottier (1849-1923), le « docteur de la démocratie chrétienne »', 222-224 and de Bruijne (1954) *Monseigneur Antoine Pottier 1849-1923 Een eerste contact met zijn leven en voornaamste geschriften*, 57.

⁶³⁶ Delville (2009) 'Antoine Pottier (1849-1923), le « docteur de la démocratie chrétienne »', 257.

⁶³⁷ Strikwerda (1995) 'Resurgent Religion. The rise of Catholic social movements in nineteenth-century Belgian Cities', 69-70.

⁶³⁸ Cardolle (1951) *Un précurseur, un docteur, un pionnier social : Monseigneur Pottier (1849-1923)*, 33.

⁶³⁹ Jadoulle (1991) *La pensée de l'abbé Pottier (1849-1923)*, 117-119.

right of the common good. Understood in this sense, Pottier's (and Taparelli's) theory of natural rights was a disavowal of the liberal social contract theory. Whereas the natural rights in the understanding of social contract theory à la Locke resulted in one political authority given the power to restrict some measure of individual liberty in order to protect everyone's individual rights, Pottier and Taparelli reasoned that the individual's natural rights were best protected by various, ascending forms of association and their corresponding levels of authority. In such a hierarchical social order, a certain level of authority or social group could only reasonably come into action by the grace of a lower level's insufficiency, spurred by a combination of the natural rights of the individuals constituting the same social group and the social group's own ability to direct those individual rights to the common good. In this social edifice, political authority was only one – and arguably the last – level and it could never be the *sole* protector of the common good.

Indeed, for Pottier there was no contradiction between a fully developed right of the common good and the full exercise of the individual's natural rights. On the contrary, pursuing the common good could only succeed if it was suffused with the individual and collective rights of its individual and collective members, while those individual and collective members could trust that pursuing their common interests would automatically lead to the perfection of the common good:

*les classes sociales, nécessaires parce que naturelles, sont destinées comme les membres d'un même corps à s'harmoniser par l'exercice de leur fonction propre et respective dans l'unité d'une fin commune qui est le bien général.*⁶⁴⁰

The idea that individual and collective rights somehow automatically converged with the common good was hugely reminiscent of Taparelli's neo-Thomist theory as explained in chapter one. Pottier of course knew Taparelli's theory all too well; he had even gained fame as one of the few theologians since Taparelli to deal with the difficult subject of wage theory.⁶⁴¹ Pottier also followed Taparelli by centering his theory on social or legal justice. Social justice, which Thomas Aquinas had called legal justice, implied legal action, which was sometimes needed to direct individual and social actions towards the common good. Because social justice had as its sole task to safeguard the common good it was superior to the two more commonly known other forms of justice, commutative and distributive justice. It was no surprise that Pottier devoted the whole third part of his *De Jura et Justitia* to this social justice.

⁶⁴⁰ Pottier (1901) 'Les Directions Pontificales et la Démocratie Chrétienne', 103.

⁶⁴¹ See Pottier (1890) 'Ce qu'il y a de légitime dans les revendications ouvrières', 40 and Cardolle (1951) *Un précurseur, un docteur, un pionnier social*, 27-28.

Dignity and justice for the working class: the state's 'positive and negative duties'

These theoretical reflections informed Pottier's view on the social problems of his time. His defense of the working class was rooted in a deep belief that all individuals were created equal and that they all had a need for material goods to aim for their own perfection and their socialization within their family and society.⁶⁴² Although Prins by contrast started from inequality (i.e. all men were *not* created equal), he and Pottier shared the analysis that the atomization of society had deprived individuals of their place in the natural order just like the tyranny of a small elite had deprived them of the few material goods that were rightfully theirs. Anticipating his fear that, as an answer to these deprivations, the universal movement toward democratization was being monopolized by the socialist movement, Pottier intended to lead the working class into self-government.⁶⁴³ By 1889, he had already lost much of his confidence in the traditional mixed corporations and religious 'brotherhoods', instead favouring independent workers' unions and cooperatives. In the longer term, he hoped to establish nothing less than an independent 'fourth class' of workers within a restored social order with interest representation that came remarkably close to Prins's system. Pottier's insistence on the self-help of the working class (*auto-gouvernement* or *self-gouvernement*, as he called it), which was mostly associated with liberal progressists, was also dictated by his neo-Thomist principles. Autonomy would not only bring workers freedom in the pursuit of their personal perfection, but also the much-needed dignity that the atomization and their working conditions had taken away. Pottier told workers that the essence of the Christian democrat program was in favouring a free individual enjoying the dignity of being able to work towards his own and his family's development in this life and the hereafter: 'it is your liberty that this platform defends, your dignity that it safeguards, your social elevation that it realizes'.⁶⁴⁴

What was also very much inspired by his neo-Thomist values and his theoretical framework of natural rights was his call for state intervention. Pottier's state conception is easy to misunderstand or oversimplify – certainly if judged by his contemporary critics who caricatured him as a dogmatical interventionist – but it becomes much more clear when seen against the backdrop of his theoretical framework.⁶⁴⁵ Like the other intellectuals in this chapter, the state was for him the legitimate protector of the common good. As the common good was supposed to be ingrained in the individual and collective rights, the state should not only protect but also actively encourage and stimulate those rights.

⁶⁴² de Bruijne (1954) *Monseigneur Antoine Pottier 1849-1923. Een eerste contact met zijn leven en voornaamste geschriften*.

⁶⁴³ Pottier (1901) 'Les Directions Pontificales et la Démocratie Chrétienne', 94-96.

⁶⁴⁴ (1892) 'Notre programme', 1.

⁶⁴⁵ Jadoulle has done an excellent job in this respect, see Jadoulle (1991) *La pensée de l'abbé Pottier (1849-1923) Contribution à l'histoire de la démocratie chrétienne en Belgique*, 149-163. Much of this paragraph is indebted to his elaborate sketch of Pottier's ideas.

*Plusieurs de nos revendications exigent le secours et la sanction des pouvoirs publics. Fidèles aux enseignements du Saint-Père, nous faisons appel à l'intervention de ces pouvoirs, non seulement pour protéger le droit de chacun mais encore pour promouvoir le bien de toutes les classes en général et celle des pouvoirs en particulier.*⁶⁴⁶

Pottier thus proved himself a loyal follower of Leo XIII and *Rerum Novarum*, for instance also by claiming that 'charity (*bienfaisance*) and almsgiving do not have the function to replace justice'.⁶⁴⁷ However, he seemed to somewhat extend Leo XIII's idea of state intervention. Where Leo XIII especially focused on a regulating state intervening if and when the rights of the common good were being neglected or prejudiced, Pottier also seemed to like the idea of the state preventatively guaranteeing these rights.⁶⁴⁸ He invoked such an active and positive involvement of the state by, for instance, calling for the official recognition and support of trade unions and the subsidizing of Catholic schools. Amidst growing conservative criticism and irritation, Pottier could voice such demands only because he had the strong support of his bishop.⁶⁴⁹ Already in 1887, at the second social congress of Liège, Doutreloux remarked that

*Le droit de l'Etat et même en certains cas son devoir d'intervenir dans le domaine économique sont incontestables [...] L'Etat a donc le droit d'y intervenir pour le favoriser, et promouvoir ainsi le bien-être général, soit pour empêcher qu'en le troublant on ne mette ce bien être en danger [...] Et ce droit, l'Etat a-t-il le devoir de l'exercer ? Oui, dans certaines circonstances et dans de justes limites.*⁶⁵⁰

What is remarkable here is not so much that Doutreloux, like Pottier, agreed that the protection of the common good was not only an incontestable right but also a duty, but that he added that such a duty could only be used in certain circumstances and was to be kept within proper boundaries.

Pottier came to the same measured state intervention by maintaining that, besides its legitimate *positive* right and duty to intervene, the state also enjoyed what he called '*negative* duties'.⁶⁵¹ If state intervention was not specifically needed, the state had to refrain from hampering the development of individuals and associations and meddling in their internal affairs. Not unlike the way in which he reconciled the protection of the common good and the individual's rights in his *De jura et Justitia*, he produced the evidence for these negative duties from the same sources that underpinned his positive notion of the state. First, much as the state's task stemmed from a natural right, the individuals' rights as well as their right to associate were also grounded in a natural right. The latter, moreover, prevailed over what in fact was mostly a 'suppletive' or 'secondary' task by the state:

⁶⁴⁶ (1892) 'Notre programme', 1.

⁶⁴⁷ Pottier (1901) 'Les Directions Pontificales et la Démocratie Chrétienne', 83.

⁶⁴⁸ Jadoulle (1991) *La pensée de l'abbé Pottier (1849-1923)*, 154-156.

⁶⁴⁹ Strikwerda (1995) 'Resurgent Religion. The rise of Catholic social movements in nineteenth-century Belgian Cities', 70.

⁶⁵⁰ Cited by Brants (1901) *Les grandes lignes de l'économie politique*, 71-72.

⁶⁵¹ Pottier (1921) *La Morale Catholique et les Questions Sociales d'Aujourd'hui*, II, 145-152.

*En effet, par nature l'homme est par rapport à l'Etat, non seulement premier dans le temps mais aussi plus puissant en droit. [...] Donc la fonction de l'Etat n'est pas de se substituer à l'homme [...] mais est de protéger l'homme et de le favoriser.*⁶⁵²

Secondly, as the natural rights theory already implied, this had everything to do with respecting and guaranteeing the individuals' dignity. Whereas dignity sometimes required positive state intervention for the sake of social justice, it more fundamentally and more often simply resulted from freedom.⁶⁵³ The workers' right to self-government was one of its consequences:

*principalement, le relèvement moral et matériel de l'ouvrier dépend de l'ingérence des pouvoirs publics beaucoup plus moins qu'un certain nombre ne le dit. En Belgique surtout, où nous jouissons de la plus complète liberté de l'association, l'initiative privée, fécondée par l'apostolat catholique, peut rendre sur beaucoup de points l'action de l'Etat inutile.*⁶⁵⁴

And thirdly, as the state represented the common good and the will of the collectivity it also followed that it could not engage in those interests representing only some particular part of the collectivity. In theory, he rejected, for example, the idea that the state had to contribute financially to social insurances for workers, as 'not you and not me, we should not insure workers who have never worked for us'.⁶⁵⁵ Put simply, the state was the voice of the collectivity, and if its intervention only helped a part of this collectivity, it was not legitimate. In sum, the same neo-Thomist key concepts in his theory – natural rights, human dignity and the common good – justified not only the positive but also the negative conception of the state.

So Pottier, too, basically stood for what would soon become known as the subsidiarity principle: a just society derived from natural rights with a state which respected the autonomy, dignity and freedom of individuals, families, associations, social classes to pursue their ideals, watching over the common good and intervening when necessary.⁶⁵⁶ Where Prins's subsidiarity thinking centered on his corporatist theory of organized liberty, Pottier's subsidiarity was especially prominent in his double-sided state idea. Not surprisingly so, as social justice and the common good were equally prominent in his theoretical framework. But like Brants and especially Ducpétiaux, Pottier envisioned a state which 'helped', 'stimulated' and encouraged private initiative, instead of 'absorbing' it, and which only intervened actively when and only to the degree that seemed fit:

Le caractère obligatoire de l'assurance ne veut pas dire que l'Etat doit la monopoliser et l'exercer directement. Au contraire, la fonction de l'Etat en cette matière, comme en toutes

⁶⁵² Pottier (1900) *De jura et justitia, dissertationes de notione generali Juris et Justitiae et de Justitia legale*, 166 cited by Jadoulle (1991) *La pensée de l'abbé Pottier (1849-1923)*, 148.

⁶⁵³ See for instance, Pottier (1920) *La Morale Catholique et les Questions Sociales d'aujourd'hui*, I, 57.

⁶⁵⁴ Pottier (1889) *La coopération et les sociétés ouvrières*, 70.

⁶⁵⁵ Pottier (1920) *La Morale Catholique et les Questions Sociales d'aujourd'hui*, I, 57.

⁶⁵⁶ In his thesis De Bruijne had already connected Pottier with the subsidiarity principle, see de Bruijne (1954) *Monseigneur Antoine Pottier 1849-1923*, 78.

*autres, n'est pas d'absorber l'initiative privée ou associée des citoyens, mais de la stimuler et de l'aider à se développer le plus largement et le plus parfaitement possible. C'est pourquoi, l'Etat, ici comme ailleurs, a le devoir de laisser pratiquer l'organisation de l'assurance par les citoyens, patrons ou autres, qui veulent y vaquer, et d'exercer sur ces initiatives un contrôle le moins bureaucratique possible afin de constater que les intérêts des ouvriers sont respectés et assurés. Il n'a à pratiquer cette assurance par lui-même que quand l'initiative des citoyens serait impuissante à y pourvoir, et seulement dans la mesure dans laquelle elle serait impuissante.*⁶⁵⁷

Conclusion

Having studied the ideas of Huet, Ducpétiaux, Brants, Prins and Pottier, it has been made clear how they all shared the core principles of what I have defined as subsidiarity. To a lesser or greater extent and in variable proportions, they all pictured a multi-layered and hierarchical society in which individuals organically associated themselves in different forms, deriving their sovereignty and autonomy from natural rights and constituting social units which, in addition to striving for the individual good of their members, were also partaking in the completion of the common good. They shared their call for a 'subsidiary' government which respected, regulated, facilitated and encouraged the initiative of social units in their attempts to achieve social progress, whilst preferably intervening in a subsidiary way only if and when the insufficiency or inadequacy of their efforts necessitated it. This was the common thread that ran through their systems of thought and through their discourses, even if compensated for by the evolution in their thought. Precisely because the core of their thought was essentially contextualist – always making a careful assessment of the situation as well as taking into account the future consequences of any possible measure – their personal *interpretations* of these core principles varied. In addition to their personal differences, their thought was also never static, remaining susceptible to evolution throughout the years. But even then, this often came down to changing contexts (for instance the growing importance of social justice) and hence changing *interpretations* rather than changing fundamental underlying *principles*.

However, one might wonder not only how these five thinkers related to each other but also where their subsidiarity ideas positioned them in relation to other thinkers not necessarily sharing these core subsidiarity principles, such as socialists, anarchists, economic liberals and so on. Therefore, I have constructed an analytical diagram (see figure 6) in which the five thinkers are placed according to their views on two dichotomic questions which arguably determined many if not all of the existing political ideologies (and especially subsidiarity) to a certain extent. These two questions are represented by the two axes in the following figure: individualism/atomism versus collectivism/holism on the one hand (X-axis) and

⁶⁵⁷ Pottier (1920) *La Morale Catholique et les Questions Sociales d' Aujourd'hui*, I, 39.

statism/interventionism versus anarchism/non-interventionism on the other hand (Y-axis). While the second question (interventionism vs. non-interventionism) may not need further explanation, the first does. Essentially it is about whether someone believed (A) that the individual was the only legitimate bearer of rights, that the plurality of individuals was all there was to society like atoms to a molecule, and that the power to govern resided in the individual (individualism/atomism) or (B) that individual's rights were defined by and resided in the community or communities (in whatever form), that society was defined by and made up of one or many of such communities rather than individuals, and that the power to govern resided in this community or communities (collectivism/holism).⁶⁵⁸ The middle of that axis then represents those who attach great importance to individual liberty, but also admit that individuals are (to lesser or greater extent) defined by the social relations in which they naturally or voluntarily engage and that these relations have an important part to play in society in addition to the individual him- or herself. Thus, as a rule, non-interventionists would end up on the bottom end and interventionists on the top end of the Y-axis, while collectivists or 'organicists' would be placed on the far right and individualists and atomists on the far left of the X-axis.

Of course, such a figure is only made to visualize the relationships and to achieve a level of analytical clarity. Like all such analytical devices or figures, it is also arbitrary and inherently flawed. It might give the erroneous impression that the ideas of the persons put on the figure were by definition static, which we know to be untrue from the preceding pages. In addition, the axes are not flawless either, predominantly because they cannot account for qualitative differences; state intervention, for example, might mean something to one person and something else to another. Also, some of the five thinkers discussed here are more difficult to place in the diagram than others. Adolphe Prins was arguably the most liberal of the five and the one most essentially drawn to the liberal value of individualism, but he was also the one who went great length to structure society on a corporatist basis and gave associations and corporations major responsibilities in his ideal society. Huet on the other hand seemed rather less inclined to incorporate forms of association in society and did not accept state intervention as readily as others (hence his position in the bottom left part of the diagram), but he probably came closest to the progressive notion of social justice which only Pottier supported and which would have given him a more progressive spot on the diagram if the diagram was conceived differently. Be that as it may, and taken into account all such reservations and qualifications, I believe the diagram nevertheless can serve the analysis well by way of concluding synthesis.

What the diagram most clearly conveys is how the subsidiarity ideas essentially presented itself as a discourse of the 'middle way' between extremist views on both axes; a subsidiarity zone in the middle between individualism and collectivism on

⁶⁵⁸ For a discursive analysis of social policy that also is based on the dichotomy between atomism and holism, see Deferme (2007) *Uit de ketens van de vrijheid*.

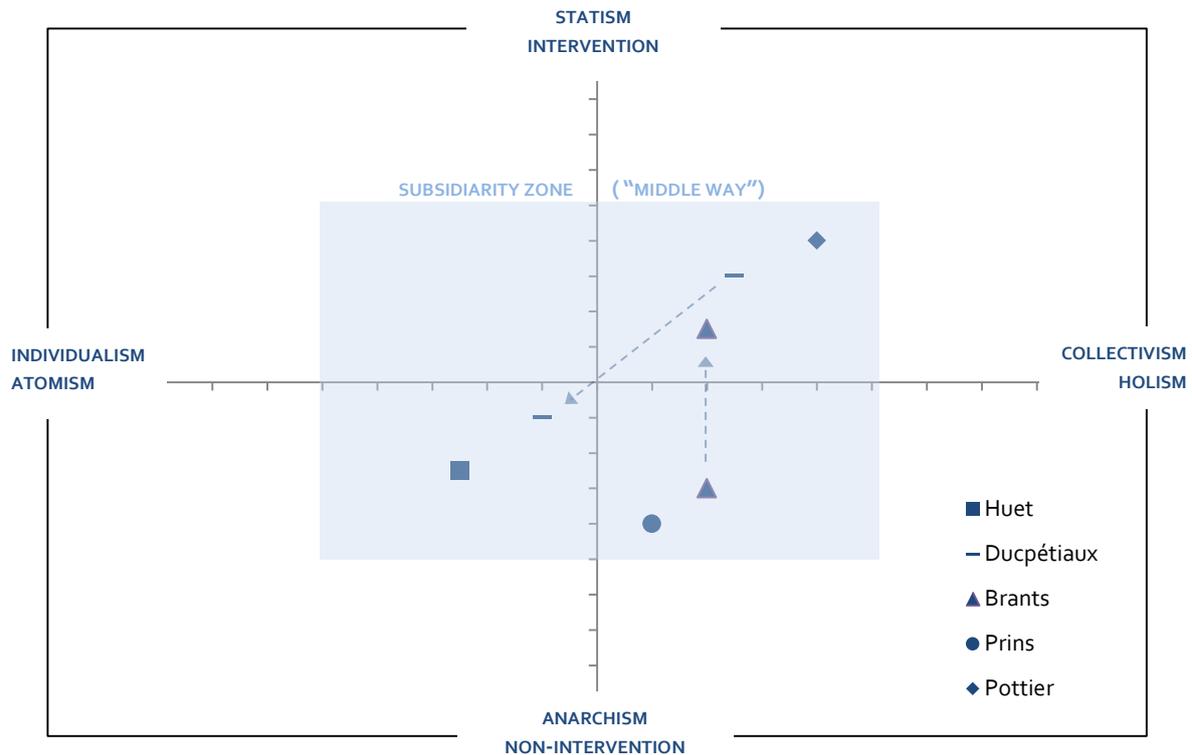


Figure 6. Diagram reflecting the ideological positions of the five thinkers according to their views on the questions of individualism/atomism versus collectivism/holism (X-axis) and statism/interventionism versus anarchism/non-interventionism (Y-axis)

the one hand and interventionism and non-interventionism on the other. Their moderate and reasoned state intervention, and their importance to both individual liberty and association, most importantly in the form of family and voluntary associations, located all of the five thinkers discussed in this chapter within this subsidiarity zone. Nevertheless, within that zone very different positions were possible. Huet may have considered himself a Christian Socialist, but he in fact attached great importance to individual liberty. He did favour association and solidarity, but seemingly not to the extent that associations had any great responsibility in his vision on society, hence his position in the bottom left corner. Prins, as said above, was a difficult one to locate on the X-axis but was definitely one of the thinkers least inclined to accept state intervention, partly because he expected much from his system of organized liberty, hence his position on the bottom middle. Pottier contrasted with Prins in his inclination to demand state intervention as a duty of the state and something to which the individual had a right from his social-justice point of view. But he combined his calls for state intervention with strong intermediary institutions protecting the collective interests of their members, for example engaging in the establishment of his own workers' organizations, which is why his position is in the top right corner of the diagram.

As already discussed in the preceding sections, Ducpétiaux and Brants both underwent some sort of evolution in their thinking. If Ducpétiaux started off as a radical democrat who emphasized the importance of association but also invoked state intervention, he developed towards a position in which he expected more from the independence and autonomy of the individual worker and less from government intervention. Brants, on the other hand, developed in the opposite direction. Influenced by the interventionist corporatist Austrian school but without taking over their statist form of corporatism, he grew more favourable towards interventions such as structural state subsidies. However, it should also be emphasized (again) that this evolution had more to do with the fact that their *interpretation* of the circumstances, the subsequent *application* of their subsidiary principles and the *consequences* of this interpretation and application in certain questions or policy fields changed, rather than the underlying *principles* to which they applied these interpretations as such. Why, then, is there no evolution to be found in the diagram as regards the other three thinkers? At least part of the answer is because the development of their thinking was less significant or outspoken than that of Ducpétiaux and Brants. Prins, for one, held on quite consistently to his system of organized liberty during his whole lifetime, in spite of the changing spirit of his time toward state intervention. And while Pottier reversed the ideas of his first public appearance in Liège in 1886 and quickly made himself known as more progressive, this was less relevant in view of our analysis. On the other hand, it is also partly due to the fact that both Huet and Pottier were only studied for part of their lifetimes. The analysis of Huet focused on his time in Ghent, and Pottier was only active in the late 1880s and 1890s, during which he was asked to withdraw himself from public life.

More broadly, some of the international thinkers (Ketteler, Taparelli) and networks (Union de Fribourg) that were associated with the intellectual history of subsidiarity in chapter one would also definitely fit within the framework of this subsidiarity zone. Others who, so to speak, qualified for the zone on one axis but did not on the other, would fall just outside of it. Adam Smith, for example, while he would arguably fall just within the subsidiary zone in terms of state intervention, not ruling out intervention altogether, was a bit too individualist to qualify for the subsidiary zone on the X-axis. This brings us neatly to the question of how other ideological positions related to the subsidiary thinkers. The far top right would reflect the collectivist statism of communists, the far bottom right some sort of corporatist anarchism, the far bottom left the non-interventionist individualism of economic liberals in the Manchester School, and the far top left the 'empowering' individualism of progressive liberals. These were the most extreme expressions of a wide variety of ideologies on the spectrum, but they were essentially the ones to which the subsidiarity thinkers could in contrast present their 'middle way' ideas as a rational, sensible, measured and well-considered alternative.

II PART TWO

GOVERNMENT POLICY AND SUBSIDIARY SOCIAL PROVISION
IN POOR RELIEF, POPULAR EDUCATION AND SOCIAL INSURANCE

Social provision and regulation have taken on many public and mixed public/private forms, from poor relief and publicly subsidised charity to “workingmen’s insurance” and pensions, “social security,” “the welfare state,” “welfare capitalism,” “the social state,” and “l’État providence.” They have been a central focus of politics across the West in the centuries since modernizing states first began to challenge the church for control of the functions of relieving those in distress, disciplining subjects, and maintaining order and found relief and other forms of welfare useful in larger projects of regulating and mobilizing populations.

– Ann Shola Orloff, 2005*

From a present-day perspective and compared to the state's attributions in today's welfare state, the absence of the state in the *direct provision* of social services in the nineteenth century is likely to be the first thing to be observed. For a long time, traditional welfare state research almost exclusively focused on public expenditure and state welfare provision to assess the development of social policies or 'welfare states'. Therefore, it is understandable that the cliché of the nineteenth-century 'night watchman state' is still such a powerful image, even among historians. Whether it is also helpful to understanding nineteenth-century social policy and the role that the state played, however, is very questionable indeed.

In fact, in the quotation above as well as in the rest of her work, Orloff has very rightly shown that from a historical point of view, considering social policy as a system of social provision *and regulation* may reveal more than when seen merely as precursor of the welfare state. Social policy not only consists of organizing specific services to counter social needs (social provision), but it also encompasses the framework of regulations and conditions within which these services are organized in a consistent way (social regulation). If social policy may be said to be a painting, then social regulation is the frame of the painting and social provision is the painting itself and the way in which it is coloured. The painting can only be painted within the boundaries of the frame within which it takes shape. The welfare state can be seen as merely one of many possible configurations of social policies at a certain point in time, while social policies at a different point in time will constitute a different configuration of actors and policies reflecting a different context. In that view, the welfare state will generally be pictured as a configuration that combines both public provision and regulation on the state level (although even such a simple assertion may be inadequate and oversimplified because, for example, the American 'welfare state' consists more of regulation and indirect, private provision), while earlier social policies were based more on local provision in combination with national regulation. Skocpol and Amenta put this aptly when they said to 'think of social policies as coming into prominence' the moment when the 'state organized *or regulated* mass education', and made 'efforts to *regulate* industrial working conditions and environmental influences on people's health'.⁶⁵⁹

What Orloff further makes clear is that acknowledging that the state was involved in regulatory and financial ways rather than in direct provision also implies giving centre stage to the often mixed private/public arrangements that did actually constitute social provision on the ground. It includes studying how these regulatory policies, both on an administrative and a legislative level, conditioned and structured the way in which the financial and organizational arrangements between private entrepreneurs or religious associations and public institutions took shape. In fact, the less visible regulatory functions of the state may have been proportionally more important in shaping social policy than in a system of full state provision.

* Orloff (2005) *Social Provision and Regulation*, 190.

⁶⁵⁹ Skocpol and Amenta (1986) 'States and Social Policies', 132 (my own emphasis).

Besides, this was all very much in tune with the reigning belief that the state was not to intervene directly as long as local government and private, voluntary institutions or associations could guarantee sufficient and adequate provision. As chapter two has demonstrated, these discourses were mainly formed and discussed at the transnational level. Even if the nation-state still was the dominant conceptual framework within which policies were implemented, national experts and policy-makers were of course highly influenced and inspired, both for their discourse and their policies, by their transnational encounters.

A third point apparent in Orloff's quotation here is that social policies cannot be seen merely as neutral or objective tools tailored for the worsened social reality; rather, they shaped that reality in a number of ways.⁶⁶⁰ First of all, the development of social policy had more to do with the discursive image of reality formed by the elites than with reality itself. Poverty in itself had always existed and had never been the problem; the dominant discourse had it that poverty was, had been and would always be a part of society.⁶⁶¹ What did worry the elites was the increased visibility of the problem, the risk of widespread infectious diseases and the growing odds of social unrest. The differentiation and institutionalization increasingly apparent in the poor-relief system was not so much based on reality, but on the discursive image of and resulting distinction between different categories of 'paupers', 'beggars' and other 'unwanted objects' that the elites made from it. Second, poor relief also had a regulatory influence on the growing labour market. Strict poor-relief policy made a distinction between the 'deserving poor' who were not able to work and the 'undeserving poor' who consisted mainly of able-bodied men. Although bourgeois criticism said that poor relief perpetuated the 'lazy profiteering' of the system by the 'undeserving poor', it was more the other way round: poor relief in fact guaranteed the low price of labour by functioning as a buffer for temporarily unemployed labourers as well as by its harsh repression of begging and vagrancy as an alternative to wage labour.⁶⁶² Thirdly, people in need, rather than being passive consumers of a given social policy, were an active force. The changing survival strategies of the poor shaped the development of institutional poor relief system. For example, institutions initially considered to be strictly disciplinary institutions for those who were able to work, such as workhouses and vagrants' colonies, gradually evolved into large-scale shelters for impoverished and (temporarily or permanently) unemployed wage labourers. In a similar fashion, the deteriorating situation among the poor and the insufficient help

⁶⁶⁰ This paragraph is indebted to the introduction to Lis, Soly and Van Damme (1985) *Op vrije voeten. Sociale politiek in West-Europa (1450-1914)*, 11-37. See also Van Leeuwen (2002) 'Histories of Risk and Welfare in Europe', 33-40.

⁶⁶¹ And this remained true, as Georges Picot observed at the international congress of public assistance and private charity around the turn of the century: 'Nous croyons fermement que ni les lois, quel que soit leur nombre, ni les administrations, ni les hommes, ne peuvent supprimer les pauvres. Laisser espérer la suppression du paupérisme, c'est semer l'illusion et provoquer les plus graves périls. Si notre devoir est de tout faire pour soulager les pauvres, il est chimérique de rêver une société affranchie de ce souci.' See Picot (1900) 'La Bienfaisance privée', 41. For more on the discourse and perception of poverty, see Lis and Soly (1991) 'Armoede in de nieuwe tijden (tot omstreeks 1850)', especially 63-67.

⁶⁶² Van Damme (1985) 'Industrialisering en sociale politiek (begin 19e-begin 20ste eeuw)', 171-181.

provided by hand-out poor relief drove them to the hospitals, which thus witnessed a sharp increase in admissions.⁶⁶³

These observations – social policy as a system of social provision and regulation, social policy as taking many private/public forms, and social policy as the attempt of elites and bourgeoisie to exert power over a modernizing society – should be kept in mind in every account that is aimed at studying social policies, which is my concern here too. In the case of Belgium, many such observations have already been published in the excellent and comprehensive historical and comparative research on social policy in Belgium, though often with a focus on early modern times and taking the early nineteenth century as its ending point.⁶⁶⁴ This somewhat older research has since been complemented by more recent studies on nineteenth-century Belgium, especially in the later part of the century, originating in the renewed interest, mainly in Germany, in the mutual encounters between religious charity and the public poor-relief system.⁶⁶⁵ Building on this poor-relief literature and deepening the same approach, this part will therefore focus on the interaction of public government policy and different kinds of private institutions (among them, notably, the Church) and, more specifically, the way in which their structural interdependence was given shape. Chapters four, five and six will demonstrate that the provision of poor relief, popular education and social insurance, respectively, emerged as a ‘subsidiary’ system in which local authorities and religious, voluntary associations engaged in various mixed private/public arrangements, regulated and financially stimulated by a ‘subsidiary’ state. Attention will also be devoted to the related discourses underlying these policies, which in typical nineteenth-century fashion were part of transnational debates and hence will be studied accordingly. The three chapters in this part will all be structured along chronological lines, determined by the focus on the specific development within each policy field of the mixed private/public arrangements they study.

This focus implies that this story of nineteenth-century social policy will largely be a story about institutions, especially as it is studying an age where ongoing proletarianization, labour migration and the decreasing importance of informal networks led to the increasing formalization and institutionalization of social protection.⁶⁶⁶ As a perhaps unfortunate result of this, little attention will be devoted

⁶⁶³ Lis and Soly (1990) ‘“Total Institutions” and the Survival Strategies of the Laboring Poor in Antwerp, 1770-1860’, 52.

⁶⁶⁴ Two excellent exceptions to this rule are the previously mentioned Lis, Soly and Van Damme (especially Dirk Van Damme’s chapter on the nineteenth century, p.129-204) and Lis and Vanthemsche (1995) ‘Sociale zekerheid in historisch perspectief’.

⁶⁶⁵ See also the introduction. For the more recent historiography see Van Dijck and Suenens (2008) ‘La Belgique Charitable: Charity by Catholic Congregations in Rural West Flanders, 1830-1880’; Van de Perre (2008) ‘Public Charity and Private Assistance in Nineteenth-Century Belgium’; De Maeyer and van Molle (2013) ‘Das Ausbalancieren von öffentlicher und privater Initiative auf dem Markt der Wohltätigkeit: Belgien im 19. Jahrhundert’ and Van Dijck (2012) ‘From Workhouse to Convent: the Sisters of Saint Vincent and Public Charity in Eeklo, 1830-1900’. An older example of similar research is Dupont-Bouchat (1994) ‘Entre charité privée et bienfaisance publique: la philanthropie en Belgique au XIXe siècle’.

⁶⁶⁶ Lis and Vanthemsche (1995) ‘Sociale zekerheid in historisch perspectief’, 52.

to the people undergoing and influencing this system and the way in which the system as an elitist bourgeois construct shaped social realities. In the few preceding paragraphs, I hope nonetheless to have touched, however briefly, on the importance of looking at social policy not merely as a neutral answer to a given social crisis but as a bourgeois answer to the perceived dangers and consequences of such a crisis. What will still be evident in the following part's analysis is how social policy was used as a tool for power politics, not only as the exercise of power by elites towards the common people but also in their own political struggles.⁶⁶⁷ The different fields of social policy under scrutiny here each involved different expressions of the disciplining of the common people as a work force, an electoral force and a social force. The mixed private/public conception and building of this Belgian system of social provision and regulation in its different forms has responded to and affected such expressions, and thus contributed to the elite's 'projects of regulating and mobilizing populations'. Therefore, speaking of systems of social provision *and* regulation is simply 'to underline that benefits are never delivered without some sort of discipline, regulation, or categorization'.⁶⁶⁸

⁶⁶⁷ Nath (2013) *Brood willen we hebben! Honger, sociale politiek en protest tijdens de Eerste Wereldoorlog in België*, 18.

⁶⁶⁸ Orloff (2005) *Social Provision and Regulation*, 199.

4

CHAPTER FOUR | POOR RELIEF

'PRIVATIZATION OF PUBLIC CHARITY': MIXED PRIVATE/PUBLIC POOR RELIEF

It is no coincidence that by the middle of the nineteenth century charity and poor relief had grown into hot topics all over Europe: a complex set of economic and social factors had put the existing poor-relief system under enormous pressure.⁶⁶⁹ For centuries people had resorted to forms of institutional relief, one of the many survival strategies in their quest to protect themselves against the hardships of life.⁶⁷⁰ Institutions for the destitute were mostly financed through local taxes and donations from the local nobility and traditional guilds and corporations, and organized firmly within the religious sphere, based in the parish and often involving the care provided by female and male religious. Slowly but steadily, however, profound changes in society and economy in early modern times started to affect this system. Even before the start of rapid industrialization, more and more people grew more dependent on wage labour, which made them socially more vulnerable. The spread of industrialization from the late eighteenth century onwards and its manifold economic and social consequences, rather than being the direct cause of this process, dramatically advanced it. Unprecedented population growth, disappearing jobs not only in the proto-industrial sector but also in the de-industrializing Antwerp port, extremely low wages in the newly emerging industries, the impoverishment of peasants by subsistence and economic crises and the further subdivision of land, and the disruption of traditional survival strategies through labour migration sent the numbers of people turning to locally-based public poor relief through the roof.⁶⁷¹ The structural poor-relief reforms introduced in many European countries (not in the least that in France during the French Revolution) at the end of the eighteenth or beginning of the nineteenth century, could not prevent the crisis.

⁶⁶⁹ Van Molle (2017) 'Social Questions and Catholic Answers: Social Reform in Belgium, ca. 1780-1920', forthcoming and Lis and Vanthemsche (1995) 'Sociale zekerheid in historisch perspectief'.

⁶⁷⁰ Van Leeuwen (2002) 'Histories of Risk and Welfare in Europe', 38.

⁶⁷¹ Lis and Soly (1990) "'Total Institutions'" and the Survival Strategies of the Laboring Poor in Antwerp, 1770-1860', 39 and Lis, Soly and Van Damme (1985) *Op vrije voeten. Sociale politiek in West-Europa (1450-1914)*, 25-26.

The last European subsistence crisis that hit the fragile rural households between 1845 and 1850, and coincided with a structural crisis in the important linen industry, turned the 'usual' poverty into mass-scale dependence on poor relief.⁶⁷² By 1850, 33% of the population of the industrial metropolis of Ghent were on local poor relief, while it was estimated that in fact 41% were in need.⁶⁷³ Such figures also applied to Antwerp, Brussels, Liège and smaller towns. As the number of demands for relief by far exceeded the existing financial capacity and elites were cautious not to encourage the alleged 'laziness' and 'moral decay' by expanding the financial capacity, conditions were made much more strict. In the wake of the crisis, expenses of the local Welfare Offices even decreased, from BEF 10.5 million in 1847 to under 9 million in 1852, and again from 11 million in 1857 to 9.7 million in 1858.⁶⁷⁴ Calls for giving fewer people (some) more were a recurrent phenomenon.⁶⁷⁵ However, effective assistance remained far from generous. Ghent-based lawyer Gustave Rolins-Jacquemyns estimated in 1862 that the public poor relief's figures could only account for roughly half of what the poor actually needed to stay alive.⁶⁷⁶ The crisis spurred the government to come into action with new social policies as counter-measures and increased its will to rationalize the poor relief system. Although an increasingly hostile discourse divided the elites, advocating the primacy of either the public poor relief system or its private charity counterpart, both 'sectors' remained firmly interlocked in different ways throughout and beyond the nineteenth century.

This chapter elaborates on the local public poor-relief system that was put into place to respond to the actual and perceived dangers of the social situation during the nineteenth century and, more specifically, the mixed private/public forms this local system took. 'Poor relief' and the 'public poor relief system' are here understood in a rather broad sense, including both indoor (institutions such as hospitals and homes) and outdoor (home care or material benefits) relief, as well as including many different categories of 'poor', from the obvious category of the old and sick unable to care for themselves, to 'hopeless and helpless' vagrants and more specific groups such as abandoned children, the blind and deaf-mute, and psychiatric patients.⁶⁷⁷ Less structured than today, the poor relief system included institutions

⁶⁷² Vanhaute, Paping and Ó Gráda (2007) 'The European subsistence crisis of 1845-1850: a comparative perspective'.

⁶⁷³ Lis (1986) *Social change and the Labouring Poor, Antwerp 1770-1860*, 113. See also (1847) 'Statistique. La classe ouvrière et l'indigence dans la Flandre Orientale'.

⁶⁷⁴ ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 242 : Récapitulations des dépenses des Bureaux de Bienfaisance, 1844-1858.

⁶⁷⁵ For an early example see (1821) *Rapport sur les Etablissements de Charité, fait en conformité de l'article 55 du règlement qui détermine le mode d'après lequel les Etats exercent leurs pouvoirs, et présenté à la séance du 17 juillet 1820*, 3.

⁶⁷⁶ Rolins-Jacquemyns (1863) 'De la misère et de l'assistance à Gand en temps ordinaire et pendant la crise actuelle', 143-150. Dupcétiaux had in a similar fashion also emphasized the pitiful and miserable state of the labourers and the insufficiency of relief in his (1855) *Budgets économiques des classes ouvrières en Belgique*.

⁶⁷⁷ Van Leeuwen has used the term in a similar way in van Leeuwen (2002) 'Histories of Risk and Welfare in Europe', 33. For the quote of 'hopeless and helpless vagrants' see Harris (2002) 'From Poor Law to welfare state?', 428.

where these categories of people ended up all together, and other, more specialized institutions such as old-age homes or institutions for the blind, which also took paying patients. However, the main goal of the public poor-relief system and the care institutions under its responsibility was to help the poor, rather than the well-to-do. Indeed, the well-to-do tended to call in their own doctors to be treated at home, and did not often come near hospitals.⁶⁷⁸ Charity, here broadly understood as the voluntary attempts to provide care for the poor by individuals or voluntary associations often inspired by Christian *caritas*, also played a huge role by providing care to those who were not found eligible for public poor relief, whilst often also providing certain services for paying patients.⁶⁷⁹ Part of the complexity of the system lies in the fact that private charity and the public poor relief were intertwined, and that many institutions admitted both paying patients, at their own expense, and the ‘poor’, at the public poor-relief system’s expense. The example of old ladies paying quite a large amount of money to be treated in a rather luxurious ‘pensionate’ comes to mind. This complexity has made other authors use the term ‘health care’ instead of poor relief, even if they, too, meant ‘provision for the poor and needy of 18th and 19th century European societies, [and] not [...] the medical arrangements of the wealthier classes’.⁶⁸⁰ I have chosen to keep the terms ‘poor relief’ and ‘the poor-relief system’, as the mixed private/public arrangements which are the focus here were largely built within the framework of this public poor-relief system. As this chapter will discuss, within these arrangements private institutions could usually only qualify for any kind of public support within such mixed private/public arrangements if they cared for people that had been recognized as eligible for poor relief.

To serve the focus on the mixed private/public arrangements in the public poor relief system, this chapter will be largely built along chronological lines. In order to fully grasp the context of poor relief and charity in the nineteenth century, the first section will offer a brief overview of the legislative framework and the prevalent discourse on the local, national and transnational levels that underlay the mixed private/public system in the first half of the nineteenth century, roughly between 1800 and 1860. The second section then takes a closer look to the different private/public arrangements characterizing the public poor-relief system, offering a typology of the different types. The third section proceeds by clarifying the regulatory and subsidiary role the state played in this fundamentally local system around 1860. As political tensions about the private/public intertwining of

⁶⁷⁸ Grell, Cunningham and Jütte (2002) *Health Care and Poor Relief in 18th and 19th Century Northern Europe*, 6.

⁶⁷⁹ Confusingly, contemporaries commonly included also neutral or philanthropic initiatives in their understanding of private charity (*charité privée*). Any initiative that was due to a private act in favour of the poor was considered private charity, regardless of whether such an act resulted in the founding of an institution, an official donation, a legacy or a simple gift. Where specific Christian charity was meant, it was often specified as such (*charité chrétienne*). For an interesting comparative study on the contemporary use of the terms ‘welfare’, ‘philanthropy’ and *caritas*, see Weber (2009) “‘Wohlfahrt’, “Philanthropie” und “Caritas”: Deutschland, Frankreich und Grossbritannien im begriffsgeschichtlichen Vergleich’, 19-37.

⁶⁸⁰ Grell, Cunningham and Jütte (2002) *Health Care and Poor Relief in 18th and 19th Century Northern Europe*, 7.

charity and poor relief mounted during the so-called ‘culture wars’ in the second half of the nineteenth century, the fourth section estimates the impact in the cases of Belgium’s three major cities: Ghent, Brussels and Liège. The fifth section concludes by assessing the ways in which the mixed private/public arrangements in public poor relief developed roughly between 1880 and 1920, in the late-nineteenth-century context of professionalization, medicalization and rationalization, into the twentieth century.

4.1 Poor relief in legislation and discourse: private charity versus public assistance? (1800-1860)

The legislative framework of charity and poor relief did not lie far apart from the interpretation it was given in the discourse. A complex web of different legal codes, whether or not explicitly reaffirmed in later legislation, left a huge space in which the struggle of ideas started to emerge. This complexity was further compounded by the fact that a majority of national and transnational elites adhered to an apparent consensus that not only tolerated but also praised and encouraged the private/public intertwinement in poor relief, while the same consensus at least partly served only as a rhetorical device to morally uplift the elites’ own discourse and conceal the underlying divides. This section will show, first, how the legacy of the revolutionary legislation and the Belgian constitution resulted in a struggle for interpretation and, second, how transnational debates at international congresses, not infrequently organized by Belgian pioneers such as Ducpétiaux, deeply influenced the discourse of mixed private/public poor relief.

French legislation, the Belgian constitution and the struggle for interpretation

To understand the institutional framework of poor relief in Belgium in this nineteenth-century context, we must go back to the French Revolution. Before this time, organized care for the poor was embedded in parochial work and relied mainly on donations and bequests from wealthy fellow parishioners. The French revolutionaries wanted to be rid of this form of religious *caritas* once and for all and declared the human right to subsistence, to work or to public assistance.⁶⁸¹ Their attempts to completely secularize and to centralize poor relief soon turned out to be in vain, however. In addition to confiscating church goods and abolishing religious institutes, the rulers announced a whole series of regulations intended to lead to the centralization of poor relief. Although this centralization never came into force, the principle that poor relief was a matter of public responsibility was now firmly established. The Directoire realized after 1795 that poor relief would have to remain a local matter. Two laws from 1796 finally and definitively laid the foundations for the structure of the public poor-relief system. The law of 16

⁶⁸¹ Woloch (2013) ‘A Revolution in political culture’, 448.

Vendémiaire year V (7 October 1796) organized ‘outdoor’, institutional relief. It brought the existing charitable institutions (hospitals, hospices, homes for the elderly, etc.) under the supervision of the municipalities, and stipulated that an administrative commission, the *Commission d’Hospices Civils* (Commission for Civil Hospices), would unite and manage all such existing charitable institutions by canton or municipality. The same thing happened to the organization of indoor relief (home care and food distribution, etc.). The law of 7 Frimaire (27 November 1796) obliged every canton to set up its own *Bureau de Bienfaisance* (Welfare Office). Both institutions in fact functioned as councils in which five members, including a president and a treasurer, decided upon the organizational and financial matters of their operations. Their members often included local clergy, and were chosen from a list of candidates and appointed for five years by the municipal council. The financial basis of the Welfare Offices and the Commissions basically consisted of buildings, estates or legacies which had been confiscated and were often capitalized or rented out. Most small municipalities did not have public hospitals within their boundaries, and thus no Commission, with the Welfare Office taking over its responsibility over those poor who needed outdoor relief.⁶⁸² Since the Southern Netherlands were attached to France at the time, this legislation also came into force there.⁶⁸³

These foundations of the public poor-relief system remained intact under Napoleonic rule despite a tendency to centralize the Commissions and Welfare Offices at cantonal or departmental level. More importantly, the 1809 *Décret Impérial relatif aux Congrégations des Maisons hospitalières de femmes* allowed religious nurses (*soeurs hospitalières*) to once again be employed in the public hospitals, granting not only to the congregation a de facto limited legal personality, but also including board and lodging for all sisters and pensions for those of old age. Conditions to which the official recognition was subject included the submission of their accounts to the government and their subordination to the management of the public Commission.⁶⁸⁴ The French Emperor was revealing less his sincere sympathy for the female religious than his pragmatic side: ever since secularization and the ban on religious institutes, there had been a huge shortage of competent personnel in the public institutions. Napoleon had already taken a modest step towards reconciliation with the Catholic Church by way of the Concordat with Pope Pius VII in 1801. In turn, King William I of the Kingdom of the Netherlands set the maximum number of religious members per accredited institute that they served with his royal decrees of 1824 and 1825. The institutional architecture of the poor-relief system now took on its definitive form. The Commissions for Civil Hospices and the Welfare Offices were decentralized from the cantonal to the municipal level.

⁶⁸² In 1856, 2,514 of the 2,531 municipalities had a Welfare Office but only 174 of them harboured a Commission. (1865) *Exposé de la situation du Royaume. Période décennale de 1851 à 1860, publié par le Ministère de l’Intérieur*, LV.

⁶⁸³ Verschaeren (2001) *Burgerlijke Godshuizen. Burelen van Weldadigheid. Commissies van Openbare Onderstand en Openbare Centra voor Maatschappelijk Welzijn. Organisatie, bevoegdheden, archiefvorming*, 31-66.

⁶⁸⁴ (1809) ‘Décret impérial relatif aux Congrégations des Maisons hospitalières de femmes’, 28-37.

From then on, every municipality had to provide for a Welfare Office, and the municipal authorities also had to check its accounts and make up for any deficits. The Belgian Constitution and the Municipal Act of 1836 reaffirmed these principles. Thus, the French attempt had failed to centralize poor relief, but had succeeded in firmly affirming the public responsibility for poor relief in public institutions. Public poor relief was once again a local affair, subject to national legislation and municipal regulation, and managed by autonomous local public institutions, which nevertheless could include local clergy and could count on voluntary help from the so-called *armenmeesters* (poor masters) distributing indoor relief.

Although the French Revolution had dealt a serious blow to the Catholic charity network by confiscating its property and by bringing its institutions under the supervision of the public Commissions, the tentative agreement under Napoleonic rule and, above all, the freedom of association granted by the Belgian constitution had encouraged religious institutes to take back their old positions and to establish new hospitals and institutions. Religious institutes had already recovered during the Napoleonic and Netherlands rule, but it was especially after independence that the number of institutes active in education and care rose exponentially. Most of all, the flourishing of the Catholic network of hospitals, specialized institutions, and schools was due to an impressive increase in foundings of new religious institutes between 1830 and 1860, which 'were more flexible in their rules, more directly involved in social work and generally more democratic in their recruitment' than the old orders and congregations.⁶⁸⁵ These religious institutes ensured that the private charity sector not only experienced unprecedented growth, but also that it expanded to a Catholic quasi-monopoly. This Catholic network of private charity was made possible through the financial support of so-called 'charitable foundations', donations and bequests of wealthy, often Catholic, donors.

The growing Catholic monopoly was a thorn in the side of the political liberals. Frustrations grew stronger on both sides during the 1840s and 1850s, putting heavy pressure on the 'unionism' between liberals and Catholics that had buttressed the national governments since independence and ultimately made such governments impossible. Liberals grew convinced that the French legislation was consciously being misused by Catholics to reinforce their own empire of Catholic care institutions managed by religious institutes, and that it in some ways even remained a dead letter. Numerous cases showed not only that religious institutes which were granted the official recognition of 1809 did not comply with the conditions, but also that some religious institutes had been given recognition while in flagrant violation of the terms (e.g. male religious) and that many religious institutes lacking the official recognition altogether were active on the ground in public hospitals in different constructions. In combination with the growing

⁶⁸⁵ Viaene (2015) 'Professionalism or proselytism? Catholic 'Internationalists' in the Nineteenth Century', 31. See also Van Dijck and Suenens (2008) 'La Belgique Charitable: Charity by Catholic Congregations in Rural West Flanders, 1830-1880', 154-158.

number of institutions funded through charitable foundations but de facto functioning outside the public poor relief system, this added to their fear of an exponentially growing Catholic property in mortmain.⁶⁸⁶ This explained their absolute denial of any general legal rights for religious institutes and the image on the rise among increasingly anticlerical liberals of religious institutes as a vanguard in a campaign steered by the clergy. Catholics, on the other hand, invoked their Constitutional liberties to support the rights of religious institutes and pictured the liberals as 'illiberal', 'unconstitutional' and 'not benevolent' in their opposition to these perfect examples of charitable work from voluntary action. In their eyes, legal rights for religious institutes, making it possible for them to legally receive donations and bequests to fund their charitable work, were only logical.

After an early attempt by a liberal government in 1852, the last 'unionist' but predominantly Catholic cabinet holding power between 1855 and 1857 was determined to settle the issue of charity, starting in 1856 with a new draft law. The cabinet proposed its bill as a compromise that did not depart much from the preceding attempt and even agreed to settle on some of the most sensitive issues from its liberal adversaries such as the official prescription of property in mortmain.⁶⁸⁷ To enforce their argument, they also emphasized that some important figures within the liberal party supported such a compromise, among them most notably the Brussels mayor Charles de Brouckère and his brother Henri (1801-1891) who had headed the preceding moderate liberal cabinet.⁶⁸⁸ However, in the meantime the increasingly intransigent stance of the Church in Belgium had done little to support a compromise and had distanced rather moderate liberals who were not initially anticlerical-minded. Although the bill was rather comprehensive, its most vigorous critics made it look as if it would only succeed in guaranteeing legal personality to religious institutes and hence sparking mortmain, and that it would also stimulate the growth of all sorts of separate and badly administered institutions without any control of the public system.⁶⁸⁹ They considered the proposed legislation a sneaky attempt to legalize the often-illegal situation on the ground which benefitted Catholics and especially religious institutes, giving it the telling nickname of the 'monastic law' (*loi des couvents*). In short, the liberals feared the erosion of the modern state in general and the principle of separation between Church and state underlying the Belgian liberal state in particular. They unleashed a fierce opposition campaign, and after heavy anticlerical street protests, the

⁶⁸⁶ See for instance Van Damme (1854) *La charité et la main-morte*, Fourcault (1866) *Rapport sur la question de la bienfaisance*, Orts (1867) *De l'incapacité civile des congrégations religieuses non-autorisé* and de Monge (1867) *De la capacité civile des religieux et du droit d'association. Réponse à M.Orts*.

⁶⁸⁷ Parliamentary Proceedings, Chamber of Representatives, 21 April 1857. See also (1857) *Documents parlementaires et discussions concernant le projet de loi sur les établissements de bienfaisance ... Tome III*, 192-193.

⁶⁸⁸ Charles de Brouckère had joined in the debate with a book entitled (1853) *La charité et l'assistance publique*.

⁶⁸⁹ Significantly, the Belgian episcopate was not united on the issue. For instance the Ghent bishop thought it better to let a moderate liberal cabinet take on the 'hot potatoe' and feared that a Catholic cabinet would compromise on the autonomy of religious institutes. See Lamberts (1972) *Kerk en liberalisme*, 452-456. See also Müller (1909) *La Querelle des Fondations charitables en Belgique*, 171-241. For one of the many contemporary publications see Guizot (1857) *La Belgique et le roi Léopold en 1857*.

government was obliged to resign.⁶⁹⁰ Charity seemed indeed to have expanded into 'a real battlefield'.⁶⁹¹

Transnational debates on poor relief

The ideological sensitivity of charity in the 1850s gave birth to an overabundance of social and political writings revolving around the place of private charity versus public assistance. The social and economic crisis of the late 1840s and early 1850s had brought the subject to the fore and the successive government attempts to find a compromise, within the context of the mounting divide between liberals and Catholics on the matter, kept it alive in the press. At the same time, Ducpétiaux and his foreign friends had organized the first *Congrès international de Bienfaisance* in Brussels in 1856. Since many Belgian politicians and high officials were in the audience the congress attracted wide attention in the press. Therefore, it was not without reason that the Minister of Justice Alphonse Nothomb (1817-1898) introduced his bill on the reform of charity to the Belgian parliament in 1857 saying that 'Seldom has a bill been discussed outside of the parliament with such persistence and in such diverse forms. Books, brochures, newspapers, elections ; it has exceeded all expectations.'⁶⁹² That same attraction found its expression in the mass-scale liberal street protests several weeks after the introduction of the law.

Although the struggle of ideas at first sight seemed to centre on the dichotomy of private charity versus public assistance, many contenders in fact agreed that both 'parties' had a role to play in the system of poor relief and were interlinked. Defenders of public assistance praised the primacy, universality and stringency of the public system but left room for private charity under some conditions. Defenders of private charity hoped that the public system valued the private institutions for what they were worth and hoped that public intervention, if necessary, would not take away the incentives for voluntary action. In the same introduction to his bill, Nothomb had also emphasized that 'The solution to this problem lies in the ever more intimate association between public and private charity, in reconciling a wise and regulated liberty with the concerted action of the public authorities.'⁶⁹³

Such allusions to consensus functioned partly as a rhetorical device, as if there was a unanimous agreement on the 'reconciliation' between public poor relief and private charity. Nothomb and other Catholics wished to paint themselves as reasonable and willing to compromise. The consensus, which also reigned on the international congresses, also had everything to do with the somewhat utopian wish and conviction of the congress that they could keep out the sensitive politics of the

⁶⁹⁰ Deneckere (1998) *Geuzengeweld. Antiklerikaal straatrumoer in de politieke geschiedenis van België*, 37-61.

⁶⁹¹ Ducpétiaux (1858) *La question de la charité et des associations religieuses*, XIV.

⁶⁹² (1857) *Documents parlementaires et discussions concernant le projet de loi sur les établissements de bienfaisance ... Tome III*, 185.

⁶⁹³ (1857) *Documents parlementaires et discussions concernant le projet de loi sur les établissements de bienfaisance ... Tome III*, 193.

issues at stake. At the start of the Frankfurt congress of 1857, the organizing committee knew all too well that rallying all participants around the common program would prove a difficult task and would require substantially vague language:

*Tout au contraire, le comité d'organisation en abordant cette matière s'est efforcé de trouver une formule qui put concilier les opinions de tous ses membres. Il importait d'éviter d'une part de proclamer la liberté absolue et illimitée de la charité, ce qui pourrait avoir des conséquences fâcheuses, et de l'autre de la restreindre dans des limites trop étroites, sous une tutelle gouvernementale ou bureaucratique tracassière et abusive.*⁶⁹⁴

Some members explicitly denounced such language and asked for more specific and concrete proposals.⁶⁹⁵ Eventually, at the same 1857 congress, only three months after the Belgian cabinet had been forced to resign due to the street protests, the organizers decided to refrain from debating the 'private versus public charity' issue and deleted those parts of the conclusions that were deemed too controversial.⁶⁹⁶ In return, they promised that the same question and debates would be high on the agenda and programme of the next Congress, but when the London congress convened five years later, no mention was made of it.

Nevertheless, the intertwinement that already existed between private and public charity ran like a thread through the contributions of the international congresses. Earlier, at the international charity meeting at the first World Exhibition in Paris in 1855, lectures on orphanages and nurseries had already stressed that the existence of such institutions was mostly due to private initiative and that they already were or should be encouraged by the (local) administration.⁶⁹⁷ The Catholic viscount Armand de Mélnun, mentioned in chapter two, expressed the intertwinement from a more general perspective:

*Agents dévoués de l'administration publique, dont elles tiennent les écoles, soignent les malades et les vieillards, dirigent les pharmacies, disciplinent les prisonnières, les congrégations religieuses secondent puissamment la charité privée; en se chargeant de la direction, de ses œuvres et de ses patronages et en donnant à ses établissements l'esprit d'ordre et de suite, elles fondent et dirigent elles-mêmes des asiles, des écoles, des orphelinats, des ouvroirs, des établissements de sourds muets, d'incurables et de vieillards, et des maisons de refuge qui leur appartiennent.*⁶⁹⁸

Similarly, a representative of Bavaria stated that the poor relief in the southern German kingdom was 'public without exception, but with the fullest cooperation of private charity', which was praised by others as the perfect example.⁶⁹⁹ Similar

⁶⁹⁴ (1858) *Congrès international de bienfaisance de Francfort-sur-le-Mein. Session de 1857. Tome I*, 88.

⁶⁹⁵ (1858) *Congrès international de bienfaisance de Francfort-sur-le-Mein. Session de 1857. Tome I*, 166.

⁶⁹⁶ (1858) *Congrès international de bienfaisance de Francfort-sur-le-Mein. Session de 1857. Tome I*, 87-89.

⁶⁹⁷ De Bausset-Roquefort (1859) 'Rapport sur les séances du Congrès international de Charité, réuni à Paris, à la fin du mois de juillet 1855', 167-168, 179 and 238.

⁶⁹⁸ De Mélnun (1863) 'La charité', 141.

⁶⁹⁹ Originally in German: 'Die Armenvorsorge ist hiernach in Bayern eine öffentliche ohne Ausschluss jedoch der vollsten Wirksamkeit der Privatwohlthätigkeit'. See Koch (1858) 'Die bayerische

examples were presented by the representatives of Poland, Austria and the Swiss canton of Bern, all of which were applauded by their colleagues.⁷⁰⁰

Behind these political debates lay a more fundamental discourse around government intervention, according to which government was only to step into action if private initiatives had not sufficiently satisfied a social need. Indeed, private charity – at least in theory – was supposed to be dominant because the individual gift, the reciprocity between giver and receiver and, more broadly, individuals or social groups dedicating themselves to a higher cause, were all part of the broadly accepted Catholic morality. If government action was indeed necessary, it was preferred to support, encourage or supplement existing initiatives, rather than take initiatives of its own. Charity, so it was believed, was free; and like every freedom, charity fundamentally had a negative and a positive side. Charity should not be hampered or blocked by undue regulation or intervention, but moreover, the government had to make sure that it could also use this freedom positively by (financially and legally) encouraging and stimulating charity wherever necessary. For many observers, necessity again appeared to be an essential condition for any government intervention. The preliminary conclusions at the turbulent Frankfurt congress, part of which was withdrawn afterwards, made this abundantly clear:

1. *Que l'assistance publique ne doit en aucun cas se substituer à la charité privée et qu'elle doit se garder avant tout d'affaiblir ou de décourager celle-ci par une intervention imprudente ou superflue et qui ne serait pas commandée par une impérieuse nécessité ;*
2. *Que la liberté assurée à la charité privée comprend essentiellement les moyens de se constituer et de se développer de consolider et de perpétuer ses œuvres sous les conditions les garanties et le contrôle posés par la loi ;*
3. *Que pour introduire et maintenir l'unité et l'harmonie dans la double sphère de l'assistance publique et de la charité privée il y a lieu de sanctionner certaines règles communes qui sans porter atteinte à la liberté préviennent autant qu'il est possible les abus et les doubles emplois.*⁷⁰¹

Besides intervening when 'imperative necessity' demanded so, the government above all had to provide the legal framework and the means to promote private initiative. After the organizers had decided to withdraw this part of the conclusions and to cancel the debates on it, Ducpétiaux, responsible for the charity section, was given the difficult task of coming up with a compromise. Even the cautious resolutions he formulated said basically the same thing, if in somewhat more guarded terms:

Cette solution établit comme on voit la nécessité de l'accord et de l'union de l'assistance publique et de la charité particulière dans la poursuite du but commun, tout en

Armengesetzgebung und die Zustände des öffentlichen Armenwesens in Bayern in seiner Verbindung mit der freiwilligen Armenpflege (St Johannisverein)', 25.

⁷⁰⁰ For Austria, see de Stubenrauch (1863) 'Rapport sur l'assistance publique et les établissements de bienfaisance et de prévoyance en Autriche'. For Poland, see Rosen (1858) 'Rapport sur les institutions charitables et l'organisation de la bienfaisance en Pologne', 79-86. For Bern, see (1858) *Congrès international de bienfaisance de Francfort-sur-le-Mein. Session de 1857. Tome I*, 165.

⁷⁰¹ (1858) 'Programme des délibérations du Congrès', 7 (my own emphasis).

*déterminant la sphère spéciale de leur action respective ; sans subordonner la première à la seconde, elle pose cependant en principe que l'assistance publique ne doit intervenir que là où la charité privée fait défaut.*⁷⁰²

In other instances he more strongly asserted the primacy of private charity as 'the army' while considering public assistance more as 'the reserve corps'.⁷⁰³ Ducpétiaux's ideas, which received ample attention in chapter three, were followed closely by other foreign experts. The previously mentioned prominent Dutch transnationalist Baumhauer again advocated :

*En attribuant en première ligne le soin de soulager et de prévenir l'indigence aux particuliers, aux associations et aux corporations religieuses, elle [=la législation de 1854] a proclamé un principe auquel nous devons applaudir sans réserve. L'État n'a d'autre mission en matière de charité crue de maintenir et de garantir la liberté, la commune n'intervient que dans les cas extraordinaires lorsque les ressources des particuliers et des corporations sont insuffisantes.*⁷⁰⁴

Another reaction summed up a list of 'physical and moral persons' which ideally contributed to the work of charity (in that order): family members, associations which were 'free but organized', the municipality, the Church (and other religious denominations) and 'lastly, and subsidiarily (*subsidiarement*) the State', with the state 'lending a hand only in a supplementary and subsidiary manner'.⁷⁰⁵ This use of *subsidiarement* to define a possible intervention by the state, as chapter one (Ketteler) and three (Ducpétiaux) have pointed out already, was by no means exceptional.⁷⁰⁶

4.2 Local public poor relief: mixed private/public arrangements (around 1860)

In the stream of political pamphlets around the midst of the nineteenth century, and certainly in the context of the Belgian political crisis of 1857, Catholic private charity (or neutral philanthropy, for that matter) and public poor relief were often put up against each other. This dichotomist image, and the available contemporary sources coloured by that image, have often caused later historians to treat the two as two distinct 'sectors'. To some extent, they were. At one end of the spectrum between private and public, there was indeed an increasingly vast field of fully autonomous private charitable institutions, in part flourishing precisely because of

⁷⁰² (1858) *Congrès international de bienfaisance de Francfort-sur-le-Mein. Session de 1857. Tome I*, 161.

⁷⁰³ See chapter three, p. 161 and fn 555.

⁷⁰⁴ Baumhauer (1863) 'Rapport sur les Établissements de bienfaisance des Pays Bas', *Congrès international de bienfaisance de Londres: Session de 1862. Tome I*, 200.

⁷⁰⁵ '[...] l'État ne lui prêtant le concours qu'à titre supplémentaire et subsidiaire'. (1858) *Congrès international de bienfaisance de Francfort-sur-le-Mein. Session de 1857. Tome I*, 162 and 165.

⁷⁰⁶ In a commentary on the 1852 bill on charity, which foreshadowed the views that dominated his more extensive book on *La question de charité* (1858), Ducpétiaux had already used *subsidiarement* in the same context. See Ducpétiaux (1852) *Esquisse d'un projet de loi sur l'assistance publique et privée*, 13.

the increasing impediments built into the public system. The same held true for the other end of the spectrum, where public institutions were run and managed day-to-day by lay employees without any recourse to private institutes. However, less well-known but more interesting than the story of private charity and public poor relief as two parallel sectors was the close-knit relationship between the two in the mixed private/public arrangements that existed as part of the public poor-relief system. Private charity, after all, existed not only *alongside* public poor relief, but also *within* it. As Harris said, 'It is not enough simply to describe the different components of this mixed economy; it is also necessary to explore the relationship between them.'⁷⁰⁷ Even the more recent studies already mentioned before, though more fundamentally focused on their interaction, have not dealt with these private/public arrangements in detail.

Within this large private/public space of poor relief, the government had control and responsibility through local institutions, but within its own framework allowed private initiatives to do their work in various ways. Thus the public poor-relief system not only benefited indirectly from the existence of a separate network of private charity, but also relied on it to a significant degree to build up its own activities. The interaction that developed in this area between city governments, local public charitable institutions (Commissions for Civil Hospices and Welfare Offices) and the private actors, took some very diverse forms. While legislation held that municipalities had to install their own Commission to run *any* hospital or other poor-relief institution on their territory, this was far from the case in practice. Frustrated by that reality, liberal minister of Justice François-Philippe de Haussy (1789-1869) launched an inquiry in 1848 to get a grip on the situation on the ground.⁷⁰⁸ Out of 293 municipalities of the province of East Flanders, only 45 had established their own Commission. Furthermore, the inquiry revealed that 46 institutions were *not* administered by a Commission, but by individuals, Welfare Offices, religious institutes or other private institutions. Many municipalities, or Welfare Offices for that matter, were not keen on installing a Commission. Welfare Offices already employed the most notable local figures and often were under the influence of the local parish priest, and these figures did not want to cede their influence to another committee. City councils did not want to create yet another administrative commission not appointed by them (in addition to the Welfare Office), and feared expenses would increase.⁷⁰⁹ Many of the private actors involved, whether or not in cooperation with a Commission, were religious institutes, but

⁷⁰⁷ Harris (2007) 'Charity and Poor Relief in England and Wales, Circa 1750-1914', 19. See also Lewis (1995) *The voluntary sector, the state and social work in Britain*.

⁷⁰⁸ RAG, Provincial Archives East Flanders, 2903/1 : État détaillé des hôpitaux et hospices de toute nature non-administrées par des Commissions d'hospices civils conform à la loi de 16 Vendémiaire an V, mais par des Bureaux de Bienfaisance, des associations religieuses ou des particuliers, 1848.

⁷⁰⁹ Van de Perre (2014) *De liefdadigheid is geen slagveld. Privaat-publieke samenwerking in de Oost-Vlaamse armenzorg*, 32-33. For the analysis of this inquiry, I am indebted to Bregt Van de Perre, who conducted some excellent quantitative research in the context of a student assignment at the KU Leuven's History Department in 2014. See also Van Molle and De Maeyer (2013) 'Das Ausbalancieren der öffentliche und privater Initiative auf dem Markt der Wohltätigkeit: Belgien im 19. Jahrhundert', 266.

here and there they were also other Catholic, liberal, individual or neutral philanthropic initiatives.

It is exactly these different kinds of collaborative constructions between public and private institutions in the provision of poor relief, as existing around the 1860s, which will be explored in detail in this section. In the first part, I will present a typology of these mixed private/public arrangements ranging from fully public institutions to fully private institutions – and most importantly all the types in between. Local examples from archival research will hopefully contribute to a more accurate understanding of the complex interactions as they happened in practice. After this qualitative picture, in the second part of this section I would like to dwell on the difficulties of getting reliable figures to assess this mixed private/public system, before giving some cautious estimates.

Mixed private/public arrangements in local poor relief: a typology

Even in the nineteenth-century age of emerging government statistics and inquiries, sources that compiled not only rough quantitative data but also detailed descriptions of local situations were rare.⁷¹⁰ In the case of charity however, there is some excellent source material that can provide a good image of the actual mixed private/public intertwinement in public poor relief. Most important is an inquiry that was launched by the liberal government in 1859 after their coming into power. The liberal opposition had already demanded such an inquiry during the debates on the ‘monastic law’ of 1857.⁷¹¹ The extensive inquiry had to map the landscape of charitable institutions down to the tiniest detail. Local authorities were asked to fill in a range of questions concerning the number and organization of both public (Welfare Office and Commission) and private charitable institutions in their locality as well as the general organization of charity. Presumably only finished sometime in 1863, the results of the inquiry were never published, although they certainly will have been consulted in the preparation of a new law on charity in 1865. Although not fully preserved (some entire categories of answers are missing for some provinces), the inquiry as an archival source gives an excellent insight into the local constructions of poor relief, both private and public.⁷¹² Similar, and also helpful for the purpose here, was the study on Catholic private charity that canon and Catholic politician Désiré De Haerne (1804-1890) published in 1857. In particular, the annexes, which listed all private charitable institutions by province in every locality, provided additional material for my qualitative analysis, though

⁷¹⁰ There are some good reference books on private charity and public poor relief written around the turn of the century, but less before. Government publications such as the *Exposé de la situation du Royaume* were limited to quantitative analyses and some general remarks, but did not go into details of local situations.

⁷¹¹ The liberal Minister of Justice Victor Faider gave a lecture on this inquiry at the international welfare congress in London in 1862, but the lecture was not published as a report. However, a preliminary version of the same lecture was included in the archives of the same inquiry. See ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 243: *Note relative à l'enquête de la bienfaisance en Belgique*, 14 May 1862.

⁷¹² See ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, numbers 238 to 462.

the specific description of the local situation is often less extensive and less clear than in the other sources used.⁷¹³

Based on these sources, I present a typology below (see figure 7) of four types of interaction between public institutions or municipal authorities and private institutions or associations. Dutch historians already worked out a correct but somewhat simplistic classification of the ‘contract model’ and ‘enterprise model’ for the use of religious institutes in healthcare in the Netherlands.⁷¹⁴ For Belgium, Maarten Van Dijck previously distinguished between three ways in which religious institutes were involved in public poor relief, including education for the poor. But he did not go into detail either as regards the interactions in public poor relief. In my opinion, what usually played the most decisive role for the private actors involved was the degree of autonomy. By ranking the forms of cooperation on a scale, four types of private/public cooperation stood out. I distinguish between four types from most ‘public’ (the least autonomy for the private institute or association involved) to most ‘private’ (the most autonomy for the private institute involved), named after the nature of the mobilization of private partners by public authorities: ‘employment’, ‘invitation’, ‘support’, and ‘placement’.⁷¹⁵ A range of factors determined these types (as seen in the far left column of the table): (1) the public actors involved, (2) the private actors involved, (3) the official status of the institution, (4) the management of the property (mostly buildings), (5) the nature of the institutions, (6) the authority of the private actors and (7) the geographical location of the institutions. As I already mentioned before, apart from these four types of mixed private/public nature, *fully public* and *fully private* institutions also existed, which can be placed on the far ends of the private/public spectrum. Some public institutions were simply managed by the Commission and employed lay staff without the help of any private institution or funds. Some private institutions, on the other hand, were run fully independently and did not depend on either material or financial support from any of the public authorities.⁷¹⁶ For reasons of clarity, I have added two columns to the figure, representing these fully public institutions on the one hand (far left column) and the fully private institutions (right column), between which the mixed private/public types can be placed. However, because of my focus, I will only elaborate on the mixed private/public types.

It will be clear that the four types apply especially, but not exclusively, to the institutional aspect of poor relief. Welfare Offices which were in charge of outdoor relief had a doctor on their payroll and basically handed out food and clothing. For this kind of poor relief, there was no special expertise required. Hospitals and other

⁷¹³ Engaging in quantitative analyses with regard to the situation of public and private charity and their intertwinement is far more difficult, for a number of reasons. Together with some tentative attempts, these difficulties are explained more in detail from page 211 onwards.

⁷¹⁴ Bakker (2008) ‘Geld en geloof. Financiën in de katholieke krankzinnigenverpleging tot de Tweede Wereldoorlog’, 129–130.

⁷¹⁵ In Dutch, I would speak of ‘tewerkstelling’, ‘uitnodiging’, ‘steun’, ‘plaatsing’.

⁷¹⁶ Theoretically speaking, such institutions could not legally own buildings and had to take recourse to semi-legal constructions, see section 4.3.

specialized institutions on the other hand needed an extensive staff and technical or logistic expertise. Therefore, it was especially in the institutional care for the sick and poor (i.e. in hospitals and institutions) that public facilities cooperated with private institutions often already traditionally active in the same branch. For that same reason, the focus in this part will lie on institutional care. Of course, relevant cases of home care, for instance the food and clothing distribution by religious and philanthropic institutes, will also be included. Moreover, in order to draw the picture of the kinds of private/public interactions as adequately and precisely as possible, I have also included many examples. Many of those examples will come from the cities of Liège, Ghent and Brussels because, in the following section, they will also be the cases used to find out whether the ‘culture war’ on the national level had an impact on the local private/public arrangements.

		MIXED PRIVATE/PUBLIC ARRANGEMENTS					
		PUBLIC				PRIVATE	
		FULLY PUBLIC	1. EMPLOYMENT	2. INVITATION	3. SUPPORT	4. PLACEMENT	FULLY PRIVATE
public actors involved	Commission	Commission (city council)	Commission (city council)	city council (Commission) (Welfare Office)	Welfare Office Commission city council	/	
private actors involved	/	religious institutes	religious institutes (other)	religious institutes, philanthropic societies, other associations	religious institutes (other)	religious institutes, philanthropic societies, other associations	
official status of institution	public	public	public	private	private	private	
management of property	Commission	Commission	Commission (private)	private (Commission)	private	private	
nature of institution	general hospitals, agricultural colonies	urban general hospitals	rural general hospitals, specialized urban institutions*	specialized institutions ⁷¹⁷ , home care, food distribution, etc.	general hospitals, specialized institutions	general hospitals, specialized institutions, home care, food distribution etc.	
authority of private actors	/	only care and domestic tasks	micro-management and daily management	complete management (but with allowance of access to accounts)	complete management	complete management	
geography	both urban and rural	mainly urban	mainly rural	mainly urban	mainly rural	mainly rural	

Figure 7. Four types of mixed private/public arrangements in the poor relief system (and their characteristics along seven determinants) on a scale from public (left) to private (right), between fully public institutions and fully private institutions.

⁷¹⁷ The most frequent examples were institutions for orphans, for the elderly, for the terminally ill, for psychiatric patients, for the blind and deaf-mute. As the nineteenth century and medical science progressed, more and more specialized institutions would be installed.

1. EMPLOYMENT (NON-AUTONOMOUS)

The type that in principle gave the religious institutes the most freedom was the 'employment' type, that of the large general hospitals in the cities: the Bijloke Hospital in Ghent, the St John's and St Peter's (*Sint-Jan* and *Sint-Pieters*) Hospitals in Brussels and the Bavière Hospital in Liège. Both the hospitals themselves and their religious origin and their work had a long history, but were secularized during the French Revolution and placed under the management of the Committee of Civil Hospices. In Brussels the Sisters Hospitallers of St Augustine (*Gasthuiszusters-Augustinessen*) were able to continue to serve more or less clandestinely by covering their religious uniforms. However this was not possible everywhere. The Bernardines from the Ghent Bijloke Hospital were a notorious example of the expulsion of religious in 1799.⁷¹⁸ Nevertheless, they were allowed to return three years later. As trained and experienced workers, they were essential for the proper operation of the hospital, and so the secular administration decided, although gritting their teeth, to take them back. The fact that precisely these religious institutes were among the first to receive official recognition according to the decree of Napoleon in 1809 fits in with the same line of reasoning.

The Commission usually kept a firm rein on the management of the hospitals, since at a time when there was very little specialized medical care, its core business involved the large urban general hospitals. Moreover, its scale and function brought in more than merely 'care' from religious: surgeons, doctors, housekeepers, servants, couriers and others were all on the Commission's payroll. As care providers, the religious were, in the eyes of the Commission an important part of the whole in the best case and in the worst case a 'necessary evil' or, according to the Brussels Commission, no more than proxies (*mandataires*).⁷¹⁹ As tensions between the Commission and the religious increased over the century, the former increasingly delineated the responsibilities of the religious with new regulations. Later versions quite often stated explicitly what the religious were *not* allowed to do, since they were already interpreted their assigned tasks in a maximalist way. One example is the question of the director of the hospital. In Ghent, where the female religious also lived on the hospital premises, the congregation's superior also served as director of the hospital. Because the congregation elected its superior and the superior acted as director, the congregation held a virtual monopoly over the election of the director, unlike in Brussels or Liège where the Commission appointed the director. The new regulations of 1852 set up a subcommittee to downsize and better control her duties but the Commission still spoke well of the superior as the director. As we will see, the new liberal city council installed in 1858

⁷¹⁸ SAG, Erediensten, 476.

⁷¹⁹ (1853) *Bulletin communal de la ville de Bruxelles*, 496.

wanted to have this changed as quickly as possible and urged the Commission to be more assertive in this respect.⁷²⁰

Although the ‘employment’ model gave the religious little room to make decisions, in many cases it turned out to guarantee a lasting and relatively stable arrangement, often until well into the twentieth century. A position in the public hospitals, nearly always under the 1809 decree, offered the religious quite a few advantages: in theory the Commission provided accommodation and food, a fixed salary, a pension and many more material benefits. Paradoxically enough, fundamental tensions manifested themselves mainly in Brussels, where religious service had remained in existence even during the French Revolution. The *Augustinessen* had stayed in the St John’s Hospital, had their rooms there and were using the chapel. Although the Commission was now the owner of all their former possessions and the administration was in their hands, the running of the hospital’s day-to-day affairs remained in the hands of the religious. In a sense, they seemed not to face (or want to face) the new reality, something that had to, and did, lead to conflict in the long term. That conflict will be discussed in more detail further along in this chapter. The St Peter’s Hospital, founded in 1783 and also staffed by the Sisters since 1813, was a very different story. The religious had a few rooms there, but acted purely as nursing staff, which avoided any major tension.

2. INVITATION (SEMI-AUTONOMOUS)

For smaller or more specialized institutions, the local authorities often used the model of an ‘invitation’ or a commissioned enterprise where the administration was *de jure* in their hands, but was *de facto* left to a religious institute or voluntary association *invited* to take it on. The distinction between this type and the ‘employment’ type existed then, and can be seen in many different publications and analyses.⁷²¹ In Ghent, nearly all the institutions for the terminally ill, psychiatric patients and the elderly fit this model. That changed in Ghent starting in the 1860s, when the city attempted to rationalize its health care by centralizing all its services around the Bijloke Hospital, as we shall see. The rural dynamic differed somewhat from the urban context. Outside the city centres, a commission often could not afford its own hospital and thus it often contracted out the general hospital. This simply made sense: the complete running and management of an institution was time-consuming and required both a proper administration and administrative

⁷²⁰ SAG, Weldadigheid, 02³: Hopital de Biloque à Gand. Règlement général; ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 308: Règlement de l’hopital de la Biloque.

⁷²¹ Contemporaries labelled the ‘employment’ type as *régie*, because the Commission was in charge of the management, and the ‘invitation’ type as *à forfait*, because the religious or philanthropic ‘entrepreneurs’ were in charge of the management and received from the Commission a fixed sum for it. See for instance an attachment entitled ‘Personnel administratif médical et de service’ drawn up by the Ghent Commission in 1862. ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 306: Cahier des réponses des communes au programme des questions du chapitre II, 19 december 1862. See also Woeste (1886) ‘Les asiles d’aliénés et les communautés religieuses a propos de l’asile de Tournai’ and Verstraete (1876) *Des établissements charitables considérés au point de vue de l’amélioration & de l’éducation de la classe ouvrière*.

experience, something not all Commissions had in abundance. Even if the management was in hands of the local Commission or, lacking that, the Welfare Office, the religious employed there often enjoyed a higher degree of participation and autonomy than in the cities.⁷²² While the urban Commissions were often trying to get a tighter and tighter grip on the reins of power throughout the nineteenth century, this was not necessarily the case in smaller towns or in the countryside. For example, in 1863 the Commission in Sint-Niklaas gave up the administration of the local boys' orphanage for 15 years, on behalf of the Brotherhood of St Jerome (*Broeders Hieronymieten*) who had worked there for years. In addition to an agreed-upon daily rate, the brothers also received the profits from running the farm, the work done by the orphans and from their own paying psychiatric patients.⁷²³ The Commission had previously passed on the management of the girls' orphanage and the public hospital to the Sisters of St Joseph (*Zusters Jozefieten*) and the Sisters of St Vincent de Paul.⁷²⁴

This type harbours what the Leuven historian Vincent Viaene has called 'an empire by invitation' (hence 'invitation' type): public poor relief invited private charity actors to do what was actually believed to be among its own tasks.⁷²⁵ The *raison d'être* for a new institute often consisted literally of an invitation; the Commission or municipality wanting to found a new institution would appeal to the church authorities or an intermediary about it. These parties in turn would investigate which religious institute was eligible. The ultimate decision for a given institute was due to geographical or pragmatic considerations, although personal ties also played a part. Dr Wauters of the Ghent Welfare Office, a supporter of an institution for the terminally ill in 1803, immediately contacted the well-known canon Pierre-Joseph Triest, who had started a religious community of pious young women in Lovendegem.⁷²⁶ After some correspondence between the French sub-prefect, Triest and the Ghent Commission, the Sisters of Charity of Jesus and Mary moved into the former abbey of Ter Hagen in 1805. Triest's star would rise even higher afterwards: from 1807 on, he had a seat on the Ghent Commission, where as the director of several institutions, he would become the leading man. In 1834 he ensured that the foundlings' home and its children's hospital came under the auspices of the Sisters of the Infant Jesus. The importance of spiritual managers of religious institutes (such as Triest and his successor Benoit De Decker of the Sisters of Charity) as intermediary figures is difficult to overestimate. With the religious as

⁷²² ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 306: Cahier des réponses des communes au programme des questions du chapitre II (hosp civils) 1860-1863 ; FOD, Archives Ministry of Justice: Congrégations hospitalières. Affaires diverses AD I (Application décret principes) and Congrégations hospitalières. Affaires générales (Dossiers PR.) II : rapports entre les commissions des hospices civiles et les congrégations hospitalières.

⁷²³ Verstraete (1876) *Des établissements charitables considérés au point de vue de l'amélioration & de l'éducation de la classe ouvrière*, 66-74.

⁷²⁴ ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 306: Cahier des réponses des communes au programme des questions du chapitre II, 1860-1863.

⁷²⁵ Viaene (2001) *Belgium and the Holy See*, 177.

⁷²⁶ On Triest see for instance Strobbe and Suenens (2010) *Zusters Kindsheid Jesu 1835-2010*, 38. See also (1836-1837) 'Notice sur feu M. P.J. Triest'.

reliable, loyal and inexpensive personnel, they built a national reputation as ‘entrepreneurs in charity’. Triest even had to refuse requests from the Ministry of Justice to manage prisons, since there were too few religious available, and his successor De Decker was also flooded with requests in the late 1930s from Sint-Truiden, Antwerp, Mons and Tienen.⁷²⁷

In concrete terms, the ‘invitation’ type implied that the Commission was not directly responsible for the institute’s expenses, but that it agreed on a fixed price with his ‘entrepreneurs’. This could be an agreed-upon daily rate per patient, or a total annual amount for an agreed-upon number of patients. Given that the religious had to use these means for the day-to-day running of their institution, they were the subject of annual – sometimes ongoing – negotiations.⁷²⁸ The resulting contract also delineated the responsibilities of its managers, giving them a degree of autonomy that could vary very widely. The Bruges Commission gave the Brothers of Charity an exceptional amount of freedom in running a new home for the elderly in the former Alexian monastery, which they had bought in 1841. The Brothers were not only allowed to appoint the medical personnel, but also had permission to take on their own elders as paying residents, which was normally not considered legal for a recognized hospital congregation. There was not even a maximum number of religious imposed, something that was still a sensitive issue in the area of service in public hospitals.⁷²⁹ This illustrates how much could depend on a bond of trust between the managers and the Commission.

The paradox of this widespread type lay in the fact that despite the sometimes far-reaching autonomy unique to the model, ‘entrepreneurs’ often found themselves in the most subservient positions. In practice, this autonomy meant that the religious institutes bore the entire risk of the operation. They often guaranteed all the repair work on a – sometimes completely dilapidated – building that was the property of the Commission. In addition, the religious were continually having to ask for the daily rate to be raised, since the Commission was trying to keep them as low as possible due to financial considerations. This often led to lengthy entreaties for a raise of just one or a few centimes, for example in the case of the Ghent children’s hospital of the Sisters of the Holy Childhood of Jesus and also in Ghent, the Ter Hagen hospital of the Sisters of Charity. The result of these lost battles was that these types of institutions had to fight to keep their heads financially above

⁷²⁷ GZLJM, Correspondence Triest-De Decker (1833-1840) : 1750, 1756, 2004, 2026, 2075, 2090, 2093.

⁷²⁸ The Ghent Commission had this to say in 1862: ‘Pour les établissements avec lesquels il est traité a forfait, le prix de la journée d’entretien est réglé tous les ans de commun accord entre l’Administration et les Directeurs de ces établissements sous l’approbation de l’autorité communale.’ ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 306: Cahier des réponses de la ville de Gand au programme des questions du chapitre II (hospices civils).

⁷²⁹ The regulations stated: ‘dit ten getalle van zoo veel als dat er noodig bevonden word om uit te oeffenen den dienst van het huis’. ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 284: Cahier des réponses des communes au programme des questions du chapitre II (hospices civils) et annexes.

water.⁷³⁰ In 1853, around 44% of the Ter Hagen Hospital's total income depended on the patients paid by Welfare Offices or Commissions, either those from Ghent or from other municipalities. Moreover, despite a limited legal personality guaranteed by the 1809 decree, they had little legal stability or security: the buildings were the property of the Commission, which was legally on a firm footing. At the point when the Commission had decided to close their orphanage, the Ghent *Maricoles* (Devotees of Mary) were out on the street despite a severance compensation, and had to seek shelter at their mother house in Deinze. Disillusioned, they applied for a subsidy from the Ministry of Justice, but without success.⁷³¹ The Commission seemed only to profit from this model: they had little administration of their own, and kept costs down but could still keep the macropolicy in their hands. Some Commissions were no strangers to a dash of opportunism. In Leuven they tried several times to charge the Augustine sisters for the costs of repair work on the public hospital, while the contract clearly stated that those costs were to be borne by the Commission.⁷³² Similar conflicts arose when the Commission decided to end the collaboration, and consequently endless agreement arose over paying the sisters' pensions, compensating investments made by the congregations or their representative in the 'public' institutions and sharing the household contents.

3. SUPPORT (QUASI-AUTONOMOUS)

Structural intertwining of Catholic private charities or philanthropic societies with local government also came about in places where they were not covered by the official legal framework of public poor relief. These private institutions had independent management (so they were usually not counted as 'public' in official analyses), but nevertheless often had a structural dependence on the municipality, Commission or Welfare Office for direct material or financial support. They were often non-religious, philanthropic associations, but many religious institutes that had made free home care for the poor their speciality (such as the Black Sisters and Grey Sisters) qualified as well. In Brussels, the liberal philanthropic *Société Royale de Philanthropie* ran two old-age homes (*Refuge au Sainte-Gertrude* and *Refuge aux Ursulines*) and from 1856 on, an institute for the blind as well. To run them, they received an annual subsidy from the city of Brussels, as well as particular allowances for medicines and as in-kind support, several barrels of wine from the Commission.⁷³³

⁷³⁰ After a request to raise the daily rate and one for damage compensation, director canon Triest of the Sisters of Charity sent an angry letter to the Welfare Office saying that they would see losses of BEF 2,269 on the books in 1832, while some items had not even been included. See GZLJM, Correspondence Triest-De Decker (1833-1840): 1651 (1 May 1833).

⁷³¹ SAG, Weldadigheid, 04/3 and FOD, Archives Ministry of Justice. Congrégations hospitalières. Affaires diverses AD I (Application décret principes).

⁷³² KADOC, Archives Sisters Hospitallers St Augustine Leuven, 267.

⁷³³ ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 274: Cahiers des réponses des communes au programme des questions du chapitre VI (Renseignements et observations des autorités communales) et tableaux statistiques annexés. Arr. Bruxelles.

Thus support did not always consist of a financial allowance. It could also be material in the form of the use of a room or house free of charge, in-kind support (e.g. wine), a one-time subsidy or a combination of these. For example, in 1853 a new non-religious *Association philanthropique* was founded in Antwerp to distribute soup to workers hit by the food shortage. In 1856 the government decided to subsidize the new association with a one-time grant of BEF 2,500. However, the city of Antwerp decided to help as well: with the Commission of Civil Hospices they agreed to make a room available as well as to grant a one-time subsidy of BEF 6,000 to furnish it. The financial construction set up for this purpose is especially interesting: the city council ordered the Commission to buy a house, giving them a loan to do so. Paying the annual interest on the capital loaned, which otherwise would be 'rent' on the associations' books, was shouldered by the city council.⁷³⁴ This is a fine example of how the mixed private/public system worked at the local level. Free initiative created an association which fit in the framework of the city's social policy and precisely because it did, was financed by the local authorities from its founding and even given structural support. However, the ownership remained in the hands of the authorities, who refused to help with operational expenses, from the perspective that that was precisely the merit of 'voluntarism'.

By issuing extraordinary subsidies, local government and public institutions also helped private institutions or complemented charitable gifts and foundations in building or renovating their premises. An example in Brussels again demonstrates that such practices did not exclusively favour Catholic institutions but were also used by the liberal elites. The Minister of Justice had already made explicit requests for a special institution for the blind in Brussels but initially the local authorities in Brussels were reluctant. Eventually, the question was solved by a large bequest which was approved by the government for the building of new premises, with the *Société de Philanthropie* designated as special administrators. The Brussels charity administration held responsibility over the project and covered the maintenance and furnishing expenses. The city council contributed an additional BEF 55,000 but asked the Société to provide another BEF 25,000. As a result, the new institution was officially inaugurated in 1856.⁷³⁵ National government, too, played its role in this regard. De Haerne mentioned the case of Merchtem. A testamentary bequest of BEF 50,000 had been confirmed by the government to establish a new mixed hospital served by female religious, but in addition to the local Welfare Office's contribution of BEF 15,000 the government also decided to provide for the expenses for furnishings with a subsidy of BEF 4,500.⁷³⁶ Especially during the first half of the nineteenth century, the government granted large sums to local

⁷³⁴ ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 249 : État des fondations et établissements de charité privée, ateliers d'apprentissage, écoles de travail et écoles de fondation de la province Anvers [1863].

⁷³⁵ Vander Rest (1860) *Aperçu historique sur les établissements de bienfaisance de la ville de Bruxelles*, 198. See also (1849) *Gazette médicale belge. journal hebdomadaire, de littérature, de critique et de nouvelles médicales*, 193-194.

⁷³⁶ De Haerne (1857) *Tableau de la charité chrétienne en Belgique*, Annexe F1. See also other annexes, especially those of the province of West Flanders where charitable foundations were widespread.

institutions for specific occasions. The aforementioned 1849 inquiry, for instance, had brought to light that, out of the 45 institutions that were not in compliance with the law as liberal minister De Haussy interpreted it, 5 had been supported by the government for the considerable sum of BEF 14,100.⁷³⁷

However, direct and recurring financial support in the form of annual subsidies turned out to be much less common. This had everything to do with the fact that a direct subsidy was much more vulnerable to ideological tensions. The subsidy was published in the municipality's or Commission's official budget. This not only made it a visible element of official city policy, but subjected it to an official discussion during review of the budget. While in the first half of the nineteenth century Liège, Ghent and Brussels all structurally subsidized religious institutes and other associations providing social services to the city, this was contested more and more starting in the late 1850s, when the tensions in the nation's 'culture war' caught on in the 'liberal' cities as well.⁷³⁸ In a polarized political context such as in Ghent in 1857, or in Liège in the 1860s, the abolition of municipal subsidies to religious institutes functioned not only as an example of straightforwardness and consistency, but also symbolized a new policy. Part 4.4 of this chapter will elaborate on this.

4. PLACEMENT (AUTONOMOUS)

Even where private care institutions operated fully independently, they could be employed in the public poor relief system by admitting needy patients at the expense of the Commission or the Welfare Office. Responsibility for placing patients in other institutions was divided between the city council, the Commission and the Welfare Office. In the cities and municipalities where a Commission was active, placement was usually done by the Commission. However, the responsibility over foundlings and abandoned children in principle lay with the Welfare Office, since these children were often placed with foster families, which could be considered a form of home care. In Ghent, the Welfare Office placed foundlings and abandoned children under its responsibility first in the children's home of the Sisters of the Holy Childhood of Jesus as an 'intermediate' home before sending

⁷³⁷ RAG, Provincial Archives East Flanders, 2903/1 : État détaillé des hôpitaux et hospices de toute nature non-administrées par des Commissions d'hospices civils conform à la loi de 16 Vendémiaire an V, mais par des Bureaux de Bienfaisance, des associations religieuses ou des particuliers, 1848. See also Van de Perre (2014) *De liefdadigheid is geen slagveld. Privaat-publieke samenwerking in de Oost-Vlaamse armenzorg*, 53-55.

⁷³⁸ In Liège, this involved such subsidies as those for the *Société de Charité maternelle*, to a private institution for deaf-mutes and the blind, and to a refuge for prostitutes; in Ghent before 1857, subsidies to 5 religious institutes and afterwards to the philanthropic, liberal *Sans Nom Pas Sans Coeur* and in Brussels, subsidies to two private institutions for the blind and deaf-mute, two homes for the elderly and one for the blind. These data were extracted from an extensive survey of the administrative *Bulletin's* that the local authorities in these cities published each year, including those years' budgets. See *Gand, ville. Bulletin communal*, 1868-1875 ; 1879 ; 1882-1885 ; 1886-; *Mémorial administratif de la ville de Gand* 1845-1896 and 1896-1923 ; *Rapport sur l'administration et la situation des affaires de la ville de Gand* 1836-1860 ; 1864 ; 1866 ; *Bulletin administratif de la ville de Liège* 1846- ; *Rapport annuel de l'administration et de la situation de la ville de Liège* 1838- ; *Ville de Bruxelles. Bulletin communal* 1849- ; *Budget de la ville de Bruxelles* 1850, 1875, 1893 and 1898.

them out to the countryside to live with individuals. In addition the municipal council was responsible for the blind and deaf-mutes within the municipality. The policy they pursued, however, could vary greatly. While the city council consistently spent large amounts to place blind and deaf-mute people in the appropriate private institute in Liège and kept subsidizing that institute, these amounts were significantly lower in Ghent.⁷³⁹ Despite the increasing awareness that these categories of patients benefited from specialized care and education, it still often happened that they were simply on the Welfare Office list as needing care, and otherwise received little interest. More generally, placements were a widespread phenomenon in the countryside for the simple reason that the high costs made managing a public hospital practically impossible. This also explains why these costs were incurred in these localities by the Welfare Office: in municipalities that did not have any institutions and hence had no need for a Commission, the Welfare Office organized these placements.

The 'placement' procedure took more or less the same path as in the 'invitation' type: the private institution and the Commission agreed on a daily rate per patient and a maximum number of patients. This arrangement turned out to be attractive for both parties. The Commission did not have to found or organize an institution itself, and could negotiate a daily rate that was relatively lower than what the institution's paying patients were charged. The institution itself, by contrast, could count on a stable source of income despite this lower rate (although the paid work may have been more lucrative, the number of paying patients did fluctuate). In addition, it enabled the institution to retain its full autonomy. In the official questionnaires sent by the Ministry of Justice, they refused to answer questions not specifically about the patients placed by the Commission:

*The hospice being a private institution, the director did not feel obliged to answer the other questions about the programme.*⁷⁴⁰

That neither party considered this a government subsidy to a private institution proves all the more how thoroughly embedded this arrangement was, and how natural it was found to be.

The four types differed greatly as to their degree of autonomy and position of power compared to the public institutions, as well as in their liability to conflict and their sustainability. A high degree of autonomy usually went along with a higher position of power, with the exception of the 'invitation' type. Nevertheless, the power position seems to have only been a dominant one with 'placement'-type

⁷³⁹ While the placement costs in Liège starting in the 1860s were around BEF 8,000 (with 1,500 subsidy to the institute itself) and from the 1870s raised to BEF 11,000, in 1870 Ghent spent around BEF 6,500 and these items even disappeared from the budget afterwards.

⁷⁴⁰ ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 250: État des fondations et établissements de charité privée, ateliers d'apprentissage, écoles de travail et écoles de fondation de la province, 1863.

institutions: because of the full autonomy of the private institution, the public institutions could exert little pressure, and thus fundamental conflicts were avoided. In the 'invitation' type, on the other hand, despite the greater autonomy and flexibility compared to the 'employment' type, much depended on the relationship the private partners involved maintained with the Commission. Some of them (for example the liberal *Société de Philanthropie* in Brussels or religious institutes in the countryside) stood on a good footing and could profit from luxurious agreements, which facilitated their other activities. In many cases involving religious institutes, conflicts were frequent and they often had a subservient position. Their autonomy after all was only by the grace of the Commission, which had a firm legal footing, often owned the building(s), still carried out the macro-management and from this position of power set the tone in negotiations about the financial situation. Not infrequently were they paid daily rates per patient or fixed yearly sums that were far below the actual expenses. Because of precisely this conflict-sensitive nature, urban enterprises following the 'invitation' type were rarely sustainable and the Commission ultimately had the upper hand. As for subsidies and other forms of municipal support, their sustainability and conflict-sensitivity depended greatly on the situation. Annual subsidies were particularly tricky politically speaking for the municipal authorities, and rarely lasted very long. Ultimately, the 'employment' and the 'placement' types would win the battle for longevity. The former's little autonomy and what in their eyes was a strictly regulated job description could not stop the religious institutes from remaining active in the public hospitals until well into the twentieth century, while the latter type was legalized. More on the further developments towards the end of the nineteenth century will follow in the last section (4.5).

The difficulties of assessing the private/public intertwinement in numbers

Certainly one of the reasons why there has not been a detailed analysis of the private/public intertwinement until now is because it is difficult to grasp it in numbers. While historians of the nineteenth century can in some instances build on quite extensive quantitative data sets, such local matters as poor-relief systems are more problematic to draw up in charts. Especially in the case where they were so structurally built into the system and, at least for a large part of the century, were taken for granted, these kinds of private/public constructions remained under the radar in the regular statistical inquiries. Even in the few instances that charitable institutions were counted and listed, they were often simply divided into private or public institutions without further explanation, not least because of the prevailing discourse of 'private versus public charity'. Therefore, the results did not say much about their precise nature or any possible cooperation between institutions and had to be taken with a pinch of salt. In addition, in accounts that did not take part in the mid-nineteenth-century discourse of private versus public, for instance overviews of the social sector in municipal bulletins, all care institutions were mentioned together but here, too, without much detail on their private or public nature, let alone on their cooperation or intertwinement. De Haerne's account is exemplary in

this regard: in listing private institutions, he must have gone through examples where the institutions, although run by religious institutes that had been given free reign, were officially public. Furthermore, and typically for the local, mixed private/public system, his almost infinite tables of institutions demonstrated how much the regimes and modalities of private/public cooperation could differ because of the local context. All such complexities make it an impossible assignment to assess, for instance, the financial scope of private investments in the public sector, or public subsidies to private institutions. Van Molle concludes on the same matter that ‘achieving serious quantification at macro-level is an illusory hope’, warning in addition that ‘rough estimates [...] risk being more misleading than revealing’.⁷⁴¹

For all the difficulties in estimating the financial implications of this system in figures, the detailed Welfare Office accounts that have been preserved can at least give us some indications. The placement by Welfare Offices of needy patients in other institutions, for example, offers insight into the ratio of public to private institutions, and the public money that thus flowed into private institutions (see figure 8). Among the public institutions were the *depots de mendicité* (shelters for vagrants) and *écoles de réforme* (reform schools for vagrant children) and the normal public hospitals. Here it should be kept in mind, however, that many hospitals in the countryside were officially public, but run by private actors on the ‘invitation’ model. Among the private institutions were the normal private hospitals, institutes for the deaf and mute (all of which were private) and psychiatric institutions; two-thirds of the latter (43 out of 59) were privately run but almost all employed religious institutes.⁷⁴² The rise of the expenses for public institutions can be ascribed to a large extent to an increase in the *depots*, of which the expenses tripled in the given period, which had probably much to do with their shift in function since the crisis from repressive institution to shelter for the poor.⁷⁴³ Although the share of private hospitals in the reimbursed placement costs declined slightly after 1844, in 1858 they still accounted for more than 40% of the BEF 250,000 that Welfare Offices spent on placements.

Besides placements, some Welfare Offices also provided private institutions with subsidies. In 1858, private institutions received a total of nearly BEF 40,000 in subsidies from the Belgian Welfare Offices. Such figures of course shrink to almost nothing when compared to the overall expenses, which, as already mentioned, not only consisted of the expenses for outdoor relief but also included all the expenses for their financial properties and capital. Although it was thus only a fraction of the total expenditure (never more than 0.5%), of which the majority went to home care, this was a considerable amount of subsidy at the time.

⁷⁴¹ Van Molle (2017) ‘Comparing Religious Perspectives on Social Reform’, forthcoming.

⁷⁴² Lentz (1866) *Des institutions de bienfaisance et de prévoyance en Belgique 1850 à 1860. Résumé statistique*, 59.

⁷⁴³ I briefly referred to this context in the introductions to part two and this chapter.

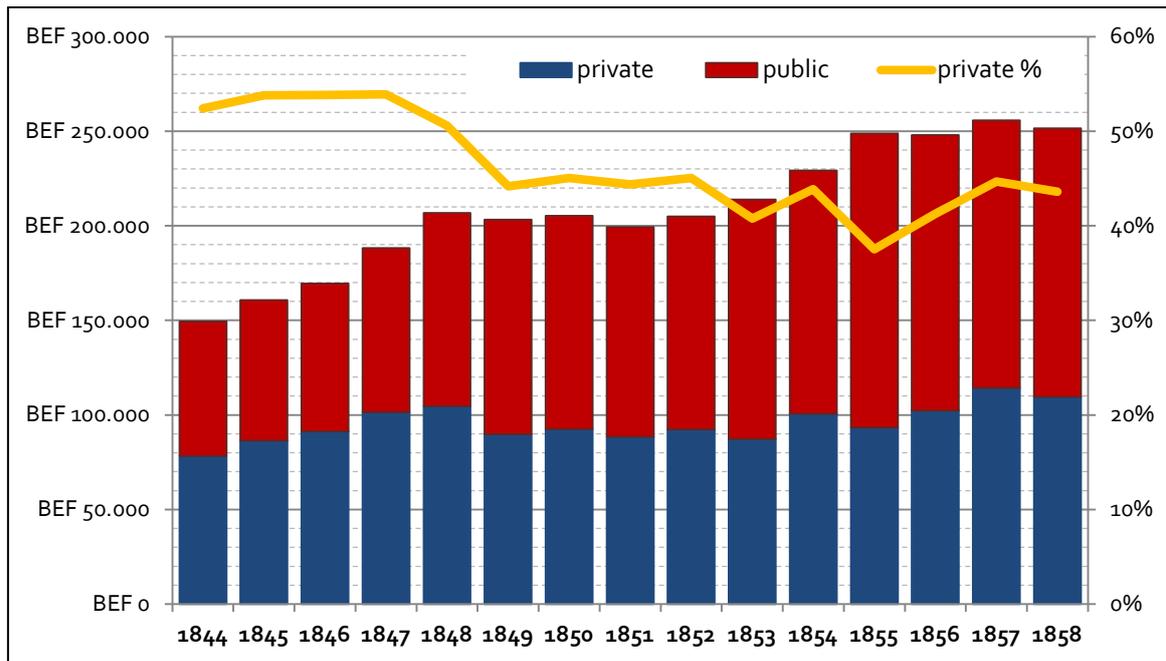


Figure 8. Expenditures by the Welfare Offices for placements in public (red) and private (blue) institutions and the share in percentage of the latter (yellow line) in total spending between 1844 and 1858.⁷⁴⁴

4.3 The regulatory and subsidiary state: legislation and financing (1800-1860)

Where, then, should we place the role of the national government in this essentially local system? Some aspects in the preceding sections may already have given us a peek behind the scenes. The state, in the form of national government, did not (usually) engage in the provision of social services itself. Instead, totally in tune with the reigning discourse, in cases where improvement or investment seemed appropriate and necessary, the state urged the lower levels of government to act, stimulated existing initiatives or provoked new ones to bolster. The state's action in this regard was largely to be found on the regulatory and financial level, and far less on the level of direct provision itself. However, arguably because this system was based on a 'mixed economy' of private institutions and local public entities in a highly decentralized government, the (perhaps less visible) regulation by the state was proportionally more important in shaping social policy than in a system of full state provision.

⁷⁴⁴ These are my own calculations based on ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 242: Tableaux récapitulatif par province et par arrondissement des recettes et des dépenses des Bureaux de Bienfaisance entre 1844 et 1858. Similar figures are also to be found in (1865) *Exposé de la situation du Royaume. (période décennale 1851-1860) publié par le ministre de l'Intérieur. Tome II*, 71 and 73.

The first part of this section will therefore explore the *regulatory* ways in which national government influenced the system's financial foundations most strongly, namely by the enactment and interpretation of national legislation. The impact of the national legislation would become particularly apparent when the widespread practice of donations and bequests, part of the financial foundations of both the public poor-relief system and private charity, became subject to the ideological and political shifts preceding and following the 1857 political crisis on the 'monastic law'. The second part, moreover, will explore the 'subsidiary' ways that characterized the state's actions in certain special policy fields such as psychiatric care or care for the deaf-mute and blind. In these and other social policy fields, the state held a more direct financial responsibility, subsidized institutions by way of crisis management or even established and maintained its own state institutions by way of setting the standard in a certain field. The third part then demonstrates how policy change in the field of psychiatric care was the perfect example of the state's regulatory and subsidiary role, and the discourse that underpinned this role.

Regulating the private/public financial base of the poor-relief system

The public poor-relief system depended mainly on two financing sources: public funds and private charity or philanthropy. As for the *public* funds, the Commissions and Welfare Offices often administered a collection of real properties that had belonged to religious houses or charitable institutions and were confiscated during the French period. The revenues these goods produced ranged from interest on capital funds to rents on houses and provided them with the necessary means to fulfil their legal task. In the event of insufficient funds, the law prescribed that the local authorities needed to cover the deficit. As for *private* charity, on the other hand, rich benefactors founded or supported institutions, whether entirely through interest on a capitalized legacy, or partly by donating money, giving associations or religious institutes the use of a house, or diverting their legacy to fund some extra beds. The expansion and maintenance of the network of private institutions was made possible to a large extent because of this private funding.

However, there was no clear distinction between a public sector funded by public funds and a private sector funded by private charity. As we have seen before, private institutions received direct financial support, or charitable foundations were financially supported by the state or other levels of government, while others could expand their private services as a result of a steady income from placements reimbursed by the local authorities or the Welfare Office. But the situation was also sometimes the other way round: local dignitaries of a city or village made gifts or bequests to the local Commission or Welfare Office. In addition to giving them the responsibility over the confiscated goods and capital, the French Revolutionary legislation had given these public institutions the sole authority to receive donations and bequests, even if they included specific designations or clauses with regard to the intended (private) beneficiary. To cite just one example of the resulting intertwinement: a donation meant for the religious congregation serving the local *Atelier de Charité* in Sleydinghe (East Flanders), was written out to the city

council, who administered the sum and directed the yearly capitalized interest to the religious congregation.⁷⁴⁵ In a statistical report on charitable institutions, the administrative director of the Ministry of Justice remarked that ‘The sentiment of charity is very lively among the inhabitants of Belgium and it inspires frequent gifts in favour of the public charitable institutions.’⁷⁴⁶ In the first two decades of Belgian independence, between 1831 and 1850, the public system received more than BEF 18 million from gifts and bequests, and in the following decade alone this amounted to more than BEF 22 million.⁷⁴⁷ Thus, the financial foundations of the system again reflected its mixed character.

But this mixed character also led to tensions, as donations and bequests were largely responsible not only for the expansion of private (Catholic) charity but hence also for the expansion of the religious institutes’ role in that field of charity and their alleged attempts to circumvent the public monopoly of donations and bequests. To grasp this complex issue we need to go back a bit in time. The rapid succession of events since the French Revolution had resulted in a complex set of different legal codes, ranging from the Civil Code across imperial decrees to Dutch decrees.⁷⁴⁸ In anticipation of new legislation, the Belgian government had given free rein to private charity in its initial years. In conformity with the Dutch decrees, donors were allowed to establish their own foundations (which also gave them the right to choose who the resulting institution was to manage, e.g. religious institutes or philanthropic associations) or were given the right to choose and appoint someone to administer their gifts or bequests (who were called ‘special administrators’, e.g. parish priests, private individuals, family members, religious institutes, philanthropic associations).⁷⁴⁹

During the discussion on the Municipal Act, talks lingered on about article 84, which eventually confirmed this right in 1836. Significantly, however, the article seemed to leave room for interpretation as to whether it applied to both existing and *future* acts (the Catholic interpretation), or only by way of exception for the already existing acts (the liberal interpretation). The fact that the same article caused a temporary disagreement soon after between the Ministers of Justice and the Interior only reinforced the impression that the infamous article 84 allowed for

⁷⁴⁵ ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 56 : Dossier concernant le projet de loi sur la Bienfaisance du 25 janvier 1856.

⁷⁴⁶ Lentz (1866) *Des institutions de bienfaisance et de prévoyance en Belgique 1850 à 1860. Résumé statistique*, 22.

⁷⁴⁷ Lentz (1866) *Des institutions de bienfaisance et de prévoyance en Belgique 1850 à 1860. Résumé statistique*, 22. A similar increase for France was pointed out by Armand de Méln (1863) ‘La charité’, 138. Figures rose from FFR 1 million a year private charity to public institutions between 1800 and 1814 to 4 million a year between 1848 and 1854. It must however be kept in mind that the figures of De Méln were part of his vigorous Catholic discourses in favouring and inflating religious charity both in his London lecture and at the *Assemblée catholique de Malines* in the year after and may thus have been overestimated. In Belgium, donations and bequests would decrease in their numbers as well as in their value in the second half of the century.

⁷⁴⁸ See the first part, chapters IV to VI in Tielemans (1855) *De la charité publique. Extrait de l’administration et du droit administratif de la Belgique. (Tome VIII. Article Hospices, Hôpitaux, etc.)*.

⁷⁴⁹ For the role of priests in the local public poor-relief system, see for instance Imbert (1995) ‘La place du clergé dans les structures financières de la bienfaisance au XIXe siècle’, 243-249.

more than one interpretation. Although it was generally understood until 1847 that donors could indeed establish their own institutions as a 'foundation' or appoint 'special administrators', liberal opposition to this policy during this period was mounting. This was not surprising: the liberals completely followed the strict line of the French Revolutionary legislation in which all donations and bequests had to be administered by the Welfare Office or by the Commission of Civil Hospices, but by contrast found that the 'exceptions' of foundations and special administrators largely enabled religious institutes to avoid public interference and to acquire the de facto ownership outside of the public framework, sparking their deep fears of mortmain. Thus, the controversial questions of charity, religious institutes and mortmain were essentially interlinked from the start.

No sooner had the first liberal-only cabinet taken power in 1847 than the new Minister of Justice de Haussy changed course. In the wake of the devastating subsistence crisis, he had already launched the aforementioned enquiry in the summer of 1848 into the state of 'hospitals and hospices of all nature *not administered* by the Commission in conformity with the law of 16 Vendémiaire year V, but by the Welfare Offices, religious institutes or particulars'. Especially in light of the previous paragraph, one can say that his intentions seemed clear. His circular of 10 April 1849 following the enquiry would long remain the cornerstone of liberal policy: he expressed in no uncertain terms his disapproval of his predecessors, for their policy had led to 'a bunch of private institutions, not in any way linked to the public administration, pretending to enjoy legal rights and hiding from every legal control'.⁷⁵⁰ Again, this demonstrates that he linked religious institutes to private institutions wanting to hide 'from every legal control' and 'pretending to enjoy legal rights'.

De Haussy's claims were not at all unfounded. As competent minister, he had learned of the abuses concerning the 1809 decree that granted legal personality to religious institutes serving public hospitals, which gave him enough reason to doubt their sincerity. For the same reason, liberals refused to grant even limited legal personality to religious institutes, something which Catholics considered a just compromise if the possibility of charitable foundations were to be abolished. In fact, the conflict again came down to the monopoly of public institutions as part of a modern government policy advocated by the liberals as opposed to the prerogatives of traditional actors such as the Church and Catholic elites as the (romanticized) practice of their liberties. Both parties underpinned their preference by referring to jurisdiction, which was as divided on the matter as the politicians. After the failed attempt of the 'monastic law' and the liberal uproar in 1857 (see section 4.1), the new liberal government made haste to embody de Haussy's interpretation in its definitive modification of article 84 in 1859 and in a new bill on charity in 1864 that

⁷⁵⁰ (1850) *Recueil des circulaires, instructions et autres actes émanés du Ministère de la Justice ou relatifs à ce département. Troisième série, 1847-1849*, 282. For the entire circular, see pages 262-308.

put an end to the possibility of administering privately owned foundations and restricted that of special administrators other than family members.⁷⁵¹

The change in policy since de Haussy and its consolidation by the liberals after 1859, as well as the fact that the charity question had been mired in ideological controversy thereafter, fundamentally shaped the system in a number of ways. As a result of the liberal interpretation prevailing between 1857 and 1884, the donor's wishes concerning special administrators or a specific allocation for funds were more often denied.⁷⁵² If a certain act or will stated in clear terms that agreeing to its specific designation (e.g. a religious institute or a parish) was a *sine qua non*, liberal Ministers disregarded this clause (based on the equally disputed article 900 of the Civil Code) and approved the rest of it. Jurisdiction in this period hardened the liberal cabinets in their determination. Cases occurred where a local Welfare Office was even forbidden to rent a room to a private institution.⁷⁵³ Even after Catholics regained power, the moderate Catholic cabinets in the early 1870s and after 1884 in fact did little to change this practice: if a specific clause was not considered to be in accordance with the law, the entire act was cancelled.⁷⁵⁴ The absence of a political agreement as well as the varying interpretations of the existing legislation, showed that national government did have a large impact on the foundations of the system. In 'a charitable economy' that still relied on donations and bequests for local social provision and where the necessary confirmation by the government could make the difference between having a new institution or not, the government policy was of course a powerful tool.

However, the donors' and their preferred beneficiaries' distrust of the public institutions and the absence of a legal framework favourable to their demands, made them resort to alternatives often existing in a grey area between legal and illegal, rather than making use of the legal system. As early as in 1852, Ducpétiaux had already voiced his concern that sincere benefactors would be driven towards illegal practices to fulfil their requests if they were not given the chance to do so legally:

*Quel parti prendre ? Ou bien j'abdiquerai ma liberté, j'accepterai la loi de contrainte que l'on m'impose ; ou bien [...] je renoncerai à mon projet bienfaisant ; ou bien enfin, et ce ne sera pas le cas le moins fréquent, je prendrai un détour, j'aurai recours à quelque expédient pour échapper à l'application rigoureuse d'une doctrine contre laquelle ma conscience se révolte.*⁷⁵⁵

⁷⁵¹ Parliamentary Documents, Chamber of Representatives, 1858-1859, n°119 and (1864) *Pasinomie*, 508-536.

⁷⁵² See Ducpétiaux (1858) *La question de la charité et des associations religieuses en Belgique*, 46 and 361, and Müller (1909) *La querelle des Fondations Charitables en Belgique*, 243-282.

⁷⁵³ De Gronckel (1884) *Hospices civils et Bureaux de Bienfaisance. Précis du régime légal de l'assistance publique*, 180. A very remarkable – and admittedly exceptional – result of the strict and consistent jurisdiction in this period was that a (clearly liberal) donor's wish to make sure that only lay personnel (as opposed to religious) served the institution to which his donation was directed was cancelled by the judge, who saw this as an illicit neglect of the Commission's competence on the matter. See page 182 in the same work.

⁷⁵⁴ See for instance ARA, Archives Ministry of Justice. Cultes et Bienfaisance, n° 24313: Legs de Cleempoel, 1911 ; n°24225: Legs De Vigne, 1909; n° 24998: Legs Marie De Dauw, 1905.

⁷⁵⁵ Ducpétiaux (1852) *Esquisse d'un projet de loi sur l'assistance publique et privée*, 13.

This was precisely what happened with the stricter liberal rules of 1859 and 1864. A number of instances also foreshadowed that religious institutes endowed with the legal personality by the 1809 decree renounced their accreditation because it stood in the way of plans to extend their own services. The example of the Brussels Augustines following their legal struggle in the 1850s is a case in point (see the next section). Archival sources from the Ministry of Justice suggest that the Ministry worried about such examples.⁷⁵⁶ The lack of legal personality here played a major role. In an attempt to bypass the rules, female religious united as a *société civile* (association of civil right) or owned a house jointly with a tontine clause, which would leave the property to the last living person of the community. In many cases, religious institutes also made use of a ‘straw man’ who owned the property in their place.⁷⁵⁷

Subsidiary state provision in special policy fields

In addition to its regulatory role in the local public poor-relief system, the state exceptionally also engaged in more direct involvement in social policy. In areas which were excluded from the normal poor-relief system because of their special nature, the state assumed financial responsibility over special categories of poor and subsidized the institutions involved in their relief. In exceptional cases, the state also organized provision itself, sometimes taking over the example of the mixed private/public nature of the local system. These roles – funding, subsidizing, and organizing – will be clarified in the following paragraphs, in that order.

In the case of certain categories of ‘disadvantaged’, it was generally accepted that the state assumed a larger financial responsibility than in the normal poor relief. In addition to exceptionally supplementing the expenses of Welfare Offices and Commissions, the state also structurally contributed to the costs of helping found and abandoned children as well as the deaf-mute. These unfortunates could not be blamed for their own situation and, given their specific situation or disabilities, neither could the local authorities be expected to take all responsibility, so an annual credit was provided by the Ministry of Justice. Expenses for abandoned children fluctuated but decreased from BEF 200,000 in 1832, over BEF 175,000 in 1839 to BEF 145,000 in 1846.⁷⁵⁸ These expenses were used to reimburse the local authorities for each child. Welfare Offices and municipal authorities increasingly complained about the pressure put on their poor-relief system by ‘strangers’ migrating from the countryside or other cities, and the rules on acquiring the domicile (a prerequisite for qualifying for poor relief) were made more stringent

⁷⁵⁶ See for instance the Sisters of Charity in Leuven, who in 1861 requested that their recognition granted by royal decree in 1837 be abolished and dismissed questions concerning their financial state by the Minister following their request. FOD, Archives Ministry of Justice, Congrégations hospitalières. Statuts IV and also Congrégations hospitalières Statuts III.

⁷⁵⁷ Stevens (2004) ‘Les associations religieuses en Belgique pendant le 19e siècle’, 185-202. See also Heyrman (2016) ‘De bedrijfscultuur van katholieke scholen. Een verkenning van financie en beheer’ and Moeys (2009) *Reële of fictieve eigendom? Onderzoek naar het bezit van vrouwelijke religieuze instituten in het bisdom Gent aan het eind van de negentiende eeuw op basis van een enquête in 1889*, 15-20.

⁷⁵⁸ Ducpétiaux (1859) *Institutions de bienfaisance de la Belgique: résumé statistique*, 80.

throughout the years. At the end of the century, these quite arbitrary budgets were therefore replaced by a more rational funding model of intermunicipal solidarity in which the state took also more responsibility, which will be shown in the last section (4.5).

In addition to reimbursing the expenses for their relief, the state also maintained its policy of subsidizing the institutions involved, not for their normal operational costs but for extraordinary expenses. Thus, the state supplied subsidies for covering the expenses of starting up, renovating premises or purchasing materials and equipment in for instance psychiatric institutions, institutes for the deaf and mute, training workshops and industrial schools. Sums for these purposes were a yearly recurring phenomenon in the Ministry of Justice's budget and overall maintained their level, from BEF 125,000 in 1837 to BEF 150,000 around the turn of the century.⁷⁵⁹ Although these budgets seemed modest, Belgium was seen as a vanguard in providing these kinds of direct subsidies. At the third *Congrès international de bienfaisance* in 1862 a debate ensued on possible subsidizing actions by the state. France and Belgium were applauded for doing so, which led Auguste Visschers to state that

*En Belgique, l'Etat intervient directement en leur faveur, soit en donnant des subventions, soit en payant une partie de leur pension dans les établissements qui leur sont affectés. Il est à désirer que cette intervention, qui a eu les meilleurs résultats, s'étende à d'autres pays.*⁷⁶⁰

For all the praise of the transnational reformers, little was known about the procedures behind these sorts of subsidies. The prevalent political culture did not (yet) consider the government to be accountable for the criteria to apply for such subsidies or the administrative process behind it.⁷⁶¹

Furthermore, subsidizing was also used as a strategy of provoking and stimulating early initiatives or to set examples which, so the government hoped, private initiative would copy and extend. Such examples perfectly corresponded with what contemporaries expected of the 'subsidiary state'. A perfect case in point is the establishment of occupational training workshops (*ateliers d'apprentissage*). The crisis of the late 1840s had hit the rural areas of Flanders hardest and in the absence of private initiative the government decided to step in.⁷⁶² They issued a royal decree in 1847 installing special commissions, subsidized the training workshops and entered into 'conventions' with the local manufacturers.⁷⁶³ Although a report in 1860

⁷⁵⁹ Parliamentary Documents, Chamber of Representatives, 1837-1838, n° 1-V, 32 and Saint-Vincent and Vloeberghs (1904) *Belgique Charitable*, 13.

⁷⁶⁰ (1863) *Congrès international de bienfaisance de Londres: Session de 1862. Tome I*, 301.

⁷⁶¹ This gradually was contested and changed, as will be shown in much more detail in the next two chapters.

⁷⁶² De Grave (1863) 'Notice sur les ateliers d'apprentissage dans les Flandres', 258 and 260.

⁷⁶³ Training workshops were especially well subsidized in the provinces of East Flanders, West Flanders and Hainaut, demonstrating that they were above all considered to be counter-crisis measures, see (1851) *Ateliers d'apprentissage subsidiés par l'État: rapports sur la situation de ces ateliers présentés aux Chambres législatives par M. le Ministre de l'Intérieur*.

showed that the subsidies had decreased, critics wanted to abolish them once and for all and the liberal cabinet leader Charles Rogier launched an enquiry to involve the local and provincial authorities. Their overwhelming support in favour of the training workshops as permanent institutions led to new legislation. It did not abolish the possibility of government subsidies but, in keeping with the liberal government policy on charity, it did favour training workshops set up by *public* institutions, and it also refined their control and accountability. The first article significantly stated that ‘only the workshops established by the municipalities, with or without the intervention of the Welfare Offices or private individuals, are subsidized by state or provincial funds’.⁷⁶⁴ Two years later, again at the *Congrès international de bienfaisance* in London, Visschers proudly exclaimed that although technically permitted, subsidies were no longer being granted by then and that the training workshops were now a permanent part of the local social policy.⁷⁶⁵ By the end of the century, however, the state’s financial involvement and its underlying justifications had changed, meaning that the training workshops, as part of a broad area of technical education institutions, were largely subsidized once again.⁷⁶⁶

What about the extent or importance of such state subsidies? Again, just as in the case of the local poor-relief system, one is confronted with the difficulty of acquiring reliable numbers. In its focus on social spending, current social-policy academics often estimate a given policy by its percentage of the GNP or a Ministry’s budget. However interesting such exercises would be from a historical perspective, in a system in which the state played an especially strong regulatory and subsidiary role, measuring figures of spending against GNP is not very representative. Even doing so by comparing them with the total expenses of the competent Ministry is often misleading. For a long time, social policy was in the hands of the Ministry of Justice, before being (partly) transferred to the new Ministry of Industry and Labour (1895). Thus, there is little value in measuring the expenses for social policy against a total that also included vast expenses for the prisons and the judiciary system. Moreover, many expenses did not even figure in the budgets of the competent Ministry. Taking the subsidies for charitable institutions as an example, it seems at first glance that the expenses decreased during the crisis, when in fact other subsidies had already been created under the header of the several million francs’ worth of extraordinary credits voted by the parliament to counter the crisis. In addition to the training workshops, subsidies amounting to BEF 115,000 by 1850 had been granted to a very similar kind of technical schools (*écoles-manufactures*), the overwhelming majority of which were run by local priests, religious institutes or individuals.⁷⁶⁷

Although by now it should be clear that the state’s role as understood by contemporaries was not in direct provision but rather in regulation and subsidizing,

⁷⁶⁴ (1860) *Rapport sur les ateliers d'apprentissage. Circulaire, enquête, rapport*, 130.

⁷⁶⁵ Visschers (1863) ‘Rapport sur les Mémoires relatifs à l’état social et économique de la Belgique’, 100.

⁷⁶⁶ (1897) *Rapport sur la situation de l’enseignement industriel et professionnel en Belgique*, 392-413.

⁷⁶⁷ Ducpétiaux (1859) *Institutions de bienfaisance de la Belgique: résumé statistique*, 54.

the state was sometimes driven to organize its own institutions. This occurred only if it was thought that this was necessary to set the standards for other, private, institutions. State institutions then served an exemplary function, as 'model institutions'. This was most prominent in secondary and higher education policy, where the state was entitled to a strictly approved number of state schools and universities. But it also occurred in social policy. With the aim of setting the standards, the state managed two psychiatric institutions (one for women, one for men) and provided for the expenses of a psychiatric colony in Geel. In the explicit hope that initiatives from entrepreneurs or associations would follow in due course, the state had also founded reform schools for young vagrants in the rural villages of Ruysselede, Beernem and Wingene. Similarly, two 'agricultural colonies' serving as shelters for vagrants in the rural Dutch-Belgian border region of the Campines, which had been contracted out to the *Société de Bienfaisance* since before Belgian independence, were taken over by the Ministry of Justice after the contracts with the association had expired in 1840.⁷⁶⁸ This takeover was not surprising, since these institutions were in a way seen as an extension of prisons, and thus considered a core task of the state. That there was only a thin line at the time between such repressive institutions and care institutions was attested to by Ducpétiaux, who called prisons 'the branches of hospitals and vagrant shelters' and complained that paupers had to endure such miserable conditions in vagrant shelters that they would rather break a window or steal something to end up in prison than stay there.⁷⁶⁹

In this regard, it is interesting to briefly point out the state's prison policy. In fact, the prisons were a remarkable example of the private/public cooperation, with the introduction and subsidizing of religious institutes for the care and supervision of prisoners.⁷⁷⁰ This had much to do with the widely shared belief, both nationally and internationally, that prisoners had to be 'moralized' in order to be fit to rejoin society and that female religious were seen as the best moral example. Ducpétiaux – again – was one of the advocates.⁷⁷¹ Thus, in spite of the discourse of a 'totalitarian state' in some Catholic circles and the 'clerical supremacy' in some liberal circles, there was still close cooperation on the ground, even in the core institutions of the state.⁷⁷² As a result, female religious institutes served in prisons in Brussels, Liège, Antwerp, Bruges, Beernem, and Namur, and male religious institutes in Ghent, Bruges, Vilvoorde, Aalst, Saint-Hubert, Saint-Bernard and Namur.⁷⁷³ Lay charitable associations such as the *Société de Saint-Vincent de Paul* were also

⁷⁶⁸ See ARA, Archives Ministry of Justice. Archives de la Société de Bienfaisance de Bruxelles: Colonies de mendiants de Wortel et Merxplas.

⁷⁶⁹ Ducpétiaux (1850) *Mémoire sur le paupérisme dans les Flandres*, 14, 43 and 108. See also Lis and Soly (1990) "'Total Institutions' and the Survival Strategies of the Laboring Poor in Antwerp, 1770-1860', 56.

⁷⁷⁰ The subsidies were a point of debate during the talks on the budget of the Ministry of Justice, see Parliamentary Documents, Chamber of Representatives, 1845-1846, n°125, 14.

⁷⁷¹ Ducpétiaux (1845) *Mémoire à l'appui du projet de loi sur les prisons*, 84 and van Hoorebeke (1843) *Études sur le système pénitentiaire en France et en Belgique*, 154-155 and 338-339. See also Neys and Peters (1994) 'De geschiedenis van het gevangeniswezen', 15-17.

⁷⁷² Viaene (2015) 'Professionalism or proselytism? Catholic 'Internationalists' in the Nineteenth Century', 37.

⁷⁷³ For Bruges see Ducheyne (1989) *De gevangenis aan het Pandreitje te Brugge 1689-1989*, 101-103.

subsidized for providing assistance to freed prisoners.⁷⁷⁴ Precisely because prisons were considered a core task of the state, the policy of inviting religious became controversial and was abandoned rather quickly from the 1860s onwards, and especially after 1870 in the context of the culture wars.⁷⁷⁵ Yet, though under the firm supervision of the directors, female religious remained in place within prisons and detention centres for juvenile delinquents, at least until the First World War.⁷⁷⁶

To recapitulate briefly: the preceding paragraphs showed that the state did not only have a large impact on the public poor-relief system through national *regulation and legislation*, it also financially supported poor relief on different levels in a *subsidiary* way, by reimbursing costs and subsidizing certain care institutions. Moreover, the state in some exceptional cases also engaged in the organization of its own state institutions. Of all these roles of the state within the large area of public poor relief, the development of psychiatric care was a telling and typical example, both in terms of organization and discourse. The next section will therefore briefly turn its focus there.

The development of psychiatric care: an example of the regulatory and subsidiary state

Apart from revoking a Dutch royal decree and confirming local responsibility for psychiatric patients in the Municipal Act, the new Belgian government did not seem to succeed in improving the wretched state of psychiatric care.⁷⁷⁷ On the contrary, the regime of liberty had had little positive influence on the existing chaos, to the extent that an official Commission established by the Ministry of Justice in 1842 stated that ‘the best intentions have been paralyzed and crushed by a complete powerlessness’.⁷⁷⁸ The Commission’s report mirrored, and abundantly referred to, the ideas of its two most important members: the well-known liberal psychiatrist Joseph Guislain (1797-1860) as its president and Ducpétiaux as its secretary.⁷⁷⁹ The commission pressed for a fundamental reform: the state should draft a law, establishing four large, state-run ‘hospitals for treatment’ for the curable, while the existing locally-based institutions, or at least those which remained after having met the conditions imposed by the law, should be converted

⁷⁷⁴ (1845) ‘Nouvelles ecclésiastiques et politiques’, 353. See also Ducpétiaux (1858) *Du patronage des condamnés libérés*.

⁷⁷⁵ Maes (2009) *Van gevangenisstraf naar vrijheidsstraf. 200 jaar Belgisch gevangeniswezen*, 318-321.

⁷⁷⁶ See for instance the Daughters of the Cross in Liège, of which 6 female religious were employed in the Liège prison. See AAM, Enquête Helleputte-Verhaegen 1903. See also Vloeberghs (1914) *Bruxelles charitable, suivi de quelques oeuvres sociales*, 58 and Saint-Vincent and Vloeberghs (1904) *Belgique Charitable*, 81.

⁷⁷⁷ Van Waesberghe (1986) ‘Het Belgische krankzinnigenbeleid in de XIXe eeuw’.

⁷⁷⁸ (1842) *Rapport de la Commission chargée par M le Ministre de la Justice de proposer un plan pour l’amélioration de la condition des aliénés en Belgique et la réforme des établissements qui leur sont consacrés*, 2.

⁷⁷⁹ Guislain and Ducpétiaux had already made their ideas clear in their own publications in 1826, 1832 and 1838. See Guislain (1826) *Traité sur l’aliénation mentale et sur les hospices des aliénés*; Guislain (1832) *Exposé sur l’état actuel des aliénés en Belgique, et notamment dans la Flandre-Orientale, avec l’indication des moyens propre à améliorer leur sort* and Ducpétiaux (1832) *De l’état des aliénés en Belgique et des moyens d’améliorer leur sort*.

into 'houses of detention' for the incurable. This distinction constituted, according to the report, 'a wholly new system which entirely shoves aside the principle of the French and English laws'.⁷⁸⁰ Not without acknowledging that 'it is the rule in Belgium [...] that every municipality and subsidiarily every province takes care of its poor', it said that centralization was in this particular case 'incontestably [...] a work of general usefulness' and hence the basis on which the future system should rest.

When the new law was promulgated in 1850, however, it did not in any way resemble the proposal put forward in 1842. No mention was made of the distinction between incurable and curable patients, nor was there mention of central institutions or state funding instead of local financial responsibility. Why, then, did the government turn away so blatantly from the bill the commission had recorded in its report? It cannot be accounted for by the new liberal government's assumption of power in 1847, as the liberal Minister of Justice admitted that the bill he presented in 1849 was almost exactly identical to the one his predecessor had drafted. A more plausible explanation, in fact, is that the common Belgian 'rule' to which the 1842 report referred proved stronger than the commission had foreseen. Undoubtedly, the ideas of Ducpétiaux and the commission were unacceptable to a large part of the parliament. Both Catholics and liberals feared a process of centralization that would gradually get out of hand, and thus preferred a system that combined a rigorous framework of state regulation, supervision and inspection imposed by the law with a field of local or private providers and local financial responsibility. The extensive regulatory role of the state was already seen by some as meddling in the affairs of purely private institutions and hence had to be defended by the government in the proceedings of the bill.⁷⁸¹ For the same reason, it was stated in the bill's explanatory notes that it would be better to not include the possibility of state funding in the bill in case of insufficient local funds, in order to 'avoid multiplying demands [for subsidies] beyond measure and transforming subsidies into permanent allocations'.⁷⁸²

Thus, the 1850 Act proved to be a product of its time and a typical example of the prevailing system of local private initiative supported by the regulatory and subsidiary state. In 1852, a new report indicated that out of 59 psychiatric institutions (of which 2 were state-run) that had been given a provisional recognition, 31 were private (53%) and 43 (74%) even enlisted the services of religious institutes.⁷⁸³ The fact that psychiatric care was in fact almost a monopoly of religious institutes which had been specializing in this special care (such as the Alexian Brothers and Brothers of Charity) did not remain uncontroversial, as the

⁷⁸⁰ (1842) *Rapport de la Commission*, 11-12.

⁷⁸¹ See for instance Parliamentary Proceedings, Chamber of Representatives, 5 February 1850, 661.

⁷⁸² Parliamentary Documents, Chamber of Representatives, 1848-1849, n° 215, 14.

⁷⁸³ Lentz (1866) *Des institutions de bienfaisance et de prévoyance en Belgique 1850 à 1860. Résumé statistique*, 22.

case of the new psychiatric institution in Ghent pointed out.⁷⁸⁴ Despite repeated problems with the financing, the Ghent city fathers had begun construction of a new project in 1851 as an alternative to the totally decrepit Alexian monastery. The rules for the new establishment perpetuated the administrative principles of the old mental-health institution, putting the facility's management in the hands of the Brothers of Charity in exchange for a fixed amount, very much in line with the 'invitation' type. The rapporteur of the authorized commission, again Guislain, was all too aware of 'the difference in opinions' about the tender. Nevertheless, he argued that its advantages outweighed the disadvantages, and not only in this specific case of the Brothers of Charity. He referred not only to quality care, but also to the financial advantage:

*Une expérience suffisante décisive a reconnu les résultats efficaces de l'intervention des corporations religieuses dans le régime de nos hôpitaux et de nos hospices. [...] S'il est reconnu qu'au point de vue de leur moralité, de leur sollicitude pour les malades, les institutions religieuses méritent la préférence, il est un autre motif qui parle en faveur de leur intervention: c'est la raison de l'économie.*⁷⁸⁵

In a similar fashion, the state later renewed the convention it had with the Brothers of Charity for the management of the old Froidmont institution for males when the institution moved to new premises in Tournai in 1884. Once again, the question was mired in controversy, with liberals demanding in vain that this 'invitation'-type regime be replaced by an 'employment'-type system in which the state pulled the strings.⁷⁸⁶

In 1873 a new bill was passed. The possibility of financial intervention by the state kept leading to heated arguments, as the recurring reports of a parliamentary commission on the matter reveal. In the end, however, it was agreed that the government found itself 'in the necessity to supplement (*suppléer*) the inaction of some parties [private individuals] and the others [provincial and municipal authorities and public welfare institutions]', which made more state involvement, though in the same subsidiary way, understandable and justifiable.⁷⁸⁷ Several measures were taken to enhance the control by the state and its financial responsibility.⁷⁸⁸ For example, the state from then on officially appointed the directors and contributed directly for 3/8 of the expenses of psychiatric care, as mentioned before. However, nothing changed fundamentally in the edifice of

⁷⁸⁴ See also Stockman (2006) *Liefde in actie. 200 jaars Broeders van Liefde*, especially 222-224. For more general information on psychiatric care in Ghent, see Van Wallegem (1987) 'Het ontstaan van de zorg voor zwakzinnigen in België', 169-172 and Van Bruwaene (1986) 'Krankzinnigenzorg te Gent, Sint-Niklaas, Kortrijk en Geel (1795-1880)'.

⁷⁸⁵ (1856) *Règlement d'organisation du nouvel établissement des hommes aliénés*, 9-12. See also GBL, Archives Brothers of Charity, 41.

⁷⁸⁶ Woeste (1886) 'Les asile d'aliénés et les communautés religieuses à propos de l'asile de Tournai'.

⁷⁸⁷ Parliamentary Documents, Chamber of Representatives, 1872-1873, n° 9, 26.

⁷⁸⁸ (1907) *Exposé de la situation du Royaume 1875-1900*, 166-167.

psychiatric care organization. In 1900 Belgium numbered 46 psychiatric institutions, of which 78% were run by individuals or religious institutes.⁷⁸⁹

In summary, the state played its typical role. The legislative reform of 1850 that everyone had been waiting for set out the regulatory and subsidiary role of the state. Without touching the local financial responsibility or provision by local public, individual or religious initiatives, the government set certain standards, initiated inspection and control by inspectors and a permanent parliamentary commission and provided subsidies to improve infrastructure. Regulatory measures were made more strict and subsidiary measures expanded throughout the years, but the foundations of the subsidiary system remained visible. The nineteenth-century policy laid the foundations of the system that is still in use today: out of 68 psychiatric institutes, 58 are private, and many of these are still run by the legal entities behind religious institutes such as the Alexian Brothers or the Brothers of Charity.⁷⁹⁰

4.4 The local private/public system under ideological pressure: the cases of Brussels, Ghent and Liège (1850-1890)

For the first half of the nineteenth century, the subsidiary system of public assistance was not under pressure. At national level, however, political opposition between liberals and Catholics came more emphatically to the fore starting in the late 1840s, developing into a Belgian type of ‘culture war’ with the 1857 political crisis on charity. Historians have rightly stated that these ‘culture wars’ on the national level did not have as much of an effect on the existing local working relationships in rural areas which were far less politicized.⁷⁹¹ This was different for the large cities such as Brussels, Ghent and Liège, traditionally bastions of political liberalism. As it did at national level, ideology began to determine politics and policy more and more. Although traditionally a feeling of solidarity had prevailed among the wealthy bourgeoisie and the local elites, regardless of political or ideological views, there was now increasing division and party adherence.⁷⁹² Both Catholics and liberals started to use a more hostile discourse, making conflict look

⁷⁸⁹ 3 by the state, 6 by local Commissions of Civil Hospices, 1 by the Province of Liège, see (1907) *Exposé de la situation du Royaume 1875-1900*, 168.

⁷⁹⁰ Parliamentary Documents, Senate, 12 February 2008, see *Schriftelijke vraag nr4-120*, last accessed 24 August 2016

(<http://www.senate.be/www/?MIval=/Vragen/SchriftelijkeVraag&LEG=4&NR=120&LANG=nl>).

⁷⁹¹ Van Dijck and Suenens (2008) ‘La Belgique Charitable’, 175-177 and Van Molle and De Maeyer (2013) ‘Das Ausbalancieren von öffentlicher und privater Initiative’, 268. For more on the culture wars see Clark and Kaiser (2009) *Culture Wars. Secular-Catholic Conflict in Nineteenth-century Europe* and especially the contribution on Belgium by Witte (2009) ‘The battle for monasteries, cemeteries and schools: Belgium’, 102-128. For a compelling long-term analysis see Lamberts (2016) *The Struggle with Leviathan*. See also his Lamberts (2002) *The Black International*.

⁷⁹² See for instance De Maeyer (2002) ‘Adel en burgerij in gehistoriseerde kastelen: ideologische aspecten van een cultuurhistorisch fenomeen’ and De Maeyer and Heyrman (2009) ‘Leven naar zijn stand. Wooncomfort en status van elites in de negentiende eeuw’.

inevitable in the long term. In this way the local public poor-relief system underwent some major changes: direct support in the form of subsidies came under scrutiny and there were attempts to reduce the position of power of private actors, both by restricting conditions in the 'employment' type and by abolishing the 'invitation' type. The remarkable thing is not that things changed after the conflict situations, but that in this polarized urban context continuity remained as well, to a greater or lesser degree. The cases of Brussels, Ghent and Liège will make this clear.

The three major cities of Belgium besides Antwerp each had their own profile.⁷⁹³ For centuries Brussels had been one of the administrative centres of the Low Countries. It maintained that position during French and Dutch rule in the early nineteenth century and as the Belgian capital after 1830. Its large middle and upper class, industries and trades marked by high-skilled labour and craftsmanship, and a Free University founded by proud liberals with ties to the Freemasons made the capital a little-disputed liberal stronghold. Its liberalism, however, was generally of a more moderate and bourgeois kind than the more anticlerical and progressive variant that emerged in Ghent in the second half of the century. Ghent was the only region in the northern part of the country which had undergone a rapid process of industrialization and thus housed a growing force of unskilled labourers in the textile industries. Progressive liberalism thrived through the influence of the faculty and students of the State University and its socio-cultural and educational working-class activities, events and associations as embodied in its popular initiator François Laurent (1810-1887). By the end of the century, however, both socialist and Christian democratic workers' movements eclipsed the liberals. A similar development, though with a far less successful Christian democratic movement, could be found in Liège. A heavy metallurgy industry had established itself from the early nineteenth century onwards around the commercial and administrative city centre and along the Meuse River. Here, too, a State University buttressed the liberal dominance of industrialists on both local and provincial councils until the 1890s, when socialists and Catholics appeared on the political scene. The political developments in the cities which were a result of their demographic, social and cultural profile, would prove vital in addressing the challenges and controversies in their respective poor-relief systems.

Brussels

The authority for all public hospitals in Brussels lay in principle with the *Conseil général des hospices et secours de Bruxelles*, a administrative commission accommodating – exceptionally – both the Welfare Office and Commission for Civil Hospices. But the situation was more complex. In some ways an example of the

⁷⁹³ Strikwerda (1997) *A House Divided. Catholics, Socialists, and Flemish Nationalists in Nineteenth-Century Belgium*, 42-53 (Ghent), 53-57 (Brussels) and 57-63 (Liège), and Heins (1893) *Les quatre grandes villes de Belgique. Bruxelles, Anvers, Gand, Liège. Situation financière et administrative en 1890*, 3-29 and 52-69. The latter is a rare quantitative survey on these 4 cities.

‘invitation’ type, three of the institutions within the public system (the *Refuge Sainte-Gertrude*, the *Refuge Ursulines* and an institution for the blind) were run by a special administrative commission. The institution for the blind was run by the Brussels-based *Société de Philanthropie*, as the result of a bequest with special administrators as mentioned earlier.⁷⁹⁴ The other two institutions had been privately established in the early nineteenth century; had been given the free-of-charge use of buildings by the Conseil (a new one built by the Conseil around 1850 for BEF 100,000); were financed by subscriptions and donations; and were subsidized by the city council.⁷⁹⁵ Although in 1847 the Conseil was given sole responsibility to administer existing bequests and receive future ones after careful consideration with the government, nothing in their organization seemed to have changed at the end of the century.⁷⁹⁶ As for the ‘employment’ type, the Sisters Hospitallers of St Augustine served both their own (for the time being) St Jan’s and St Peter’s Hospitals (as of 1813).⁷⁹⁷ The significant difference in internal management between the two institutions was referred to above. The Conseil experienced the position of power of the nuns in ‘their’ St Jan’s Hospital more and more as a thorn in its side. The sisters, too, experienced increasing frustration: while they saw autonomy as an essential aspect of their task, they felt more and more constrained by the stipulations imposed by the Conseil, as we shall see in a conflict that reached its climax in 1850.

The smouldering conflict revolved not (or not only) around concrete authorizations, but had everything to do with a more fundamental difference in viewpoint regarding the use of the religious in the system. The Conseil saw the religious as individual employees and refused to accept the representative function of the superior in relation to her fellow nuns. The mother superior and the other religious by contrast, took every possible opportunity to emphasize the fact that they constituted a community. When several religious were given an award and a special mention for their care of victims of the cholera epidemic, they delicately responded to the Conseil that they could only accept it ‘as an award due to our community *as a whole (toute notre communauté)*’ and to remove any doubt, they declared that ‘the nature of our institution, which is that of a religious community, does not allow us to accept any distinction or remuneration outside of our association’.⁷⁹⁸ Moreover, they saw religion and care for the sick as inseparable. Their religious calling stood above their medical duties, something which naturally annoyed the Conseil to no end. When the mother superior asked to increase the

⁷⁹⁴ See the ‘support’ type in the typology in section 4.2.

⁷⁹⁵ ARA, Archives Ministry of Justice. Bienfaisance, 262 ; Vander Rest (1860) *Aperçu historique sur les établissements de bienfaisance de la ville de Bruxelles*, 208-212; (1890) *Bulletin Communal. Ville de Bruxelles. Tome II*, 1067 and (1900) *Bulletin Communal. Ville de Bruxelles. Tome II*, 1107.

⁷⁹⁶ Though established as private institutions, their status was long a somewhat grey area; they were referred to as public at the end of the century. See for instance Parliamentary Documents, Chamber of Representatives, 1890-1891, n°200, 14.

⁷⁹⁷ Dickstein-Bernard (1995) ‘Les hôpitaux de Bruxelles au 19^e siècle’, 15.

⁷⁹⁸ (1854) *Documents relatifs aux contestations qui existent entre la congrégation des hospitalières augustines de Bruxelles et le Conseil général d’administration des hospices et secours de la même ville*, 121-122 (my own emphasis).

number of nuns working there, the piqued Conseil answered that the sisters should instead spend less time in prayer.⁷⁹⁹

Complaints about the nuns proselytizing to patients and the medical staff and the rigid attitude of the mother superior moved the Conseil to decide to fire her in an extraordinary session in 1849. The mediating role of the Brussels city council prevented the actual firing, but the genie had been let out of the bottle. Ultimately the feud resulted in a separate mother house for the congregation at the request of the mother superior and the two parties drew up a 'convention' with clear agreements and commitments between the congregation and the hospitals. Even the convention did not help contribute to a better understanding, since in the following years there was a lawsuit. During the move, the Augustine Sisters had taken objects from the chapel, which, like the other buildings, was property of the Conseil. Mediation by the mayor of Brussels and the deacons was fruitless. The mother superior and the person responsible for the chapel were even called to court personally, because the Conseil reasoned that the Sisters no longer satisfied the requirements of the decree of 1809. The decree seemed to only recognize religious institutes that worked *exclusively* in public hospitals and thus had no activities of their own – something which was frequently violated. Both the first court and the court of appeals supported the Conseil's reasoning, formally taking away the legal personality of the Sisters Hospitallers of St Augustine.

The contentious case ended differently than what might be suspected from the foregoing, however. Ultimately, mediation by the liberal mayor Jules Anspach ensured in 1857 that the religious agreed to return the goods taken to the Conseil. This turned out not to be necessary, since a month later, the Conseil decided to donate the goods to the Sisters Hospitallers of St Augustine. The archbishop, who was involved behind the scenes at the nuns' request, certainly had something to do with it. Perhaps more striking, however, is the fact that the religious remained active without interruption in both public hospitals during and after this period. The case and the loss of their legal personality had, thus, not fundamentally changed anything. On the contrary, besides their engagement in the public hospitals, the Sisters had built up a successful operation of their own. This was proof that the liberal strategy had failed: since 1847 the successive ministers of Justice had attempted to limit the radius of action of hospital congregations by stripping them of the legal personality granted in 1809, but this had only ensured that they turned away of their own accord and thus could be involved with their own private institutions undisturbed, and without any outside controls.

Similar conflicts occurred in the 'support' type, although in this model, too, the Conseil seemed to hold more reserves toward religious institutes than the city administration. An 1845 decree had established 'charity committees' in large cities, which were in fact subcommittees of the Welfare Offices to help in their hand-outs

⁷⁹⁹ Cocriamont (1994) 'Soigner les corps et les âmes', 22.

to the poor. One of those committees in Brussels had decided in 1847 to grant a subsidy of BEF 500 to a female religious but was instantly reprimanded by the Conseil. They were clear enough in stating that ‘the regulations had not admitted sisters, who from then onwards could not be charged with any service whatsoever to the poor, and that their employment had to be rejected as much as possible’.⁸⁰⁰ Because the committee stuck to their decision, arguing that they could decide independently on the money brought in in their parish, the Conseil was compelled to draw up new rules explicitly ruling out the possibility of outsourcing to religious institutes.

The city council’s approach seemed far less hostile than the Conseil to cooperation with religious institutes. After a long search for appropriate housing in the capital, the Little Sisters of the Poor established a home for the elderly in 1854. One year later, however, they had already started construction on a new building, of which the expenses were apparently fully covered by the public administration.⁸⁰¹ Moreover, at least until 1905 they received a yearly subsidy of BEF 2,000 on the condition that the city was allowed access to their accounts, a demand they seem to have accepted, unlike the Black Sisters.⁸⁰² The Black Sisters provided outdoor relief to the poor and could hence also count on a modest financial compensation by the city.⁸⁰³ They also rented a shabby house from the city but instead of agreeing to the necessary repair work, the city in 1876 informed them that they had to move out of the house. This caused quite a stir in the press, as the Black Sisters had gained fame for their relentless care during one of the great cholera epidemics in 1866 and during the Franco-Prussian war in 1870.⁸⁰⁴ The Black Sisters, too, were on friendly terms with the Catholic establishment and the Church authorities. These connections helped them to obtain the permission to set up a lottery for raising money for the construction of new buildings. Such lotteries, the nineteenth-century version of crowdfunding, were strictly regulated by legislation and required the permission of local, provincial and/or government authorities, depending on the extent of distribution in local, provincial or governmental press. That the Black Sisters were granted the permission by the city and the national government seemed to testify to both their good connections and the goodwill of the city. Yet on other matters, the relationship between the city and the Sisters remained tense. The city administration repeatedly asked the sisters to provide their accounts in

⁸⁰⁰ Vander Rest (1860) *Aperçu historique sur les établissements de bienfaisance de la ville de Bruxelles*, 285 and also 284–287.

⁸⁰¹ Ribeyre (1868) *Les Petites Sœurs des Pauvres*, 230–231. A bequest was also made to the Little Sisters in 1883, but it was redirected to the Conseil because they were a fully private (non-recognized) religious institute. It is not clear whether the Conseil placed it at their disposal somehow. De Gronckel (1884) *Hospices civils et Bureaux de Bienfaisance. Précis du régime légal de l’assistance publique*, 181–182.

⁸⁰² (1868) *Assemblée générale des catholiques en Belgique. Volume 3*, 428–429 and (1907) *Exposé de la situation du Royaume 1875–1900*, 166–167.

⁸⁰³ I want to thank Claudia Houben for her help in analysing the archives in the context of a bachelor seminar, see Houben (2013–2014) *Thuiszorg in dienst van de stad. Zwartzusters van Brussel in de negentiende eeuw*. See also Vanden Bosch (1998) ‘Monasticon van Zwartzusters-Augustinessen in België’.

⁸⁰⁴ (1875) *Bulletin communal. Ville de Bruxelles. Tome II*, 455ff and (1876) ‘Séance du 24 janvier 1876 du Conseil Communal’, 20–34. See for instance the first page of the newspaper *La Belgique* (4 February 1876).

conformity with the 1809 decree – a measure that in spite of repeated liberal efforts had never been enforced. The Sisters' line of reasoning held that, since their affiliation to the city did not give them advantages apart from the modest fee, which was a compensation for services provided, they could not be forced to allow access to their books. There is no evidence that the Sisters ever agreed, but their compensation seemed to have been maintained nonetheless.

All in all, it could be argued that the conflicts about housing, subsidies and responsibilities between the private actors and the public authorities never seemed to drastically change the city policy.

Ghent

Ghent in about 1857 was also a prime example of the various forms of private/public cooperation as laid out in the typology above. Along the lines of the 'employment' type, the Commission called upon the Cistercians (*Bernardines*) to operate the large general Bijloke Hospital. Similarly, the Commission managed a boys' orphanage, three elder-care homes and an institution for the blind, operated by the Brothers of Charity, the Sisters of Charity and the Sisters of Saint Vincent de Paul. At that time, 74 religious serving 6 institutions were on the Commission's payroll. In the smaller Ter Hagen Hospital for the terminally ill, the Commission largely left management with the Sisters of Charity, following the 'invitation' type.⁸⁰⁵ The same applied to two girls' orphanages (one run by the Sisters of the Visitation and one by the Maricoles), the foundling home and children's hospital of the Sisters of the Infant Jesus and two psychiatric institutions of the Brothers of Charity and the Sisters of Charity. The municipal authorities also granted annual subsidies to a refuge for poor women run by the Sisters of Charity and to the Grey Sisters, the Black Sisters, the Sisters of St Joseph, and the Brothers of Saint-John of God for caring for the poor at home.⁸⁰⁶

In 1857 the radical liberal Charles de Kerchove de Denterghem was elected the head of a new municipal government that would change the course of policy. Soon the annual subsidies for the religious institutes came under fire. In 1858, the bench of aldermen asked the associations receiving subsidy for a detailed report about their articles of association, their religious rule, their activities, their income and expenses, the number of members and number of patients cared for free of charge. Most institutes responded, if reluctantly, with a brief report, but only two of them provided detailed, complete information about their financial situation.⁸⁰⁷ The municipal government may have known beforehand that for many religious institutes, full disclosure would be asking too much, not in the least because of the strongly polarized political context at the time. The consequences of refusal were felt straight away: the 1859 budget eliminated subsidies for the Black Sisters and

⁸⁰⁵ Deneckere (1997) *Het Gentse Sint-Vincentiusziekenhuis. De Zusters van Liefde J.M. en de ziekenzorg te Gent.*

⁸⁰⁶ FOD, Archives Ministry of Justice . Congrégations hospitalières. Statuts I and Fondation de l'œuvre et de la maison de la miséricorde, [1849], 3.

⁸⁰⁷ (1858-1859) *Mémorial administratif de Gand*, 54-58.

the Brothers of Saint-John of God, and halved the subsidy for the Sisters of St Joseph. After the radical liberals had reaffirmed their power with a convincing victory in the 1860 elections, the subsidies for the Grey Sisters and the refuge met the same fate.

The 1859 report by the Financial Commission in which the mayor (as chairman) spoke out against the subsidies, made his view of the role of public charitable institutions immediately clear:

*Le but de la loi en organisant le service de la bienfaisance publique [...] a été de régulariser le régime des secours; elle a voulu concentrer toutes les ressources destinées à la bienfaisance, centraliser l'action de celle-ci, lui imprimer l'unité de vues et d'exécution; elle lui a donné des garanties d'harmonie et de bonne gestion; elle l'a placée sous l'égide d'une direction spéciale [...] sous la surveillance et le contrôle de l'autorité communale [...]. Ces administrations ont seules mandat officiel de gérer la bienfaisance publique dans tous ses développements et ramifications, d'en régler la forme et les conditions.*⁸⁰⁸

In the years that followed, the Ghent Commission, encouraged by the municipal government and influenced by new radical liberal members such as the already mentioned Gustave Callier and François Laurent (see chapter two), actually implemented a thorough rationalization and centralization of the care institutions. It began in 1861 with the clearing of four small homes where needy elderly people could live independently from a modest social benefit allowance. The same happened to the *Hospice Saint-Laurent* in 1866, a similar institution where three women religious did the nursing. Neither were larger institutions spared. In early 1864, the two girls' orphanages were merged into a single institution with a new lay management.⁸⁰⁹ The Maricoles and the Sisters of the Visitation were thanked for services rendered with a gradually shrinking pension and had to find new accommodation.⁸¹⁰ The same happened to the boys' orphanage a few months later. The indignant Brothers of Charity would not wait for the new lay director, and for a month the orphanage had to be managed by the police commissioner. The institutions' new names reflected the age of rationalization: colourful names like the *Blauwe Meisjes*, *Rode Lijvekens* and *Kulders* made way for a simple *orphelinat des filles* or *orphelinat des garçons*.

That such measures were inspired solely by financial and rational motives, as the radical liberals let it be understood, is to say the least very doubtful. In Ghent, the daily rate at the new girls' orphanage suddenly increased by 25% after laicization.⁸¹¹ Also, although at first glance the elimination of the religious home-care institutes

⁸⁰⁸ (1860) *Mémorial administratif de Gand*, 387.

⁸⁰⁹ SAG, Weldadigheid, 02/3, 03/3, 04/1, 04/3 and 04/9.

⁸¹⁰ FOD, Archives Ministry of Justice. Congrégations hospitalières. Affaires diverses, 4221 : Association des sœurs morales de Gand et de Deynze.

⁸¹¹ In 1863, the year the two girls' orphanages were taken from the religious, the daily rates were BEF 0.82 and BEF 0.62, respectively. In 1867, under the new administration, that had immediately been raised to BEF 0.99 and BEF 1.01. (1863) *Rapport sur l'administration et la situation des affaires de la ville de Gand*, 38 and (1867) *Rapport sur l'administration et la situation des affaires de la ville de Gand*, 46.

seemed to entail few direct consequences, the new municipal government neglected to mention that it meant more new cases of needy people applying to the Welfare Office (and thus greater expenditures). In addition, the odds were good that the system of institutional care would also find more people in need as home care decreased.⁸¹² Paradoxically, the needy would once again be helped by the religious in the public hospital. Ideology and perception thus played a major role.

A new step in the process came in 1868. Although the definitive plans for a new Bijloke Hospital had been approved as early as 1863, in 1869 the Commission decided to transfer the children's hospital to new buildings on the new Bijloke site. They were following the recommendations in an 1868 report by a committee of physicians who had investigated the situation in the children's hospital. They were less obedient with the advice about the hospital's operations. Although the physicians had praised the Sisters of the Infant Jesus, the sisters were not allowed to continue their work in the children's hospital, and were told that the foundling home would come under lay management. Only after long discussions with the Commission were they able to negotiate a compensation deal of BEF 20,000 (which was still BEF 15,000 less than they had asked for) for their thirty-year investment in the institution and the sisters' pensions.⁸¹³ However, the tale took a new turn at the mother superior's insistence.⁸¹⁴ The Sisters of the Infant Jesus had purchased one of the former institutions and proposed taking in the foundlings there, under their own management.⁸¹⁵ The Commission accepted the proposal and signed a contract with the congregation, which was ratified by the council and the province in 1871.⁸¹⁶ Thus, the foundling home had evolved from an 'invitation' type to a 'placement' type. Not only did the situation on the premises remain relatively unchanged, it also ironically signified a newly won autonomy for the Sisters of the Infant Jesus.

Another reflection of a predilection for rationalization and a distrust of the private partners was the regulatory reforms after 1857. This was at least partly due to the new municipal government. Although the Commission had drawn up regulations for the Bijloke Hospital in 1852, by 1858 there were already discussions of reform.⁸¹⁷ An interesting detail is that the municipal council had rejected the Commission's first version and had the municipal government draw up a draft. In another example, in 1866 the municipal government discussed a draft regulation for the previously mentioned psychiatric institution, now called *Guislain* after its

⁸¹² In Lis (1986) *Social change and the Labouring Poor, Antwerp 1770-1860*, Lis for instance explained how doctors, who were responsible for making up the lists of the poor eligible for admission to hospitals, were criticized because they let in too many patients, even if the poor were not wounded or acutely sick strictly speaking but often only lacked sufficient home care.

⁸¹³ Strobbe and Suenens (2010) *Zusters Kindsheid Jesu 1835-2010*, 61-66.

⁸¹⁴ AZKJ, General Archives Sisters of the Infant Jesus, 1.2.1 and 1.2.2.: correspondence congregation/Commission 1860-1902.

⁸¹⁵ Van Heddeghem (1975) 'Een kinderziekenhuis in Gent (1835-1871)', 145-146.

⁸¹⁶ (1872) *Rapport sur l'administration et la situation des affaires de la ville de Gand*, 46.

⁸¹⁷ (1858-1859) *Mémorial administratif de Gand*, 485-571.

former head, whose regulations had come into force only ten years before.⁸¹⁸ The two sets of regulations had one thing in common: without explicitly questioning the cooperation of the religious, they tried to reduce their actual power as much as possible. In both the Guislain institution and the Bijloke Hospital, the latter of which we already mentioned briefly, the issue was the institution's top management. The 1852 regulations for the Bijloke Hospital mentioned a *directrice*. Out of dissatisfaction with the mother superior of the Bernardines as director, the position became a *directeur laïque* in 1859, with the additional instruction that 'the Director is under the immediate authority of the Commission'.⁸¹⁹ The religious institutes increasingly had to grant the Commission direct management of the institutions where they were still allowed to have a role. At the same time, however, the more radical elements within the liberal wing had to grit their teeth and acknowledge that a fully laicized system was impossible and that the public system still relied on the cooperation of the religious institutes in many respects. The liberal alderman Callier's complaint about the religious regime in the Bijloke Hospital in an 1889 report is evidence that the frustration around this necessity continued to make its effects felt.⁸²⁰ Records on 'the laicization of the hospital regime' in the same archives also demonstrate that the city actually considered replacing the female religious.

Liège

As in Ghent, the various cooperation models in Liège in 1857 made up a rich landscape of public poor relief.⁸²¹ The only model lacking in the city was the 'invitation' type: all institutions followed the 'employment' type to some degree, in which the religious were directly on the payroll of the Commission. Thus, many of the Liège religious institutes had succeeded in more or less maintaining their activities. The Sisters Hospitallers of St Augustine operated the large Bavière Hospital, the Sisters of St Charles Borromeus two institutions for the terminally ill, a psychiatric institution and an orphanage, the Daughters of the Cross a hospital for venereal disease and the Alexians a psychiatric institution for men; all of them were recognized under the 1809 decree.⁸²² Additionally, the Daughters of the Cross enjoyed a subsidy for their women's refuge, like the Ophthalmic Institute which

⁸¹⁸ (1866) *Mémorial administratif de Gand*, 286.

⁸¹⁹ (1859) *Règlement de l'hôpital de la Biloque*, 6.

⁸²⁰ SAG, Weldadigheid, 02³.

⁸²¹ FOD, Archives Ministry of Justice, Congrégations hospitalières. Statistiques et situation financière (Notes et statisitique); ARA, Archives Ministry of Justice. Direction des Cultes et Etablissements de Bienfaisance. Bienfaisance, 355: Cahiers des réponses des communes au programme des questions des chapitres I (paragraphe 8), II (paragraphe 8), III et IV. [1860-1862]; 357: État des fondations et établissements de charité privée, ateliers d'apprentissage, écoles de travail et écoles de fondation de la province; 358: État des fondations avec administrateurs, collateurs ou distributeurs spéciaux sous l'administration des bureaux de bienfaisance et des hospices civils. See also Laurent (1988-1989) *Les infirmiers en Belgique au début du XXe siècle. Naissance d'une profession*, 8-29.

⁸²² See for instance FOD, Archives Ministry of Justice. Congrégations hospitalières. Statuts IV: Dossier concernant les Filles de la Croix à Liège, 1840.

they also operated after 1854, and the Little Sisters of the Poor were subsidized for giving home care to the poor.⁸²³

The parallel with Ghent lay not so much in the fact that religious institutes were ubiquitous, but that the annual subsidies came up for discussion under the influence of ideological tensions. In 1855 the Financial Commission proposed eliminating the subsidies for the refuge and paying those for the Little Sisters through the Welfare Office. The reconciliatory intervention of mayor Mathieu Closset, who defended both subsidies, brought about a consensus about keeping both expenses in an altered form. The subsidy for the refuge would from then on be given the label 'for services rendered to the Commission' and the subsidy for the Little Sisters would indeed be assigned to the Welfare Office, with the addition 'to assist the Little Sisters'.⁸²⁴ But this was only postponing the inevitable. In 1863 the Little Sisters lost their subsidy, and after 1864 the refuge and its subsidy could not escape an annually recurring controversy, until it was silently dropped from the list in 1868 by a new majority led by Jules d'Andrimont, a radical who had always led the charge against the subsidies. Oddly enough, the subsidy for the *Société de Charité Maternelle* for distributing material aid to new mothers remained out of reach. The fact that this was an association of noblewomen under the protection of the queen and the bishop of Liège may have been a factor.⁸²⁵

Although the internal organization of the care institutions in the public poor relief system had sailed into choppy ideological waters, in particular after 1860, the radical discourse had much less influence. In a nutshell, the radical liberal criticism sounded:

*Alors que le législateur constituant a sécularisé toutes les institutions d'utilité publique, [...] on ne peut voir sans étonnement les Congrégations maitresses de tous nos hôpitaux.*⁸²⁶

The religious institutes were thus pictured as the 'mistresses' of the city hospitals, as if they controlled all institutions. Similar demands, always from the same corner, sounded in 1863, 1864 and 1873. At first glance, it may appear that the Commission was sympathetic to their demands. In 1864 they entrusted the management of the Bavière Hospital to a lay manager, and the mother superior had to be contented with the title of economist. Ten years later, the Sisters of Saint Charles left the girls' orphanage on their own initiative in 1874 and five years later, the Daughters of the Cross did the same, leaving their women's hospital. Both institutions were assigned a lay management.

However, simply stating these facts is misleading: there was a relatively good understanding between the Commission and the religious institutes and little of the

⁸²³ Daris (1980) *Histoire du diocèse et de la principauté de Liège (1724-1852)*, 246 and 444-469.

⁸²⁴ (1855) *Bulletin municipal ou recueil des arrêtés et règlements de l'administration communale de Liège*, 20-21 and 48.

⁸²⁵ (1850) *Almanach de la province de Liège et la Cour d'appel de Liège et son ressort*, 526-527.

⁸²⁶ (1864) *Bulletin municipal ou recueil des arrêtés et règlements de la ville de Liège*, 471.

system essentially changed. The Commission had already given a firm answer to the radicals in 1866 by stating that the employment of religious institutes ‘belong to the old Pays de Liège and, by defending it, we believe that we are acting as real and sincere liberals’, a phrase repeated in 1873.⁸²⁷ The same 1873 report by a municipal committee investigating the internal regime of the health care institutions stated that the Augustine Sisters had shown understanding for the hiring of the new manager. The Commission refused to take management of the other institutions out of the hands of the religious, as the radicals wished. In 1898 and in 1907 the Commission nominated an Alexian friar as the manager of their psychiatric institution for men.⁸²⁸ The fact that the religious had left the girls’ orphanage and the women’s hospital certainly did not mean that there was a generally hostile attitude to them. Even as late as 1872, the same Sisters of Saint Charles were awarded the management of the Ophthalmic Institute, subsidized by the city until after 1880. Even the long-awaited ‘merger’ of the two homes for the aged, in a new institution opened in 1891, was operated by the Sisters of Saint Charles, just as the second large Hospital Des Anglais contracted the same Sisters Augustines as in the Bavière Hospital.⁸²⁹

4.5 The survival of the system: professionalization, legalization and reform (1880-1920)

Liberal attempts to laicize the public poor-relief system (as shown in the cases of the three cities above), or attempts to restrict private charity (as demonstrated in section 4.3) ultimately could not prevent Catholic private charity as well as liberal or neutral philanthropy eclipsing the system of public assistance in terms of new initiatives and a wide variety of social services by the end of the century.⁸³⁰ Even around 1857, private charity was estimated to have expenses of more than BEF 3 million a year, compared to around BEF 6 million spent on outdoor relief expenses by Welfare Offices in 1858 – although estimates are very difficult, as previously stated.⁸³¹ On the eve of the First World War, private initiatives outnumbered the public alternatives in the wide spectrum of social work, from maternity clinics and youth groups to elderly care. In some areas of social services in Brussels, for instance, there was not a single public initiative.⁸³² The field of charitable institutes and initiatives was no longer fully Catholic or even religiously coloured. Besides

⁸²⁷ (1873) *Bulletin municipal ou recueil des arrêtés et règlements de la ville de Liège. Annexes*, 24-25 and 20-23.

⁸²⁸ (1898) *Bulletin municipal ou recueil des arrêtés et règlements de la ville de Liège*, 992 and (1907) *Bulletin municipal ou recueil des arrêtés et règlements de la ville de Liège. Tome II*, 1596.

⁸²⁹ Saint-Vincent and Vloeberghs (1904) *Belgique Charitable*, 474-478.

⁸³⁰ Van Overbergh (1900) *Réforme de la bienfaisance en Belgique. Résolutions et rapport général*, 69.

⁸³¹ Comparisons are difficult, because many of the total expenses of the Welfare Offices had to do with outstanding capitals, rents, loans and similar financial constructions rather than with the effective expenses for relief. More than BEF 5 million was spent as (outdoor) relief in the form of money, food, clothes and material. (1857) *Documents parlementaires et discussions concernant le projet de loi sur les établissements de bienfaisance: projet de loi sur les établissements de bienfaisance. Tome III*, 188 and 210.

⁸³² Dupont-Bouchat (2007) ‘La lutte contre la misère à Bruxelles au XIXe siècle (1840-1914)’, 574.

strictly neutral philanthropic initiatives, urban liberals had built up a network of secular alternatives, of which the *Société Royale de Philanthropie* (Royal Society of Philanthropy) in Brussels and *Sans Nom ni Sans Coeur* (Without a Name But Not Without a Heart) in Ghent were the oldest and most well-known. Masonic lodges such as *Le Septentrion* acted behind the scenes to support similar free-thinking secular initiatives.⁸³³

Most important, however, is that while many private initiatives existed as a ‘complementary’ sector, so to speak, *beside* the public framework, others continued to be *part of* the public framework of poor relief. This final section first offers a glimpse into the transnational debates on private charity and public poor relief and their mutual relationship during the late-nineteenth-century ‘peak of transnationalism’. These debates still underpinned the mixed private/public system and shaped (and were shaped by) the – unsuccessful – political attempts to reform Belgium’s public poor-relief system around the turn of the century. These attempts at reform, which fell back on earlier plans and still addressed the same issues, will be the subject of the second part of this section. The section ends by exploring in which ways the late-nineteenth-century changes of rationalization, professionalization and medicalization transformed the mixed private/public arrangements in the public poor-relief system and the discourse with which such arrangements were legitimized.

Peak of transnationalism

The tradition of international congresses on charity and poor relief was picked up again from 1880 onwards, heralding a new peak of transnationalism. Just as in the 1850s, it proved difficult to bring together the different political and ideological sides. The first congress in Milan in 1880 attracted almost exclusively Italians.⁸³⁴ Although the next congress, now under the header of *Congrès international de l’assistance*, was organized in the context of another World Exhibition in Paris in 1889, and thus more accessible in language, it again failed to attract important government officials or politicians from the Belgian Catholic cabinet, probably because of its obvious focus on public assistance. The attendees from Belgium were mostly liberals such as the heads of the public poor-relief administration of Brussels and Liège and a liberal senator.⁸³⁵ At the subsequent congress in Bern in 1896, however, it was regretted that the list of participants contained so few representatives of the private charity sector.⁸³⁶ Nobody liked the idea of two

⁸³³ Tyssens and Van Daele (2003) ‘Orde, zorg en spaarzaamheid. Vrijmetselarij en onderwijs’. See also Tyssens (2009) *In vrijheid verbonden. Studies over Belgische vrijmetselaars en hun maatschappijproject in de negentiende eeuw*, especially 105-138; Tyssens en Vermote (2003) ‘Par la parole et par les actes...’. *Vrijmetselarij en de emancipatie van de arbeiders* and De Spiegeleer (2011) *Een blauwe progressist. Charles Potvin (1818-1902) en het liberaal-sociale denken van zijn generatie*, 178-179.

⁸³⁴ (1880) *Atti del congresso internazionale di beneficenza di Milano: sessione del 1880*.

⁸³⁵ (1890) *Exposition universelle de 1889. Congrès international de l’assistance. Tenu du 28 juillet au 4 août 1889. Tome premier*, 5.

⁸³⁶ (1897) *Ilme congrès international d’assistance et Ilme congrès international de la protection de l’enfance. Genève, 14-19 September 1896. Procès-verbaux et Résolutions*, 186-190.

separate congresses, where both sectors 'would have found an easy victory'.⁸³⁷ Therefore, the name of the congress was changed in 1900 to *Congrès international de l'assistance publique et bienfaisance privée*, sparking a new dynamic and new meetings in Milan in 1906 and Copenhagen in 1911. In spite of the statement often heard since the middle of the nineteenth century that a widespread system of social insurance would gradually replace the need for public assistance, the international congresses on public assistance and private charity survived the First World War and convened once more in 1928.

If the emergence of new sorts of social services, often by private initiatives, had reshaped the social welfare field by the turn of the century, the discourse had not changed much. References to the 'subsidiary' state were often to be heard, for instance in a Swiss report in 1896:

*L'Etat, qui a bien ses devoirs et son intérêt, en fait d'assistance, peut avantageusement supporter sa part de charges, avant tout en exerçant la surveillance générale et moyennant le paiement de subsides [aux communes]. [...] Ce mode d'intervention subsidiaire de l'Etat a été admis chez nous aussi dans la loi.*⁸³⁸

It was further recognized that the cooperation between private charity and the public poor-relief system had made substantial progress and that the former should retain its important role within the latter if they 'exercised their action in accordance with the public authorities and offered them their cooperation'.⁸³⁹ Many experts and government officials admired and praised the way in which the private *Charity Organisation Societies* (COS) in the United Kingdom had been given a place within the public poor law system and had successfully worked with the official poor law boards ever since.⁸⁴⁰ A national secretariat modelled on the COS was set up in France in 1890 and was recognized in 1890 as the *Office central des Oeuvres de Bienfaisance* by the French government.⁸⁴¹ In a way, this paralleled the rationalization process of establishing federations and national alliances of trade unions and mutual aid associations that was going on at that moment in Belgium. Moreover, it seemed that calls for better integrating private initiatives in the existing public poor relief system were more and more justified by financial motives. This only confirms the conclusion on the rationalization of the discourse in the previous sections.

Attempts at reform

The transnational examples of reform and the consensus on the need for private/public cooperation also found wide resonance in Belgium. Since the late

⁸³⁷ Picot (1900) 'La Bienfaisance privé', 35.

⁸³⁸ Rossi (1896) 'L'assistance publique au Canton du Tessin', 25.

⁸³⁹ (1897) *II^{me} congrès international d'assistance et II^{me} congrès international de la protection de l'enfance*. Genève, 14-19 September 1896. *Procès-verbaux et Résolutions*, 186-190 and (1890) *Exposition universelle de 1889. Congrès international de l'assistance. Tenu du 28 juillet au 4 août 1889. Tome premier*, 284.

⁸⁴⁰ Loch (1890) 'De l'organisation de l'assistance', 79 and 101-103.

⁸⁴¹ See chapter six. De Pulligny (1896) 'Assistance publique et privée en général. Les sociétés d'organisation de la charité', 25.

1880s, the Catholic cabinet had introduced a bill to reform the so-called ‘domicile de secours’, the domicile in a municipality on which the right to the local poor-relief system was based. As already mentioned, municipalities throughout the century had grown frustrated with the increasing pressure on their local poor-relief system from ‘strangers’ moving in from other regions in the country, spurred by labour migration and depopulation of the countryside. Furthermore, the hopes since the mid-nineteenth century that self-help and mutual aid would come to replace the need for public assistance, or at least take away some of the pressure, as will be elaborated in chapter six, had proved to be in vain. Municipal authorities could not keep up with the financial demands of poor relief. Three years after the introduction of the bill, the parliament reached a conclusion and a new law on public assistance was promulgated in 1891. One of its most important measures was that it regulated more rationally the state’s financial responsibility. Expenses for poor relief were now by law divided between the municipalities (1/2), the province (1/8) and the state (3/8). A similar settlement had already been in place since 1873 with regard to psychiatric patients.⁸⁴²

What was still missing more broadly was a legal framework for the provision of poor relief and, more specifically, on the incorporation of (or the relationship with) the exploding private charity and philanthropy sector. However, four years later, a *Commission de la réforme de la bienfaisance* (Commission on the Reform of Welfare) was founded on the suggestion by a Catholic member of parliament, with the Christian democrat high official Cyrille Van Overbergh as its president.⁸⁴³ The aforementioned Brussels mayor Buls, the president of the Social Catholic *Ligue Démocratique* Verhaegen and Adolphe Prins were among its members, testifying to its diverse composition. The Commission’s task was to study a possible and comprehensive reorganization of the public poor-relief system, which was primarily understood as changing its foundations from assistance to insurance.⁸⁴⁴ Not long after, however, the Commission was advised by the Minister of Justice to not engage with social insurances and instead focus on the reform of poor relief as such, under circumstances which will be discussed in more detail in chapter six. For Van Overbergh and many with him this felt like an ‘abrupt stop’ and an ‘amputation’ for the Commission.⁸⁴⁵ Their mission continued as ‘finding the right balance between respecting the old organism and introducing new measures in’ poor relief and charity.⁸⁴⁶

While contemporary observers acknowledged that a divisive difference of opinion still existed at that time in Belgium on the primacy of either the public poor-relief system or private charity and philanthropy (though less than in 1857, it was

⁸⁴² Parliamentary Documents, Chamber of Representatives, 1872-1873, n° 9, 16-17 and 26 and Saint-Vincent and Vloeberghs (1904) *Belgique Charitable*, 7.

⁸⁴³ Parliamentary Proceedings, Chamber of Representatives, 10 January 1895, 368-370.

⁸⁴⁴ More on these debates that linked the public poor-relief system to social insurance can be found in chapter six.

⁸⁴⁵ Van Overbergh (1903) *Phase actuelle de la réforme de la bienfaisance en Belgique*, XIII and 14.

⁸⁴⁶ Van Overbergh (1900) *Réforme de la bienfaisance en Belgique. Résolutions et rapport général*, 68.

observed!), they also noted that both camps were willing to find conciliation between the two 'sectors', following the transnational example.⁸⁴⁷ Despite the Commission apparently sharing this same line of division, it seemed to agree unanimously that the private charity and philanthropy sector, i.e. both confessional and non-confessional initiatives, were of an 'extraordinary importance' in delivering social services, but that this had not been taken into account so far due to the 'complete ignorance' of the legislator.⁸⁴⁸ The challenge therefore was said to lie in enhancing the links between the public poor-relief system and the private sector. To that end, a joint commission would be installed in every municipality or local region in which representatives of the local public institutions as well as the private institutions on its territory would have a chair. A national committee after the example of the COS would coordinate the joint efforts and the cooperation on a national level and play an intermediary role.

In its other resolutions, the Commission distinguished between measures regarding the reorganization of public poor relief and those for the private charity sector. As for the public system, the local Commissions of Civil Hospices and the Welfare Offices were to be merged into one local *Commission de l'assistance publique* (Commission of Public Assistance), an old idea already voiced by Ducpétiaux and others around the mid-nineteenth century. As for private charity, the Commission agreed on the principle that private charity had to be encouraged through both legal personality and subsidies 'in all forms'.⁸⁴⁹ Elaborating on that principle involved all of the most delicate issues: the designation of donations and bequests to 'free administrators', legal personality for all charitable associations (including religious institutes) and even legal personality for private foundations that were the result of specific donations. The Commission seemed to realize that the latter point was a very controversial one, but to its defence threw in that if all charitable associations were to be granted legal personality, there was little reason for associations to resort to the method of foundations, let alone to make misuse of it. Legal personality was the very cornerstone of the proposal, as it appeared. On the other hand, and to their credit, the Commission built in an extensive framework of governmental control: donations and bequests as well as legal personality for both associations and foundations could only be authorized by royal decree, under certain conditions, and could be revoked in the same way.

The discourse underlying these reform proposals presented on the threshold of the twentieth century was full of the ideas and the terminology that so characterized the subsidiarity principle. It seemed clear that the ideas had found wider resonance and gained consistency compared to the earlier discourse. There was no one who still doubted that society held the social responsibility for its members, as it was stated in the Commission's report. Society was composed of individuals, families, associations and public authorities, and all these social forces should unite against

⁸⁴⁷ Dubois (1900) 'Un projet de réforme de la bienfaisance en Belgique', 783.

⁸⁴⁸ Van Overbergh (1900) *Réforme de la bienfaisance en Belgique. Résolutions et rapport général*, 69.

⁸⁴⁹ Van Overbergh (1900) *Réforme de la bienfaisance en Belgique. Résolutions et rapport général*, 105, 71, 143.

social misery, ‘not only with the official and public resources, but with the resources of the private charity, individual or collective, supported, encouraged, doubled by the favours of the social authority’. The State as the highest social authority should carry out its mission to ‘protect the Right and promote the Good’ by only intervening ‘in the last instance’, ‘if private initiative, in the form of individual or collective charity, was insufficient’. The following quote aptly summarized this subsidiary role of the state, typically presented as both negative in its non-interference task and positive in its encouraging task:

*le Pouvoir public, loin de se substituer éventuellement à l’initiative privée, loin de l’entraver dans l’accomplissement de sa mission, ne peut, en réalité, intervenir dans le domaine d’indigence que si la charité privée est insuffisante. [...] Sans doute, la société a l’obligation de secourir les indigents, mais il ne s’ensuit pas nécessairement que le Pouvoir sociale doive exécuter cette obligation sociale. [...] ainsi, pourrait-on ajouter, en fait, l’intervention du Pouvoir public a toujours été indispensable à la bonne marche de la société.*⁸⁵⁰

The same characteristic language coloured this discourse: the state’s role was not to ‘substitute’ (*substituer*) or ‘hamper’ (*entraver*) private initiative, not even necessarily to ‘execute’ its social task itself, but at the same time it was ‘indispensable’ in ‘supporting’ or ‘encouraging’. Ironically, even the ideas of the Commission’s more sceptical minority were depicted as supporting this kind of subsidiary state. Although they firmly wanted to shield the primacy of the public system from the proposed prerogatives of private actors, they – according to the report – wanted the state also to ‘encourage’ all private charitable institutions both by legal recognition and by subsidies.⁸⁵¹

Although at its closing session, the Commission was reassured by the Minister of Justice that its proposals would be transformed into law as soon as possible, a draft bill from the cabinet failed to appear, despite repeated pressure from the parliamentary benches. Van Overbergh’s account of the reactions to their proposal was rather rosy to say the least. Socialist and liberal opposition indeed agreed on the proposed merger of the Commission and Welfare Offices into one local Commission, but they were of course far less keen to accept the legal personality for private associations as much as the legal right to turn donations into private foundations, which in their eyes would again be equal to primarily favouring the religious institutes. Moreover, Van Overbergh most probably misjudged the real feelings on the topic of the conservative Catholic cabinet, whose first concern was to protect the Catholic majority and government power and were not willing to risk a new political crisis similar to the one following the ‘monastic law’. The political sensitivity of the question seemed to have closed the door on a final settlement of the case once again. Not until 1921 did voluntary and charitable associations

⁸⁵⁰ Van Overbergh (1900) *Réforme de la bienfaisance en Belgique. Résolutions et rapport général*, 100.

⁸⁵¹ Van Overbergh (1900) *Réforme de la bienfaisance en Belgique. Résolutions et rapport général*, 99. For the preceding in-text quotes in this paragraph, see pages 98, 70 and 58-59.

receive proper legal personality as ‘non-profit associations’, enabling them to accept gifts and to own property. Four years later, in the long-awaited reform of the public poor-relief system, in every municipality the Commission and the Welfare Office were merged into one local Commission for Public Assistance.

Rationalization and professionalization and the impact on the mixed private/public system

In the absence of any serious legal reform, then, how did the mixed private/public arrangements in the public poor-relief system develop in the late-nineteenth century context? If there was one long-term consequence of the ideological tensions which put pressure on the mixed private/public arrangements (especially in the cities), it was that the advocates of these arrangements urged a more explicit accountability and more rationalization. Initially an outgrowth of traditional forms in the Middle Ages, the cooperation between private and public in poor relief differed from place to place, building on local agreements and traditions and executed in extremely differing forms. Subsidies, for instance, had received little attention in a very long time, whether as recurring amounts or one-time favours, whether as varying with the situation or a fixed ratio. This changed for good when ideological polarization and conflict spurred a tendency towards rationalization. In no event could subsidies appear to reflect favouritism or voluntary, unquestioning support; on the contrary, they had to be necessary, proportional and transparent. Decisions on such matters were increasingly expected to be the subject of political debate, not only locally but also provincially and nationally. Expertise, efficiency, transparency and participation gradually replaced older notions such as tradition, loyalty and trust, which had underpinned the earlier forms of cooperation.

The urge toward rationalization and increased accountability was also seen in the professionalization of the medical sector and, as a result, the gradual laicization of the health-care sector.⁸⁵² Throughout the century, radical liberals had been frustrated watching the network of care institutions being operated, and sometimes managed and controlled, by religious institutes.⁸⁵³ While attempts to educate professional lay nurses had proven largely ineffective, similar efforts at the end of the century appeared increasingly successful. Almost all of the public hospitals in the municipalities around Brussels, which were under liberal or socialist rule by the end of the century, employed lay nurses. However, if such attempts did not fundamentally endanger the religious institutes involved in the ‘employment’ type, it had everything to do with the fact that they came to understand the risks and the

⁸⁵² Arguello (1994/1995) ‘L’introduction du nursing laïque en Belgique (1882-1914). D’une vocation à l’émergence d’une profession’.

⁸⁵³ The Brussels mayor let slip a remark about this in the debate about the Black Sisters and their use of a municipal building: ‘Je ferai remarquer qu’il ya deux choses qui doivent être résolues. Les Hospices, qui sont sous notre dépendance, emploient des Soeurs hospitalières pour les hôpitaux, et ensuite il faut examiner si une administration publique peut subsidier directement ou indirectement une corporation religieuse.’ During the same debate, it was argued that if the Black Sisters were expelled, a school for lay nurses could be established in the same building – oh irony – as they admitted that to that day there was no alternative to employing religious nurses. See (1875) *Ville de Bruxelles. Bulletin communal. Tome II*, 465.

challenges. Not seldom spurred by Catholic leaders to establish their own nursing schools (eventually also taking lay students!) and to encourage their nuns to take the government nursing exams instituted in 1908, the institutes prevented their own complete redundancy and effectively safeguarded their future in the professionalized medical sector.⁸⁵⁴ Around the turn of the century in Ghent, for example, 6 out of 10 public institutions still employed religious nurses. Even in Liège, which had been among the first to set up a special school for training lay nurses, the six most important public institutions were served by female and male religious, praised for their professional devotion and for their low cost.⁸⁵⁵

As for the rest of the models of the typology, it can be said that the rationalization process caused divisions between the different models to become more clear-cut and more rationally underpinned. The least transparent, least legal and hence most controversial type, the ‘invitation’ type, was difficult to maintain in the long run. Some traditional examples of this type had not entirely disappeared: in Sint-Niklaas a male religious congregation still directed the local public institution, the exact same institution which was also designated as a private institution.⁸⁵⁶ Similar examples were surely to be found in the countryside, but overall such examples grew more exceptional over time. Informal means of support such as unconditional or arbitrary hand-outs under the ‘support’ type met the same fate and gradually died out. The time when even the national government awarded extraordinary subsidies to, for instance, the religious institutes running the military hospitals in Antwerp and Liège ‘enabling them to welcome novices’ had passed.⁸⁵⁷ All sorts of once-so-controversial subsidies, however, soared from the last decades of the nineteenth century onwards. By then the subsidizing policy was far more rationalized and transparent. An exploding field of private initiatives providing a wide variety of social services was increasingly subsidized by (mainly) local authorities. Liberals had tried to fend off subsidies in public policy for some time, but the use of subsidies had become such a well-accepted aspect of the system that despite – or because of – this assessment, non-religious liberal initiatives had also arisen and participated in the mixed private/public cooperation. In the same liberal municipalities in the Brussels region which employed lay nurses, ‘neutral’ or liberal crèches and child nutrition services were largely subsidized.⁸⁵⁸ The Brussels city administration awarded large sums to both municipal and free schools for providing soup for the poor and they were far from being the only one. The Liège and Ghent budgets by the turn of the century also were full of new subsidy posts.

The ‘placement’ type, too, was given an enduring place within the system, being tacitly legalized under a 1891 bill on free medical treatment that accompanied the

⁸⁵⁴ Van Molle (2017) ‘Social Questions and Catholic Answers: Social Reform in Belgium, ca 1780-1920’, forthcoming and De Maeyer and Deforme (2008) ‘Vrouwelijke religieuzen in de openbare en private gezondheidszorg’, 16-17.

⁸⁵⁵ Demarteau (1886) *Les Oeuvres Sociales à Liège. Rapport historique et statistique*, 15-16.

⁸⁵⁶ Saint-Vincent and Vloeberghs (1904) *Belgique Charitable*, 335 en 373.

⁸⁵⁷ (1839-1840) *Journal historique et littéraire*, 570.

⁸⁵⁸ Vloeberghs (1914) *Bruuxelles charitable, suivi de quelques oeuvres sociales*, 26ff.

bill on public assistance the same year. Municipalities without their own institutions providing free medical treatment were asked to sign conventions with hospitals in neighbouring localities or private hospitals. Private hospitals were thus officially part of the public poor-relief system. Besides the normal hospitals, the 'placement' procedure also remained an attractive method for local authorities to care for their elderly and orphans. Until at least 1904, the industrial town of Eeklo in the province of East Flanders kept placing its patients in need in three different private institutions run by the Sisters of Vincent de Paul; the same was true in the provincial town of Grimbergen with two institutions of the Sisters of the Infant Jesus, and in several other municipalities.⁸⁵⁹

Conclusion

Maarten Van Dijck's argument that the public poor-relief system in the nineteenth century in a sense could be called the 'privatization of public charity' has certainly found some supporting evidence in this chapter. Admittedly, 'privatization' may be confusingly interpreted as referring to the outsourcing of health care tasks to commercial companies (rather than voluntary associations or institutions) from the late twentieth century onwards. Be that as it may, it is still a rather apt way to describe how the nineteenth-century *public* framework of poor relief to a large extent was built on *private* providers. Following the French Revolution, French legislation (which also applied to what would later be Belgian territory) had brought all the existing charitable institutions and local poor-relief structures under public responsibility. Even if the initial revolutionary project of centralizing poor relief and proclaiming a universal right to relief for all citizens had proved an enormous failure, the poor-relief system was now firmly in the hands of the local public authorities. So much for the theory, however; for it quickly became clear that the local public poor-relief system was in fact a joint private/public enterprise in which boundaries between 'public' and 'private' blurred. Priests and local elites populated the councils of the local public institutions, the public system enjoyed private donations and bequests, and, most importantly, religious institutes and voluntary associations were increasingly incorporated in the public system as private providers. Public institutions such as hospitals and old-age homes, as well as prisons employed both female and male religious as personnel (in what I have argued to be the 'employment' type); local authorities invited 'charitable entrepreneurs' and their religious institutes and voluntary associations to manage what in theory were public institutions, effectively outsourcing their responsibility for outdoor poor relief ('invitation' type); local authorities also subsidized or supported religious institutes or voluntary associations for all kinds of social service from food distribution to 'saving societies' ('support' type); and, lastly, in the

⁸⁵⁹ Saint-Vincent and Vloeberghs (1904) *Belgique Charitable*, 333 and 340. See also Van Dijck (2012) 'From Workhouse to Convent. The sisters of Saint Vincent and Public Charity in Eeklo, 1830-1900'.

absence of public hospitals, patients eligible for public poor relief could be placed by the local authorities in private hospitals and institutions, which were then being paid for each patient they admitted ('placement' type).

These mixed private/public arrangements came under pressure as soon as political tensions rose during the so-called 'culture wars'. In the countryside, ideological quarrels largely fought on the national level had little or no effect but in the cities, where liberals held the power, they did. However, as was demonstrated in the cases of Ghent, Liège and Brussels, even in those cities some of the cooperation between religious institutes and voluntary associations as private providers and the local authorities sometimes continued, if in other forms. The 'employment' type and the 'placement' type remained fully operational and were even incorporated in the legislative framework, while subsidies (sometimes in altered forms) also continued. What did change was that the mixed private/public model was gradually underpinned by a more rational discourse, justifying the mixed nature of the system by referring to efficiency, transparency and expertise. Called into question and under pressure by developments such as professionalization and medicalization, the system thus shed its 'superfluous' layers, but the essential nature of the private/public intertwinement remained and continued to adapt. Meanwhile, the focus of social policy at the end of the nineteenth century was gradually shifting towards social insurance. However, many of the traditions of private/public intertwinement that so characterized the public poor relief system lived on and would become especially apparent in this policy field. But before elaborating on the question of social insurance in chapter six, let us first turn towards popular education in chapter five.

5

CHAPTER FIVE | POPULAR EDUCATION

FROM MIXED PRIVATE/PUBLIC SCHOOLS TO A STATE-SUBSIDIZED NETWORK: THE DEVELOPMENT OF A CATHOLIC PRIMARY SCHOOL NETWORK

Education – primary education that is – may not be as traditional a subject or subfield of social policy as poor relief or social insurance. Yet there are several good reasons to make a case. Modern states started to get financially involved in education mainly to offer the poor the opportunity to send their children to school. Contemporaries very much believed that popular primary education was aimed at the social uplifting of the people. Not only did it function in the narrow sense of a social provision as a remedy provided for bad social situations, it was also more broadly applauded for its potential to prevent such situations. Therefore, popular education, here understood as the primary instruction targeted at poor children roughly between their sixth and twelfth years, was included as a legitimate and important part of the government’s social policy. As early as 1838, Auguste Visschers considered education as ‘an object to the highest extent interesting to public charity’:

*Qui nierait que le pain intellectuel de l’instruction, le pain moral de l’éducation des enfants du peuple ne leur soit aussi utile, aussi nécessaire que les rares aumônes que l’on distribue entre les nécessiteux affamés, qui ne peuvent pourvoir à leur subsistance?*⁸⁶⁰

The fact that important bourgeois social reformers such as Visschers and Ducpétiaux also held seats in national commissions on education is one of the many possible examples of this. The Catholic leader Charles Woeste also called education ‘the queen of social works’.⁸⁶¹ Today, even in more traditional accounts among comparative welfare state research, education is gradually becoming more and more included in accounts, although it is often still being treated as an example of ‘social policy by other means’ rather than as social policy by itself.⁸⁶²

⁸⁶⁰ Visschers (1838) *Discours sur les lacunes et les besoins de l’instruction primaire en Belgique*, 9.

⁸⁶¹ Woeste (1906) *Échos des luttes contemporaines (1895-1905): Études politiques. Questions sociales*, 179.

⁸⁶² This was one of the points of discussion that came up in two workshops on ‘social policy by other means’ in Warsaw (Poland) and Odense (Denmark), discussions to which I owe many revealing insights into the, from a historians’ standpoint, magical world of political and social science in general and comparative welfare state research and social policy research in particular.

That is not to say, however, that education has had to suffer from a lack of scholarly attention. Starting from the nineteenth century, as one of the major battlefields on which the culture wars were fought, education remained one of the most sensitive political subjects until well into the twentieth century – and it still is, in a more pacified sense. This has made education probably one of the most elaborated areas of research in Belgian historiography in the nineteenth century, with a wide variety of angles and a diversity of forms of output. It has been studied by historians from pedagogical, didactical, cultural and, not in the least, political points of view. It has produced innumerable monographs and case studies as well as some comparative works, quantitative analyses, bibliographies and other reference works.⁸⁶³ It need not be our concern here to delve into the general history of education.

The focus of this chapter will be on the ways in which in education, too, public and private initiative or, if you like, governments and private providers related to each other, both in the reality on the ground and in the discourse, as well as the ways in which their relationship transformed over time. It will be shown how a mixed landscape of different private/public schools, often dating back to traditional forms of popular education in the Ancien Régime, developed during the nineteenth century into a widespread state-subsidized Catholic network of private schools, a development of which the consequences are still very much visible in the Belgian education landscape today, where the Catholic network is still by far the largest provider of education, larger even than the public network. As my general emphasis is on social policy and its underlying discourse, an obvious result will be that the preparation, interpretation and execution of legislation will be central to the story of education here. Mainly for reasons of clarity and space, I will focus on the free primary education that, also known as ‘popular education’, was considered a basic right for every child regardless of social situation. I will leave out other kinds (e.g. technical education) and levels (secondary or infant schools) of education which, I will gladly concede, could have been equally interesting to look into in terms of social policy.

As shall be clear from the structure of this chapter, it is my argument here that three main phases of this private/public focus can be distinguished. In the *first* phase, the Belgian constitutional freedom of education prevailed without much of a legislative framework to fall back on. Much of the educational landscape returned to some of the traditional local agreements that had existed in the Ancien Régime, with important roles for local elites, local clergy, private teachers, religious institutes and local governments. Such cooperative mixed private/public forms were partly laid down in the first law on popular, primary education in 1842, which signalled a new phase. In this *second* phase, between 1842 and 1879, the

⁸⁶³ For a very recent synthesis, though from a cultural-historical point of view, see De Maeyer and Wynants (2016) *Katholiek Onderwijs in België. Identiteiten in evolutie, 19de-21ste eeuw*. For another starting point, however not very up-to-date, see for instance De Vroede, Lory and Simon (1988) *Bibliografie van de geschiedenis van het voorschools, lager, normaal- en buitengewoon onderwijs in België 1774 – 1986*. Selected bibliographies in the works cited in this chapter could serve as a complement.

private/public intertwining that was part of the new legal framework was rather intense and structural, which made it difficult to draw a line between a 'public' and a 'private' network of schools. Unsurprisingly, this paralleled the same developments that characterized the public poor-relief system discussed in the previous chapter, and it is true that the educational landscape saw a similar diversity of possible constructions on the scale between fully public and fully private schools. This had much to do with the fact that during this phase most liberals still acknowledged religious morality as the basis of popular education, as well as with the fact that Catholics, rather than making a distinction between private and public schools, liked to make sure that schools were above all Catholic, whatever their public, private or mixed private/public status. These strategies changed dramatically under the influence of political polarization and the culture wars of the second half of the century and ushered in a new phase in the private/public divide in education. This was the *third* phase, which I will place between 1879 and 1919. Liberals became more strident about the laicization of public schools and eventually succeeded, however briefly, in their plans during the 'school war', another emanation of the same culture wars, roughly between 1879 and 1884. As Catholics saw their nightmare of neutral, 'areligious' and 'immoral' schools coming true, it dawned on them, however gradually, that their attempts to hold power over public schools were a losing battle. They changed course and instead started to rally for an equal share of government funds in the form of structural subsidies for their own, private network. This coincided with the start of 'pillarization' and marked the beginning of the Catholics' favoured policy of 'subsidized liberty', in education as well as in other policy fields, in which the divide between public and private became more clear in one way but just as well transformed in another.

The structure of this chapter will follow these three phases. The first section will be dealing with the first phase: the origins and the establishment of the freedom of education enshrined in the Belgian Constitution as well as its interpretation and consequences on the educational landscape in practice. The second section discusses the second phase, from 1842 to 1879, offering in the first place an overview of the legislative and regulatory developments, of which the struggle of interpretation between Catholics and liberals would influence the different forms of mixed private/public schools. After this necessary overview, the same section elaborates on the specificities of the private/public intertwining during the same phase, just as in the previous chapter by offering a typology of the different mixed private/public forms and giving some quantitative indications. The third section, finally, demonstrates the profound ideological turn and policy change and delves into the debates and realities of new large state-subsidy programs for the private Catholic network of popular schools.

5.1 ‘L’enseignement est libre’: constitutional liberties and municipal autonomy (1800-1842)

Starting off by putting emphasis on the freedom of education in the Belgian Constitution, its origins in the long discontent about earlier Austrian and Dutch policies and its inherent divergence of opinions may seem like a déjà vu, bearing in mind that that is also where the debates and differences on charity originated, as explained in the previous chapter. The drawing up of the Constitution saw a widely shared, at least seemingly consensual and almost emotional outcry for the freedom of education. But the Constitution also bore the seeds of fundamental disagreement, which resulted in the failure in the subsequent years to come up with a law on popular education and a mixed (and sometimes chaotic) landscape of individual, religious, municipal initiatives and somewhat arbitrarily issued subsidies from local, provincial and national authorities. The dominant discourse, that of liberal-Catholics and unionist liberals, while acknowledging the need for a legal framework, was very much supportive of such a mixed landscape and, as we will see, informed part of the 1842 law that remained active until 1879. The basic features of such a system were always: free private provision, local autonomy, and governmental subsidies rather than initiative. True to nineteenth-century tradition, legislators and opinion makers increasingly turned to neighbouring countries and beyond in their search for good examples for legislative actions and good arguments to build up their case. As this context, both discursive and on the ground, very much formed the basis for later developments, this section will elaborate on it.

Revening King William: the constitutional freedom of education

The Dutch king William brought disgrace upon himself in the southern parts of his new unified kingdom by, among other things, his educational policies. In all levels of education, the Dutch king pulled many of the strings and gradually further acquired at least a say in the establishment of schools, their direction and their inspection through state regulation and mandatory degrees.⁸⁶⁴ Local authorities were forced to include the costs of a certified municipal teacher in their budgets, even if it was the Dutch government and the king who decided to establish the school. The same policies had already been installed for some time in the northern part of the Dutch kingdom. As progressive and visionary as they were for their time, and despite their successful first results in terms of quality of instruction and provision of education, the same policies felt rather harsh to a large part of the population when implemented in the southern regions, where education was still in its infancy.⁸⁶⁵ The increasingly unsubtle reforms struck the Catholics especially after 1825, when William also made an attack on the episcopal secondary schools and established a *Collegium Philosophicum* as a mandatory part of training for

⁸⁶⁴ (1842) *Etat de l’instruction primaire en belgique. Rapport decennal*, 5-14.

⁸⁶⁵ Tyssens (1998) *Om de schone ziel van ’t kind*, 33-37.

Catholic priesthood. Reminded of the laicizing reforms of Austrian emperor Joseph II, who had bluntly replaced the Catholic priest seminaries with state schools, the Catholics were driven into the until-then mostly liberal protest movement, gaining momentum especially from 1827 onwards. Attempts by William to concede on some points came too late, and revolution broke out in the summer of 1830.

The result was that the Belgian revolutionaries could not wait to issue a decree on 12 October 1830 that declared null and void 'the arrests that have hampered the freedom of education'. This was confirmed by the constitution in February 1831 in the famous article 17:

Education is free; every preventive measure is prohibited; the repression of abuses can only be regulated by law. Public education, given at state expense, is also regulated by law.

Everyone seemed to agree on the freedom of education, and the fact that measures were to be regulated by law rather than by the government was an obvious response to the abusive powers of their former king. An earlier draft of the article held that not only 'preventive measures' were regulated by law but also 'surveillance', but Catholics feared that this would lead to abuse, recalling that many of the vices of the Dutch system originated precisely in inspection and regulation.⁸⁶⁶ Not long before his death, archbishop François de Méan (1756-1831) had written a letter to the National Congress drafting the constitution, which explained:

*La religion a une connexion si intime et si nécessaire avec l'enseignement qu'elle ne saurait être libre si l'enseignement ne l'est aussi.*⁸⁶⁷

It was the vagueness of the rest of the constitutional article 17, however, that could not entirely conceal the divisions between the different factions. What was meant by the public education mentioned in the second paragraph, and how was the 'at state expense' to be interpreted? As will be shown later, some read that the state did not necessarily have to engage in public education, while for others this was exactly what was implied by the fact that public education was regulated by law. It was the beginning of a long interpretation struggle.⁸⁶⁸

The first years after the Constitution, some local authorities seemed to make a statement against King William's policies by throwing out their municipal teachers while others did the same out of mere opportunism.⁸⁶⁹ In the countryside, primary education fell into the abyss when fortune-hunters without any experience tried their luck in opening their own 'private' schools and living from the tuition fees, thereby replacing certified teachers. The Belgian bishops spurred their priests to get rid of municipal teachers who were not zealous or Catholic enough and to

⁸⁶⁶ Juste (1850) *Histoire du Congrès national de Belgique, ou de la fondation de la monarchie belge* I, 356 and de Lichtervelde (1945) *Le Congrès national. L'œuvre et les hommes*, 68.

⁸⁶⁷ (1831) *L'Ami de la religion: journal ecclésiastique, politique et littéraire*, 355.

⁸⁶⁸ For more on the juridical side see Van Orshoven (1989-1990) "Het onderwijs is vrij." Het recht op onderwijs in het nieuwe artikel 17 van de Belgische grondwet', 505-523.

⁸⁶⁹ Alvin (1833) 'Instruction publique. Budget de l'exercice 1833', 184.

establish their own parochial schools.⁸⁷⁰ Catholics thus tried to restore the Ancien Régime tradition of local and religious ‘community schools’, steered by the local clergy in cooperation with local elites, often in the cheapest possible way. It is important to remark in this regard that in such collaborative structures, there was no clear-cut boundary between ‘public’ or ‘private’ solutions. Local differences were huge. City administrations in Antwerp, Ghent, Mons and Liège made considerable financial and other efforts and succeeded in improving the situation and number of their popular schools. In stark contrast to this was the situation in Brussels, where over the course of the 1830s only a third municipal school was established. Things improved a little after 1836 by the promulgation of the municipal law in the same year, which reinstated the responsibility of popular education with the municipal authorities. Cooperation between the bourgeoisie and religious actors remained but was now confirmed and influenced by the autonomy and (limited) democratic legitimacy of the municipal authorities.

Freedom: curse or blessing? The difficult consideration of public initiative and financial support

Some people, especially some of the policy makers of the education administration within the Ministry of Interior, looked upon the results of this blind belief in liberty with sorrow. Fortunately, the early decree of October 1830 had also included a statement that the existing state financial support for popular education (in addition to its universities and colleges) was preserved at least until decided otherwise. The administrator-general of education at the Ministry, Philippe Lesbroussart (1781-1855), implored local authorities in a circular to maintain their municipal teachers at least until new legislative action would enable financial support. Similarly, he asked the provincial governors to keep their information on all the former inspectors of their province.⁸⁷¹ It was clear that the state could not entirely play the role some wanted it to play – to say the least. Thanks to the freedom of education, the central administration had lost all control over popular schools except for those it subsidized, but even in those cases the administration had hardly any say in the direction or inspection. Ducpétiaux commented, not without cynicism, upon the state’s incapacity:

*L’Etat continue, il est vrai, à allouer quelques subsides à un certain nombre d’écoles primaires, mais ces subsides sont généralement insuffisants et doivent plutôt être considérés comme un viatique donné aux mourants que comme un encouragement réel et un moyen de progrès.*⁸⁷²

A colleague of Lesbroussart at the Ministry of the Interior countered such criticisms by saying that the state at least were honouring the preceding commitments (of the Dutch administration) and that its actions, though seemingly arbitrary, were only trying to help out wherever the need was greatest. But

⁸⁷⁰ Minten, De Vroede and Depaepe (1991) *L’enseignement primaire 1830-1842. Volume I*, 23-24.

⁸⁷¹ Minten, De Vroede and Depaepe (1991) *L’enseignement primaire 1830-1842. Volume I*, 23-24.

⁸⁷² Ducpétiaux (1838) *De l’état de l’instruction primaire et populaire en Belgique. Volume 1*, 66.

essentially he agreed that this was all due to the lack of a proper mandate and that more should be done.⁸⁷³ This was of course a difficult exercise; in the early post-revolutionary atmosphere no one liked to be accused of thwarting the much-desired freedom of education.

Not that there had not been any attempts to do more. As administrator-general for education in the state administration Lesbroussart had presented a bill in 1831 that provided for public, municipal education at state expense, inspected by regional councils made up of local teachers. Both municipal and private schools would be subjected to this inspection, but would also qualify for all sorts of subsidies, issued by strictly regulated conditions and presented to parliament annually in order to be as transparent as possible. The bill was sent to another commission where it was never dealt with and it faded away, probably because it was deemed far too expensive and because of Catholic protest against the lack of guarantees for religious instruction.⁸⁷⁴ Two years later, Minister of the Interior Charles Rogier assembled a new commission and presented this commission's proposal in parliament. Compulsory religious instruction was now mentioned in the second paragraph and, in the cases where the province contributed financially in the event of insufficient municipal funding, a local supervisory commission was set up on which the parish priest had a reserved seat.⁸⁷⁵ However, as in the case of Lesbroussart, the bill involved not only primary but also secondary and higher education and soon proved too ambitious to be resolved in one go. The fact that neither bill succeeded and that a solution would not come for another decade – ten years during which local initiatives were taking off, and the gap widening between Catholics and liberals – had a huge impact on the outcome of the 1842 law. Nonetheless, the 1834 draft bill would still play a prominent role in the discussions preceding the 1842 law. That the exceptionally powerful position which Lesbroussart occupied was abolished in 1834 under increasing pressure, mainly from Catholics, only testified to the fact that the latter found Lesbroussart's undertakings far too assertive and despised every intervention from the state administration.⁸⁷⁶

Indeed, Catholics enjoyed their freedom and tried to expand their influence on the ground. The lower clergy was stimulated to ascertain their hold on the primary schools in their parishes. Religious institutes, especially new female congregations active in social work, which grew even more in number due to the freedom of association, also saw ample opportunity to engage in such educational activities as primary schools for the poor, lace-making schools for girls, orphanages and even

⁸⁷³ Alvin (1833) 'Instruction publique. Budget de l'exercice 1833', 184-185.

⁸⁷⁴ (1832) *Projet de loi pour l'enseignement public en Belgique, présenté par la commission spéciale* and Minten, De Vroede and Depaepe (1991) *L'enseignement primaire 1830-1842. Volume I*, 27-29.

⁸⁷⁵ Parliamentary Documents, Chamber of Representatives, 1841-1842, n°430. The fact that this 1834 bill was reprinted by the Chamber during the discussions was evidence to its importance for the new draft.

⁸⁷⁶ Minten, De Vroede and Depaepe (1991) *L'enseignement primaire 1830-1842. Volume I*, 32.

boarding schools. However, this system quickly turned out to come with a heavy financial burden, as one observer noted in 1840:

*Désirons-nous établir des écoles gratuites pour les pauvres, il faut encore demander l'aumône, il faut des souscriptions, il faut des quêtes, il faut des expositions publiques.*⁸⁷⁷

Not without frustration, he added that in Liège the primary schools directed by the widespread and popular male congregation of the Frères des Ecoles Chrésiennes did not even get one penny of the BEF 140,000 municipal education budget and that they instead had to rely on a church offertory held by the bishop. Catholics therefore favoured a 'suppletive' state intervention, in which the state financially supported the free initiative, without engaging with education itself by establishing schools.⁸⁷⁸ They liked to draw attention to the system in England, where the state did nothing more than subsidize the private schools without organizing public education, whereas in Prussia, apparently, an extensive network of public schools had been laid out:

*Nous avons pensé, nous, que la Belgique où la liberté d'enseignement a été proclamée plus large que dans tout autre pays constitutionnel, devait adopter le système anglais, où l'action du gouvernement sur l'instruction primaire et moyenne se réduit à des encouragements matériels et ne comporte aucune direction véritable, plutôt que le système allemand consistant dans une organisation complète de l'enseignement public.*⁸⁷⁹

As the Catholics understood it, the state's having to support private initiative rather than directly intervene itself was only a necessary consequence of the constitutional liberties, protecting the freedom of education as well as the freedom of association and conscience by encouraging and supporting them. As a Catholic brochure had it:

*Ce n'est donc qu'exceptionnellement, d'une manière accessoire et en même temps purement matérielle, que l'Etat a, nous ne disons pas le droit, mais l'obligation d'intervenir, car c'est une dette qui lui est imposée.*⁸⁸⁰

Note the peculiar combination of having large reservations about state intervention but nonetheless speaking about the *duty* rather than the *right*.⁸⁸¹

However, the Catholics had not reckoned with liberals who opposed the monopoly of the Church as much as they themselves opposed a monopoly of the state. This fundamental opposition was undoubtedly one of the main reasons why a law on primary education had not been possible until then. Under the influence of an important publication by the Liège bishop Cornelis Van Bommel (1790-1852), the Catholics started to consider a scenario in which public education, organized locally but at the state's expense, could exist. Of primordial importance then was that these

⁸⁷⁷ (1840-1841) 'De la future loi de l'instruction primaire', 397.

⁸⁷⁸ De Groof (1984) *De overheid en het gesubsidieerd onderwijs*, 26-27.

⁸⁷⁹ De Coux (1840) 'Exposé des vrais principes sur l'instruction publique; par Monseigneur l'Evêque de Liège'.

⁸⁸⁰ [1839] *Du projet de loi sur l'enseignement primaire* cited in (1839-1840) 'Du projet de loi sur l'enseignement primaire', 172. The italics were from the reviewer and were probably not in the original.

⁸⁸¹ This reference to the state's role as both a right and a duty also appeared in the later 'subsidiary right' (*subsidiäres Recht*) by Ketteler, as seen in chapter one, section 1.5.

public schools, in the name of the freedom of conscience and the dominant culture of the large majority of the Belgian people, were under the influence of the local clergy. This concession, so they hoped, would also open the way to some sort of financial support for the private schools under Catholic influence:

*Nous voulons, pour nos écoles, notre part des subsides qui sortent chaque année du trésor, de la caisse provinciale et de la caisse communale; [...] ou bien que l'enseignement public, surtout l'enseignement primaire et moyen, devienne vraiment religieux, et qu'on se souvienne enfin que les contribuables sont généralement catholiques.*⁸⁸²

An editorial note in the Catholic magazine *Revue de Bruxelles* tried to make their earlier arguments in favour of an exclusively subsidizing government appear to be in total agreement with the new statements of the Liège bishop, but the subtle change of course could not be denied.

Ducpétiaux drew similar conclusions by distinguishing between three possible models of education: one of unlimited freedom, in which the state could not establish schools itself nor be responsible for their inspection, only allowing for limited subsidies without further mandate; one of exclusive state direction, in which the state had sole control over both public and private schools; and, finally,

*Le système mixte qui, tout en attribuant au gouvernement la direction de l'instruction publique, ne porte cependant aucune atteinte au droit pour les particuliers et les associations d'enseigner et d'ouvrir des écoles sans autorisation préalable. C'est le système adopté en Belgique par le congrès et sanctionné par la constitution.*⁸⁸³

Of course, Ducpétiaux preferred this mixed model. Visschers approached the question of education even more from a 'subsidiary' point of view, so it seemed. Because family and religious congregations could not sufficiently provide for education, or put otherwise, because they at least needed control and inspection to ensure quality instruction, Visschers invoked what he called the 'ultimate form of association' (the state):

*Je n'ignore pas que le premier devoir, en matière d'instruction, [...] repose sur la famille. Ceux qui prétendent que la volonté nationale, la loi (car je déclare tout autre autorité incompétente) ne doit pas intervenir afin de suppléer à ce défaut, à cette impossibilité d'action des familles, on trop souvent pour but de faire une trop belle part aux corporations ecclésiastiques qui donnent gratuitement l'instruction aux enfants des pauvres. Mais ces corporations mêmes ne peuvent pas tout faire, et comme elles agissent sans contrôle, nous ne pouvons pas permettre qu'elles agissent seules: il y a une association qui à nos yeux offre bien plus de garantie [...] c'est l'association de tous les citoyens, c'est la nation, l'Etat en d'autres termes: il exprime sa volonté par la loi; les provinces et communes n'en sont que les exécuteurs.*⁸⁸⁴

⁸⁸² (1840-1841) 'De la future loi de l'instruction primaire', 397.

⁸⁸³ Ducpétiaux (1838) *De l'état de l'instruction primaire et populaire en Belgique. Volume 1*, 119.

⁸⁸⁴ Visschers (1838) *Discours sur les lacunes et les besoins de l'instruction primaire en Belgique*, 9-10.

Ducpétiaux and Visschers agreed that the importance of establishing public schools was especially in their function as good examples, in forcing the private schools to improve and maintain their quality. Not that the organization of public education as a necessary aspect of state intervention at this point was to be seen as a dogma or as something that was to be preserved at all costs and at all times – far from it. On that score, Ducpétiaux noted that

*Un temps viendra peut-être où la diffusion des lumières, le progrès des saines doctrines et les convictions éclairées de l'immense majorité des citoyens rendront comme aux États Unis moins nécessaires et peut-être même tout à fait inutiles l'intervention et le protectorat du gouvernement en matière d'instruction.*⁸⁸⁵

He shared this idea with other unionist liberals such as Charles de Brouckère, who confirmed that public education was not, in the eyes of the legislator, 'an absolute and perpetual necessity'.⁸⁸⁶ These examples make it clear once again that the belief in a 'subsidiary' role of the state was essentially contextual and could justify different positions at different times, one of the conclusions of chapter three. The same ideas were shared by Catholics, even if they sometimes drew different conclusions.⁸⁸⁷

5.2 From different mixed private/public local schools ... (1842-1879)

With the 1842 law a long-awaited compromise on primary education was reached. Most interesting from our perspective here was that this law legalized the common practices that had grown in the years before, in which schools were set up in mixed private/public forms, subsidized or supported otherwise by local authorities and in close collaboration with the local clergy and elites. The law did make the private/public line somewhat clearer by establishing specific categories but, as will be amply documented in this section, this did not initially make many differences in practice. Especially in the eyes of Catholics, there was not (yet) a distinction between a Catholic and a neutral network, or a clear line between a public and a private network. The importance of this point of view cannot be overestimated, as it informed and underpinned the various forms of local private/public intertwinement. The main Catholic idea during this period was that there was not so much a difference between public and private schools, as between 'good' religious and 'bad' non-religious schools. Catholics were much more concerned about whether the nature of the school reflected that of the dominant Catholic culture and its religious morals than about the official status of the school. In Catholic eyes, public schools could be led by religious teachers or by pious lay teachers under the agreed-on

⁸⁸⁵ Ducpétiaux (1838) *De l'état de l'instruction primaire et populaire en Belgique. Volume 1*, 124.

⁸⁸⁶ Cited in (1839-1840) 'Du projet de loi sur l'enseignement primaire', 172 but the original source of the quotation is unknown.

⁸⁸⁷ See for instance (1839-1840) 'Du projet de loi sur l'enseignement primaire', 174 and 176.

supervision of the parish priest, while private schools were sometimes led by disreputable figures or founded by 'godless' liberal associations (especially in the cities). The diocesan inspector in the Antwerp region, for instance, spoke very highly of the Antwerp municipal schools.⁸⁸⁸

However, although the 1842 law was a compromise between Catholics and liberals, it also inherently bore the seeds of a fundamental conflict. Especially in Belgium, where private schools were an almost exclusive Catholic monopoly, liberals favoured a strong public network of schools in which municipal authorities assumed their responsibility and which were given priority and primacy. They accepted mixed private/public forms of schools, but only as an exception to that rule. Catholics, on the other hand, did not care much about the primacy of municipal schools. Whether or not in the official hands of the municipal authorities, they preferred 'religious' schools that were the result of local agreements in a Catholic sphere of influence. They accepted municipal schools if they did not *replace* schools by some private initiative and, not unimportantly, only as long as these municipal schools reflected the dominant Catholic culture and honoured the traditional local agreements under the Church's influence. Catholics followed the same strategy with regard to the other levels of education: they possessed their own subsidized episcopal teacher-training schools and secondary colleges (both episcopal and religious institutes), and the only two teacher training schools run by the state were under the direction of priests; similarly, after a long controversy the liberal cabinet of Rogier had come to an agreement about the influence of the clergy in state secondary schools.⁸⁸⁹ The consequences of the conflicting interests of liberals and Catholics would make themselves felt as the liberals tried not only to abolish the mixed private/public schools but also to reduce the religious influence in the municipal schools. This lingering conflict would eventually result in the 'school war' between 1879 and 1884, which is treated in the following section.

In order to understand the most important legislative and administrative actions of this second phase between 1842 and 1879, this section will study first the 1842 law and then the plentiful shifts in its interpretation before and after 1859. Such an overview of the legal framework and the main discussion points will then enable an in-depth analysis of the different mixed private/public types of schools during this entire period (1842 and 1879), the dynamics of schools switching between these types throughout the period, and some quantitative estimates of these types.

Touchy compromise rather than unionist masterpiece? The 1842 law and its Catholic interpretation (1842-1847)

The 1842 law was another example of the conviction of most men in power, perhaps more out of strategic reasoning than anything else, that laws had to reflect and

⁸⁸⁸ AAM, Onderwijs 19^e eeuw, I.22 : letter diocesan inspector of Antwerp to archbishop, 8 February 1865.

⁸⁸⁹ For this agreement, which came to be known as the Convention of Antwerp, see Theuns (1959) *De organieke wet op het middelbaar onderwijs*, 37-52.

confirm existing situations rather than design a new educational landscape.⁸⁹⁰ The Interior Minister and cabinet leader Jean-Baptiste Nothomb (1805-1881), a moderate unionist, put it aptly when saying that

*il n'y a pas contradiction entre la loi nouvelle et ce qui existe de fait aujourd'hui ; je dis, au contraire, que la loi ne fera que maintenir l'état actuel des choses, que ce n'est pas une innovation que nous proposons, mais une régularisation.*⁸⁹¹

As discussed briefly before, between 1830 and 1842 a mixed system had arisen in which the freedom of education coupled with the strong local autonomy displayed in the 1836 municipal law created different forms of mixed private/public local schools, helped by provincial and national subsidies.⁸⁹² People had grown accustomed to the idea of a regulatory state encouraging these existing local schools on the principle of freedom of education, rather than the state replacing these private schools with state-run public schools. Even before 1830, though discredited by William's policies, it was accepted that the state held certain prerogatives in this system. The right to organize inspections and to demand financial transparency was considered an acceptable return for subsidies from the state. Government subsidies to private schools were an equally common practice. For example, the provisional Belgian government had issued a decree in 1831 that made it possible to give school materials and classes to private schools. Until the end of the 1840s, the national government even handed out subsidies to certain Catholic schools (all belonging to the *Frères des Ecoles Chrésiennes*) as well as to certain Protestant and Jewish schools, at the time the three recognized faiths in Belgium.⁸⁹³ Although some of these measures were heavily debated during the early years of independence as well as during the parliamentary discussions preceding 1842, not in the least the subsidies to the Frères or the state's right to inspect the schools it subsidized, in the end they were nonetheless accepted.

Where the preceding period had seen the emergence of a wide variety of possible mixed private/public schools, the 1842 law now made the boundary between private and public schools somewhat clearer. The 1842 law required every municipality to have at least one municipal school housed in a 'convenient' building (article 1), where poor children living within the municipality were to enjoy instruction free of charge (article 5).⁸⁹⁴ In other words, building on the municipal

⁸⁹⁰ See also chapter one and De Dijn (2002) 'A pragmatic conservatism. Montesquieu and the framing of the Belgian constitution (1830-1831)', 230-231.

⁸⁹¹ Parliamentary Proceedings, Chamber of Representatives, 19 August 1842. (1843) *Discussion de la loi d'instruction primaire du 23 septembre 1842 d'après le Moniteur Belge*, 627.

⁸⁹² Ducpéiaux (1838) *De l'état de l'instruction primaire et populaire en Belgique. Volume 1*, 70

⁸⁹³ (1843) *Discussion de la loi d'instruction primaire du 23 septembre 1842 d'après le Moniteur Belge*, 373. See also (1838-1839) *Journal Historique et Littéraire* 5, 43.

⁸⁹⁴ (1842) *Pasinomie*, 677-697. Children who qualified for free education were not exclusively children from parents on the poor relief lists. The municipal council had to draw up a list of children each year, which was confirmed by the provincial authorities. Remuneration for the free education of the poor was then paid either by the Welfare Office (for children whose parents were eligible for poor relief) or by the municipal authorities (for those children whose parents were not on poor relief, but who were nonetheless considered eligible for free education). See Bivort (1845) *Commentaire de la Loi sur l'instruction primaire du 23 septembre 1842*, 19.

responsibility of the 1836 municipal law, the law now essentially said that every municipality had to have its own public school, created and financed by the municipal authorities. Interestingly, however, articles 2 and 3 added that if private schools on their territories ‘adequately provided’ education, the municipal authorities could be exempted from establishing their own municipal school (article 2) or could decide to ‘adopt’ one or more schools as the municipal school(s) (article 3), in the latter case with subsidies for the free education of the poor. Municipalities wishing to do so had to be granted authorization by the provincial authorities and the authorization could be withdrawn by royal decree (article 4). Furthermore, it was stated very clearly that all schools receiving any subsidy whatsoever were subject to legal inspection (article 23). Except for fully private schools (not adopted or falling under article 2), all schools were to undergo both civil inspection organized by the state and religious inspection organized by the bishops. In theory only in charge of religious instruction, the bishops were reassured that the influence of the Church would further increase with the drawing up of rules for the schools (individual schools could add their own internal rules), which were indeed confirmed by a royal decree in 1846.⁸⁹⁵ The principle of ‘adopted’ schools and the close cooperation with the clergy in the public schools were far from an exception of primary education, for the same happened in secondary education and teacher training education.⁸⁹⁶ Episcopal colleges could be ‘patronized’ (*patronés*) by the city council and teachers’ colleges run by religious institutes could be ‘aggregated’ (*agrées*), which in both cases meant that they qualified for subsidies. Whether or not intentionally, the 1842 law did not say anything about girls’ education.⁸⁹⁷ As there was a growing inclination to separate girls from boys in primary schools, this would soon prove to form an important gap, filled mostly by religious institutes as will be discussed later on.

In many ways the 1842 law bore the marks of a delicate transaction between Catholics and liberals under the unionist header. Liberals applauded the theoretical primacy of public schools and the state’s prerogatives to hold civil inspections, which also applied to schools under article 2 and adopted schools. Catholics on the other hand had successfully defended the adoption of (one or more!) private schools, religious instruction as integrative part of the curriculum and the religious inspection. The common ground between Catholic and liberal unionists that made the transaction possible was the widespread belief that morality and religion should make up the very basis of all instruction. Of course both sides also felt they had made considerable concessions in order to get to a fair ‘transaction’. Catholics had wanted to give religious inspection a say in the entire curriculum rather than only the religious instruction, whereas liberals had only grudgingly accepted the

⁸⁹⁵ (1846) *Pasinomie*, 494–503.

⁸⁹⁶ After the failed attempts to address the education question in its entirety, separate laws were made in 1835 (higher education), 1842 (primary education) and 1850 (secondary education).

⁸⁹⁷ Some statements of Nothomb during the discussion seem to suggest that Nothomb was rather aware of this but did not want to engage the topic. See Lory (1979) *Libéralisme et instruction primaire 1842-1879* I, 70–71.

adoption of private schools.⁸⁹⁸ In this regard, Catholics made clever use of the earlier 1834 bill presented by liberal minister Rogier, arguing that similar features were to be found in his draft. The successful completion of the difficult balancing exercise was overwhelmingly due to Nothomb. He went to great lengths to persuade not only liberals but also the Belgian episcopate, by responding authoritatively to questions and doubts during the parliamentary discussions and carefully manoeuvring behind the scenes. An experienced diplomat, he turned out to be ‘the most brilliant personification of the unionist policy’.⁸⁹⁹ The bill was adopted almost unanimously in the Chamber of Representatives with 75 votes in favour, rejected only by three liberals, and accepted unanimously in the Senate.

Very much in line with the unionist context and the simultaneous apogee of liberal Catholicism, the 1842 law was constructed broadly along the lines of the ‘subsidiary’ consensus already mentioned and featured some remarkable traits of the later subsidiarity principle. First of all, articles 2 and 3 implied – from a Catholic perspective – that a public school was only necessary if a private school was not adequate and sufficient in fulfilling this need. During the parliamentary discussions Nothomb stated that

Il me semble, messieurs, que la question d'intérêt général, d'intérêt social, est uniquement celle de savoir si dans toutes les communes l'instruction primaire est sérieusement, convenablement donnée, et je ne vois pas pourquoi, lorsqu'une école libre remplit complètement ces conditions, pourquoi l'Etat viendrait faire concurrence à cette école privée.⁹⁰⁰

If this applied to the relationship between the public schools and the private schools, it also applied to the relationships within the public sphere, between the different levels of government. The state was above all expected to control, guarantee and secure quality education given by local and provincial authorities, as a ‘regulatory’ state. The state’s action in relation to these lower-level governments consisted in ‘de suppléer à leur inaction, de les aider de ses ressources et de reprimer les abus’, although the state of course depended on these lower levels’ knowledge of the policy in practice to ensure effective policy from above.⁹⁰¹ For example, municipal authorities could solicit additional state funding for their schools only if their own financial means were not sufficient and only if the provincial authorities had first contributed. Even the relationship and the balance of power between the civil and religious authorities was explained in such terms: the one could not be

⁸⁹⁸ See the questions of liberals in the parliamentary proceedings cited below.

⁸⁹⁹ Juste (1882) *Le baron Nothomb: une histoire diplomatique inédite*, XV.

⁹⁰⁰ Parliamentary Proceedings, Chamber of Representatives, 11 August 1842. (1843) *Discussion de la loi d'instruction primaire du 23 septembre 1842 d'après le Moniteur Belge*, 304.

⁹⁰¹ ‘Le gouvernement est tenu de s’assurer du concours des provinces et des communes pour obtenir les résultats que ces subsides ont pour objet art 25’. See Lebon (1871) *Répertoire historique, analytique et raisonné de l’enseignement populaire en Belgique*, 233.

allowed to 'absorb' the other, and they were supposed to act within their respective 'spheres' which the constitution had ascribed to them.⁹⁰²

The consequences that arose from these agreements in the law demonstrated some of the core features of similar mixed private/public, subsidiary constructions, namely the many checks and balances between the different actors, which required a great deal of administration and were thus also subject to interpretation. Mainly out of liberal suspicion that local autonomy and the adoption of private schools would undermine the system of public education, the bill had undergone changes that developed a complex administrative edifice of checks and balances between the different levels of government involved in the process. Municipal councils wishing to adopt a private school had to send their formal decision, if applicable via the district commissioner, to the provincial authorities, which accepted or rejected the proposition. During the same year, the provincial authorities would be asked by the Ministry to draw up a status of all the schools under article 2 and the adopted schools. For each and every case well-grounded recommendations by the provincial inspector were required, based on the information assembled by his cantonal subordinates, and the provincial governor. Ironically, this paved the way to politicization in the law's execution, as many extra procedures were to be given shape by ministerial decrees and the ministry's administration. Although the job of inspector was initially considered to be a pedagogical function and an honorary title, this changed dramatically due to the administrative burden that came with putting the law into operation. The innumerable circulars and letters demarcating the law's boundaries, as well as the state's statistical frenzy, turned inspectors into administrative commissioners rather than inspectors, only being able to visit a fraction of the schools they were supposed to. But their importance in shaping the administrative execution also turned their position into a politically sensitive one.⁹⁰³

Interpretations even varied between subsequent Catholic ministers. In 1846 the provincial governor of East Flanders complained about a case in which the municipality had decided to adopt a school located in a neighbouring municipality.⁹⁰⁴ While this was obviously contrary to the law, Nothomb had earlier agreed that it was not contrary to the *spirit* of the law and that it could be applied in exceptional cases, if it constituted the only possibility to provide a school and only after all other means had been exhausted. This ministerial decision apparently created a precedent, to the extent that one of his Catholic successors made it clear in a letter to other municipalities requesting the same exception that the law was clear on that matter and that adopting schools in other municipalities would not be tolerated. The fact that someone at the ministry later added in the margins that this

⁹⁰² Van Bommel (1840) *Analyse de l'Exposé des vrais principes de l'instruction publique* II, 101 as cited by Tyssens (1998) *Om de schone ziel van 't kind*, 40. See also Lebon (1871) *Répertoire historique, analytique et raisonné de l'enseignement populaire en Belgique*, 257.

⁹⁰³ Minten, De Vroede and Depaepe (1992) *L'enseignement primaire 1842-1878. Volume II*, 6-7.

⁹⁰⁴ RAG, Provincial Archives East Flanders 1830-1850, 3432/1 : letters by the Ministry to the provincial governors of Brabant and East Flanders, 25 April 1844, 6 July 1844 and 25 August 1846.

constituted a ‘new course which presented inconveniences’ demonstrated the significance of such seemingly trivial cases. The triennial ministerial report which was presented to the parliament the next year stressed that the original decision by Nothomb had been applicable only to that specific case and that it was on no condition to be understood more generally; a similar letter repeated the same message in the subsequent report.⁹⁰⁵

The room for interpretation in the law was filled during the first years by Catholic ministers. Demonstrating its ‘subsidiary’ interpretation of the public education network, the Catholic minister made it clear that local councils who wanted to erect a municipal school while enough private schools existed on their territory could be excluded from additional funding by the state (which only municipal schools could request).⁹⁰⁶ On the other hand, the ministry showed leniency towards adopted schools which were not in order with the necessary requirements and agreed to their ‘provisional’ adoption.⁹⁰⁷ Once adopted, schools could in exceptional cases even be granted extraordinary subsidies by the state for construction and renovation.⁹⁰⁸ The Catholic government also did not seem to apply article 23 very strictly, which stated in clear terms that schools which were subsidized or supported in any way fell under the legal regime of inspection. A special but rather unlawful category of subsidized schools, seen as simple versions of adopted schools were largely tolerated, although they did not seem to comply with the legal requirements.⁹⁰⁹ National subsidies to certain Catholic, Jewish and Protestant schools remained in place, although there was every indication that at least the Catholic schools run by the *Frères des Ecoles Chrétiennes* were not in compliance with legal obligations. What changed the nature of the law more fundamentally was the Catholic hand in drawing up the internal school rules mentioned in the law. It was the Catholic cabinet of Barthélemy de Theux which rounded off this process between 1846 and 1847 in close cooperation with the Belgian bishops, granting parish priests and the clergy more power and influence than before and adding considerable religious practice to the curriculum.

The liberal interpretation shift (1847-1879)

Although many of the liberals had shared in the momentary but sincere unionist euphoria in 1842, liberal frustration grew stronger every year because of what they saw as illicit appropriations by the Catholics. More radical liberals who firmly rejected the compromise gradually gained power and visibility throughout the 1840s. By the time that the liberals held their famous foundational congress in 1846 in the Brussels city hall, the reform of the 1842 law was already among the most widely heard demands. They advocated a system of public education over which the

⁹⁰⁵ (1847) *Rapport triennal* I, 214-216 and (1849) *Rapport triennal*, 36-37.

⁹⁰⁶ (1847) *Rapport triennal* I, 135.

⁹⁰⁷ Several examples in the ministry’s records in RAG, Provincial Archives East Flanders 1830-1850, 3433/1 and 3433/2.

⁹⁰⁸ (1847) *Rapport triennal* I, 222-223.

⁹⁰⁹ See the next section for a typology.

government had sole power as the civil authority, and wanted to make an end to the Catholic unionist policy, which had made 'adopted' schools and municipal schools under the influence of the clergy or religious institutes the rule instead of the exception.⁹¹⁰ The first liberal-only cabinet, which took power in 1847 under the leadership of Minister of the Interior Rogier, promised to submit a new bill on primary education due at the start of the 1850-1851 parliamentary year, but did not succeed because of discontent among the cabinet early on. It was decided to first settle the issue of secondary education but in 1852 the liberal cabinet was replaced and the plans were abandoned.⁹¹¹

From the start of his cabinet, however, Rogier wielded his power to implement subtle administrative reforms in the law's execution, though still, as Lory observed, very much in 'a real desire for compromise'.⁹¹² In 1849, it was made public that the national subsidies to the Catholic, Protestant and Jewish schools were cancelled effective immediately.⁹¹³ The law, so it was explained, only tolerated municipal subsidies to adopted schools, and tolerated no subsidies at all to institutions which were considered private.⁹¹⁴ Rogier was also aware that many adopted schools were not in compliance with the legal requirements and that it was especially the schools under the direction of religious institutes that created problems in this regard. At one point, he confronted the superior-general of the Frères des Ecoles Chrétiennes with the problems experienced with some of their teachers and demanded that every teacher, whether as a municipal or 'adopted' teacher, swear allegiance to the law. The superior-general responded cleverly by giving his own assurance for all his teachers, but it is very unlikely that he made sincere attempts to spread the message internally.⁹¹⁵ If it was true that the religious 'obeyed the orders of their superiors, above anyone else', one of the fundamental problems which increasingly emerged from the local cases, then an internal reprimand or alert by the superior-general should have been more visible in the brothers' behaviour in practice, which it was not.⁹¹⁶ Moreover, religious teachers were active not only in adopted schools, but also in municipal schools (details of which will be further explained in the next section, 5.3). In this regard, and following similar problems, Rogier reiterated that municipal teachers on principle must be in possession of the necessary qualifications and that the exceptions granted by the law for teachers not holding the right certificates (often religious), were no more than that: exceptional. If municipal authorities had a choice between a qualified teacher or an unqualified one, there could not be any doubt that they should hire the qualified teacher. He added that

⁹¹⁰ Wynants and Byls (2016) 'Het juridisch kader en institutioneel kader. Van de vrijheid van onderwijs tot de huidige debatten', 34-40.

⁹¹¹ Lory (1979) *Libéralisme et instruction primaire 1842-1879* I, 140-145.

⁹¹² Lory (1979) *Libéralisme et instruction primaire 1842-1879* I, 140-145.

⁹¹³ (1849) *Rapport triennal*, LXXXI.

⁹¹⁴ (1854) *Rapport triennal*, CII.

⁹¹⁵ (1849) *Rapport triennal*, 51-52.

⁹¹⁶ Mahieu (1967) *Cent vingt cinquième anniversaire de l'arrivée à Frameries des Frères des écoles chrétiennes*, 9.

the government would from that moment on more thoroughly study – and thus more easily reject – exceptional requests.⁹¹⁷

The liberal shift in interpretation became systematic only with their assuming power after the ‘monastic law’ controversy in 1857. It was during the preceding years, under the last unionist cabinet, that latent laicizing powers within the liberal party had surfaced, again with a new generation of young progressist and democrat liberals criticizing the unionist liberals like Rogier and Frère-Orban and calling for serious legal reforms.⁹¹⁸ In the wake of the violent street protests and fall of the unionist cabinet, however, Rogier, beginning his second term as cabinet leader, acted carefully. Just as in the field of charity, he preferred the quieter and subtler way of administrative corrections to the public and politically sensitive way of legal reform to achieve the hoped-for changes. Rogier had had the good luck that the liberal interpretation shift had been more or less maintained by the unionist cabinet between 1855 and 1857, which he used in his favour to defend the administrative corrections. He even based the argumentation for his administrative corrections on Catholic statements regarding the exceptionality of ‘adopted schools’ by Dechamps and De Decker.⁹¹⁹ It was also not surprising that one of the chapters of the extensive 1858 enquiry into poor relief and charity launched by the Ministry of Justice was devoted to education: Rogier wanted to get the lay of the land before taking action. One such action was that in the administration it was specifically emphasized that religious teachers were to be registered only under their lay names and not under their religious names.⁹²⁰ The liberals wanted to make sure in every way possible that religious teachers were treated the same way as non-religious and did not make use of their religious names or congregation name to sidestep the rules regarding their appointments as municipal or adopted teachers (which will be discussed more deeply in the next section).

Not that the administrative corrections had less impact than a new law would have had. The corrections followed from a government statement that the cabinet would see to ‘the integrity of the state’s rights and the independence of the civil authorities’. They manifested themselves broadly along two lines: the adoption of private schools, and the requirements for municipal teachers.⁹²¹ Castigating the Catholic leniency, it was now emphasized that the law was clear in demanding one public, municipal school in every municipality and that it only provided the possibility of adoption of private schools in *exceptional* cases. Only municipalities

⁹¹⁷ (1854) *Rapport triennal*, 214–215.

⁹¹⁸ Lory (1979) *Libéralisme et instruction primaire 1842-1879* I, 107–204.

⁹¹⁹ Lory (1979) *Libéralisme et instruction primaire 1842-1879* I, 214.

⁹²⁰ In the detailed records on the overall expenses for primary education that the ministry collected from the provincial authorities, some provinces (Brabant, Antwerp) in fact did indicate whether the schools adopted were held by religious teachers, while some seemed to do it only incidentally (Namur, West Flanders) and others did not at all (East Flanders). See ARA, Archives of the Ministry of the Interior. Enseignement primaire: Besoins et ressources and RAG, Provincial Archives East Flanders 1830-1850: 3433/1 and 3433/2; 1850-1870: 1129-1143; 1870-1900: 2/4915/2.

⁹²¹ A ministerial circular of 23 November 1857, cited by Lory (1979) *Libéralisme et instruction primaire 1842-1879* I, 165.

that did not have the means to set up a municipal school *and* that did have on their territory an existing private school fulfilling all legal requirements could qualify. Municipalities could thus not establish schools to adopt, nor adopt schools only existing on paper, nor could they provide such schools with more than a simple remuneration for the instruction given to the poor. It did become far more difficult not only to obtain the authorization to adopt a certain school, but also to maintain the authorization. The measures had the intended effect: municipalities lost their adoption authorization because they spent more on an adoption than they would on a municipal school; because teachers did not comply with the rules on certified textbooks, on the certified program or on their compulsory participation in teachers' conferences; or simply because the teachers in question did not accept inspection.⁹²² Moreover, Rogier also persisted in his measures concerning municipal teachers, targeting the religious institutes involved in municipal schools.⁹²³

The administrative corrections of Rogier indeed gave rise to concern among the Catholics and the episcopate. In a letter to the archbishop, the diocesan inspector of the province of Hainaut expressed his fears that the measures would have a disastrous outcome for the adoption of schools run by religious institutes.⁹²⁴ Schools having municipal buildings at their disposal were to be converted into municipal schools. As Nothomb had rightly observed in the discussions leading to the 1842 law, an adoption was by far the most advantageous position for such a school to be in. If their religious teachers were forced to be hired as municipal teachers, directors of the religious institutes could no longer have them at their disposal. Even before 1859, some of the teachers in religious institutes, frustrated by the stringent liberal interpretation, even decided to walk away from their positions as municipal or adopted teachers and start their own private schools instead.⁹²⁵ The same diocesan inspector of Hainaut made noise in the *Commission centrale*, in which the minister and all provincial and diocesan inspectors had a seat. Following a letter by his bishop to Rogier, he complained about the treatment of religious teachers in municipal schools in a number of cases in Hainaut.⁹²⁶ Ironically, however, the inspector only showed how swayed he was by the Catholic interpretation that had exempted religious in both municipal and adopted schools from their legal requirements. Understandably irritated, Rogier responded that he would have the provincial governors explore the cases mentioned by the diocesan inspector. As he undoubtedly expected, from the responses Rogier could clearly deduce that not only the *Frères des Ecoles Chrétiennes* but other religious institutes

⁹²² (1859) *Rapport triennal*, CXXXVII-CXLIV.

⁹²³ Lory (1979) *Libéralisme et instruction primaire 1842-1879* I, 209-217

⁹²⁴ AAM, Onderwijs 19^e eeuw, I.22.

⁹²⁵ For instance, see KADOC, Archives Brothers of Christian Schools. District Belgique Sud, 854 : Jemappes.

⁹²⁶ (1862) *Rapport triennal*, XXXVII-XLVI.

were not at all compliant with the legal measures and that his department was right to doubt their sincerity and goodwill.⁹²⁷

The changes made it perfectly clear that the argumentation and interpretation which underpinned the Catholic policy during the first years after 1842 were turned upside down. Unionist Catholics like Nothomb and Dechamps had seen public schools as the suppletive role of the government, only necessary if the achievements of private initiative were insufficient. They advised religious institutes to use the status of adopted rather than municipal schools, and even if they were not in themselves against municipal schools, the rules regarding both municipal and adopted schools were applied far more leniently under Catholic rule. Liberals on the other hand favoured the primacy of the public, municipal school and, at best, accepted private schools as supplementary and exceptional, as Rogier made clear:

*Quant à l'école adoptée, elle ne vient qu'en seconde ligne et pour suppléer à l'insuffisance de l'école communale existante, ou bien pour satisfaire provisoirement aux nécessités de l'instruction, en attendant que la commune puisse établir elle-même une école.*⁹²⁸

If the two types of schools had switched places in the statement above, it could easily have been made by Catholics. They were two opposing views which had been brought together with difficulty and in theory in a law, but which in practice led to two systems that differed as much as their underlying social and political views. The two parties' stances in the education debates were only emblematic – once again – of the underlying more general struggle: liberals advocating the primacy of the modern state, even if that meant substantial compensations to the economic liberal adage of *laissez faire*, Catholics favouring the free blossoming of the traditional, religious and organically-grown initiatives with a 'subsidiary' state supporting them.

What was important was that, as long as the leading role played by the local clergy kept the municipal schools firmly under the influence of the Church, Catholics did not specifically bother to encourage their schools to take adopted rather than municipal status. However, the consequences of the liberal interpretation shift were increasingly being felt: not only did the more stringent regulations threaten the local agreements as loosely and organically grown mixed private/public schools under Catholic control (of which the adopted schools were one example), but the liberal cabinet also was increasingly restricting the municipal schools held by religious institutes. This had much to do with the advancing science and modernization, and the growing liberal's wish to make public education the place to form future citizens according to and ready for human progress. The Catholics thus increasingly realized that the religious sphere of influence, which had been a prerequisite for them to accept a public network of schools in the first place, as well as their conservative and traditional educational project were at risk. The result

⁹²⁷ (1862) *Rapport triennal*, LXXXIX-XCII.

⁹²⁸ (1862) *Rapport triennal*, XXXIX.

was that they drew back to their earlier views of the suppletive state, in which the state did not have to organize its own public network of schools, but rather had to support private initiatives to that end.

Catholics started to regret out loud that they ever agreed to a public school network now that the liberal attempts at reform came at the expense of the religious schools, whether adopted or municipal.⁹²⁹ On the parliamentary benches, prominent liberal-Catholics Adolphe Dechamps (1807-1875), Désiré De Haerne (1804-1890), Barthélémy de Theux (1794-1874) and Jules Malou (1810-1886) repeated the Catholic preference for the English system in which 'the State subsidizes, encourages, provides funds to large associations representing the faiths'.⁹³⁰ De Haerne voiced their general conviction that

*Le gouvernement doit aider la liberté mais il ne doit pas la comprimer par un système de centralisation ni la rendre suspecte en lui refusant son appui et ses subsides.*⁹³¹

Malou even called this *liberté subsidiée* or subsidized liberty, not insignificantly, as this would later become the key concept in the Catholic policy on education. At the first Malines assembly in 1863, the Belgian Catholic elite insisted that, in spite of the liberal propaganda, the freedom of education was strong enough to cope without public education, if only the state would assess the 'free' network at its true value and grant subsidies! In the meantime Ducpétiaux had also joined the Catholic ranks and, as one of the organizers of the assembly and having grown more reserved against state intervention in general, he was equally critical of the liberal policy of favouring public education. Final resolutions of the assembly included

6. Pour que la liberté d'enseignement existe réellement, il ne suffit pas qu'elle soit consacrée par la loi, il faut encore que l'exercice n'en soit pas paralysé par l'extension abusive donnée à l'enseignement officiel, ni contrarié, soit directement, soit indirectement, par l'action administrative de l'Etat.

*8. L'enseignement officiel ou public à tous les degrés doit être strictement subordonné à l'insuffisance bien constatée des établissements libres; il ne peut jamais être admis à titre de concurrence, et qu'à la condition pour l'Etat de suspendre son action dès qu'elle devient superflue.*⁹³²

The second and third assemblies in Malines, too, put emphasis on building and reinforcing the Catholic network of schools in order to 'protect religious education' and, more importantly, 'in order to find ourselves at a given moment capable of pitting a well-organized education [system] against the schools which the Catholic children could not frequent any more'.⁹³³ For three reasons, the importance of this

⁹²⁹ Simon (1950) *Le Cardinal Sterckx et son temps (1792-1867)*, 117.

⁹³⁰ For Dechamps see Parliamentary Proceedings, Chamber of Representatives, 25 November 1856, 127.

⁹³¹ (1862) *La loi de 1842 sur l'instruction primaire et ses adversaires: débats parlementaires sur son interprétation*, 86. For Malou on 'subsidized liberty' see page 200 of the same work.

⁹³² (1864) *Assemblée générale des catholiques en Belgique. Première session à Malines. 18-22 août 1863. Tome I*, 130-131.

⁹³³ (1868) *Assemblée générale des catholiques en Belgique. Troisième session à Malines. 2-7 septembre 1867*, 330.

discourse from the 1860s onwards cannot be overstated. First, it foreshadowed the coming 'school war' and the new Catholic strategy of building their own private network (aside from the existing public network) that would result from it. Second, and importantly, it also foreshadowed their preference for 'subsidized liberty' as a policy option, in which a Catholic government in power would financially support the private Catholic network. In addition, it also showed that the Catholic discourse centred on what was good for 'the Catholic children'; in that regard, they increasingly invoked the importance of the family and especially the prerogative of the father in choosing the best way to instruct and educate his children.⁹³⁴ It would become more and more the discourse on which they tried to ground their changed policy in this regard.

Before going deeper into these new strategies, it is high time to first go deeper into the actual practice of the different mixed private/public types of schools between 1842 and 1879, and the significance of those schools in the educational landscape.

1842 in practice: a typology of mixed private/public schools (1842-1879)

The legal framework may have been built step by step by the 1842 law, its initial execution and the administrative corrections by the liberals, but the reality on the ground seemed to follow only slowly. This had much to do with the chaos and liberty that had come about since 1830, coupled with the leniency with which the Catholic cabinets implemented the law. It was above all the local autonomy which made the landscape so diverse. More so than in the case of poor relief as seen in the previous chapter, these mixed private/public agreements were to be found outside of the large cities, not only because of the liberal administrations in these cities but also because of their financial strength in building a strong municipal school network from the start. In the countryside and in some provincial cities the type of school was inspired more by the local context than by increasingly violent political conflicts on the national level. Local councils with a liberal colour engaged just as well in mixed private/public agreements as their Catholic counterparts, which would only change during and after, and as a consequence of, the school war.⁹³⁵ The administrative checks and balances by the state and the provincial authorities counterbalancing this local autonomy, arguably more than in the case of poor relief, came off with difficulty. Moreover, many divisions made the landscape even more complex. Primary education included paying and poor children, girls' and boys' schools and mixed schools, religious and non-religious teachers, private schools by particulars and by religious institutes, municipal and adopted schools. Statistical counts sometimes distinguished between these categories and at other times did not, depending on the question at hand.

⁹³⁴ See for instance another quote at the 1863 assembly by the French duke Foucher de Careil: 'C'est a la famille et a la famille seule qu'appartient le droit d'enseigner. Si elle le delegue elle use dans cela d'un droit incontestable et nul n'a rien y a voir'. (1864) *Assemblée générale des catholiques en Belgique. Première session à Malines. 18-22 août 1863. Tome I*, 110.

⁹³⁵ Lory (1979) *Libéralisme et instruction primaire 1842-1879 I*, 63-64.

In most cases, cooperation was at the heart of the organization of popular schools, whether it led to – in official terms – a municipal school or another mixed private/public form. The arrangements were still well grounded in the parochial context; even in public schools the parish priest quite often pulled the strings and lay teachers, who of course had to bear the strict test of religiousness, acted as his right-hand man. There were also entirely private schools, not in any way bound to the legal regime and only existing because of freedom of education. However, between the public and the private school was a whole grey area in which private/public boundaries blurred. The official status of the school was only one of these aspects; financial involvement, the teacher's status and the constructions of property ownership could all vary widely. For the Belgian church and its adherents as the most powerful 'private' player on the play board all these constructions were only a means to achieving a 'good' Catholic school.

In order to get a good grasp of the education landscape and the mixed private/public arrangements in particular as they occurred in practice, I present a typology of the different forms of these arrangements. Similar to the typology used in the previous chapter, the typology that follows distinguishes between four types of schools, which existed between and in addition to the 'normal' lay municipal school (here considered as entirely public, because it did not *formally* involve any private partners – although parish priests, as said above, did have an important role) and the entirely private school. This typology will help qualify the strict boundaries between public and private schools during this period. Sources on which I have based the typology range from the Ministry's triennial reports, to literature on specific religious institutes (most importantly Wynants' excellent analysis of the *Soeurs de la Providence* of Champion) to archival sources in episcopal archives or the archives of specific religious institutes (most importantly the *Frères des Ecoles Chrésiennes*).⁹³⁶

1. MUNICIPAL SCHOOLS RUN BY RELIGIOUS INSTITUTES

The type of school that was closest to the normal type of public school was one in which male or female religious were taken on as teachers. Often no more than three of them held a local branch that was bound to their larger congregation in education. During the first decades of the nineteenth century, some congregations had really blossomed into powerful and very large networks of educational providers. The most important female congregations included the Annunziates of Huldenberg (mainly in Antwerp), the Sisters of Christian Schools of Vorselaar (mainly in Antwerp and Brabant), the *Filles de la Croix* (mainly in Liège), the *Soeurs de la Providence* of Champion (all over Belgium but especially in the Walloon provinces) and the *Filles de Marie* of Pesche (mainly in Hainaut). The

⁹³⁶ Many of the examples indeed are taken from the Frères as their archives are among the few congregational archives which contain records from around the mid-nineteenth century. While this may have led to some bias, as the Frères were mainly active in the southern parts of Belgium, I have only used examples of which I could make sure that they were fairly representative for the situation of other schools as well.

aforementioned brother congregation *Frères des Ecoles Chrésiennes* was omnipresent in boys' schools. Contemporaries compared religious involvement in municipal schools with their engagements in the public poor-relief system:

*C'est surtout aux Frères de la doctrine chrétienne qu'il me paraîtrait convenable de confier les écoles communales absolument gratuites, comme c'est surtout aux Sœurs de la Charité que nous confions le soin des malades dans les hospices.*⁹³⁷

Local authorities also invoked the same reasons for working with religious teachers: they were often more easily satisfied than lay teachers in matters like housing, more experienced (although they often lacked formal degrees) and also morally superior.⁹³⁸ In the case of female religious this was not in the least because of their celibacy, because it allowed them to stay in their position longer than the female teachers who were increasingly considered unfit to teach once they started having babies. Sometimes the religious institute also took on some of the costs of the municipal school itself, for instance as regards materials.⁹³⁹ For the religious, a municipal position held certain material advantages: a minimum salary (the 1842 law had installed a minimum wage of BEF 200; as the teachers received the tuition fees from the paying children in addition, a variable amount *could* also be added as remuneration for education to the poor who did not pay tuition fees), a fixed contract, membership in an official pension fund and no responsibilities over the buildings or material.

But the arrangement also posed problems. The fixed contract was an individual contract, binding the individual religious rather than the religious institute itself. This was without doubt the main problem. Their networks of assignments and schools growing rapidly, the directors of these religious institutes sent out and moved their members from school to school, according to their own needs and preferences. The loyalty of the members was obviously more to their superior than with the local authorities. However, the contract of the teacher could only be revoked with the ministry's consent. The different legal obligations with regard to pedagogical aspects of their education, as opposed to the religious institutes often using their own methods and (non-official) textbooks, also clearly constituted stumbling blocks. These were among the main reasons why Nothomb had stated during the parliamentary discussion that specifically in the case of religious institutes, the possibility of having their own schools adopted was to be preferred over their members being appointed as municipal teachers. For the same reason, the diocesan inspector of Antwerp welcomed the fact that in Antwerp there was not a single case in which a female religious held the position of municipal teacher.⁹⁴⁰ Yet, ironically, a specific clause in the 1842 law, discussed specifically with the *Frères* as an example, had been added to the bill in order for religious to be appointed as

⁹³⁷ (1838-1839) 'Essai sur l'instruction primaire', 134.

⁹³⁸ Wynants (1984) *Les Sœurs de la Providence de Champion*, 112-113.

⁹³⁹ Heyrman (2016) 'De bedrijfscultuur van katholieke scholen. Een verkenning van financiën en beheer', 299-300.

⁹⁴⁰ AAM, Onderwijs 19^e eeuw, I.22 : letter diocesan inspector of Antwerp to archbishop, 8 February 1865.

municipal teachers. Apparently the vows the Frères had taken forbade them to accept salaries or remuneration for free education for the poor *in the strict sense*, whereupon in the bill it was then added that this could also be offered in the form of a fixed subsidy.⁹⁴¹

As explained above, in the course of 1848 Rogier had already acquainted himself with the widespread breaches of the legal and administrative rules by some members of the *Frères des Ecoles Chrétiennes* appointed as municipal teachers, and asked them to consider and to comply with their duties. One of the indirect consequences, as appeared from a request filed by their superior in the same correspondence with Rogier, was that the Frères considered giving up their positions as municipal teachers and transforming their schools into adopted or subsidized ones, which supposedly gave them more freedom, as Nothomb had anticipated. Rogier admitted this possibility reluctantly, though adding that they would lose the financial advantages of a municipal school.⁹⁴² Rogier did not need to have illusions about the popularity of his attempts. A report by the Frères serving in a municipal school in Frameries (Hainaut) stated that in 1850

*l'Ecole tenue à la satisfaction de l'autorité locale et des familles, commença à être tracassée par le Gouvernement de Mr. Rogier. Il voulut assimiler les Frères à des instituteurs primaires et les obliger à assister aux conférences établies pour ces derniers ; et comme ils ne voulurent pas se soumettre à l'injonction du Ministre, ordre fut donné au Conseil communale de les remplacer immédiatement par des maitres laïques.*⁹⁴³

It is remarkable to see how the brothers, while they had undeniably been appointed municipal teachers in a municipal school, sincerely felt they were exempt from the rules and were being 'harassed' (*tracassée*) by the liberal cabinet. It said as much about the views of the Frères as about the lenient approach by the preceding Catholic cabinets. The mayor stepped in to negotiate in Brussels but the concessions he succeeded in securing only postponed the inevitable; after the government repeated its demands to the local council in 1859 to replace the brothers with lay teachers since they still refused to comply, the brothers started their own private school. Many other cases existed, for instance in Aalst and Soignies, where the relationship between the local authorities and the brothers became bitter and led one or both parties to terminate their agreement.⁹⁴⁴ Rogier must have regretted his apparent concessions, and became stricter during his second cabinet from 1859 onwards. With the stricter, liberal interpretation on adoptions brought into force, the disadvantages of an adoption from then on outweighed the advantages and, confronted with the imminent abrogation of their adoption, some religious would once again opt for a municipal teacher's position. It

⁹⁴¹ Parliamentary Proceedings, Chamber of Representatives, 19 August 1842. (1843) *Discussion de la loi d'instruction primaire du 23 septembre 1842 d'après le Moniteur Belge*, 629-631.

⁹⁴² (1849) *Rapport triennal*, 54.

⁹⁴³ KADOC, Archives Brothers of Christian Schools. District Belgique Sud, 736 : Frameries.

⁹⁴⁴ For Aalst see KADOC, Archives Brothers of Christian Schools District Belgium North, 927. For Soignies see (1852) *Journal historique et littéraire* 19, 198.

is one of the many signs of the expediency of religious institutes as 'educational entrepreneurs' in their search for the most gains in these kinds of arrangements.

2. PRIVATE SCHOOLS 'ADOPTED' BY THE LOCAL AUTHORITIES

Under article 3 of the 1842 law, one or more private schools could be 'adopted' by the local council to serve as their municipal school. Typically, the municipal council issued a formal decision to adopt a school, and sent a formal letter with a copy of the council's decision attached to the provincial authorities for their approval. The provincial governor would then seek the opinion of the district commissioner and the provincial inspector, who sent his cantonal inspector to go visit the school, after which he could formally accept the local council's decision and make his decision known to the central administration at the Ministry of the Interior. From then on, the Ministry could decide each year to revoke or maintain the authorization, based on the annual reports of the provincial governor and the provincial inspector. In asking for an adoption, local authorities were usually driven by motives of financial incapacity or simple negligence, the same motives that had led them to set up similar agreements before 1842. Who was behind these private schools could vary considerably: sometimes local nobility or bourgeoisie provided the financial means in cooperation with the parish priest and religious institutes, and sometimes the parish priest himself made preparations, but in just as many cases it was just a private teacher using his own house as a classroom, not infrequently training one of his own children to follow in his footsteps.⁹⁴⁵ Religious institutes were often involved as well, most of the time without having initiated the school themselves. Here, too, their network constituted an 'empire by invitation', with many parallels to the 'invitation' type in poor relief as discussed in the previous chapter.⁹⁴⁶ In the case of the important female congregation *Soeurs de la Providence* of Champion, Wynants showed that between 1842 and 1859 a majority of their schools had been adopted, and, moreover, that none of the adoptions had been initiated by the institute itself during this period, but instead it had been invited by municipal authorities.⁹⁴⁷ Whoever the private actors involved were, the advantage for the municipal authorities was clear: similar to the 'invitation' type in poor relief, the municipal authorities could rely on them for the organization and management of the local school. Private actors often provided their own financial contributions and networks to fall back on if problems occurred.

That the *Soeurs* held so many adopted schools was not without reason, as they were especially prevalent in girls' education. As mentioned before, the 1842 law had been silent on this topic. Nothomb had brushed aside questions about girls' education by saying that the law applied equally to girls' schools.⁹⁴⁸ Whether or not intentional, the legal lacuna was thankfully filled by the female religious institutes and the

⁹⁴⁵ See for instance Art (2007) 'Onderwijs op het platteland'.

⁹⁴⁶ Viaene (2001) *Belgium and the Holy See*, 177.

⁹⁴⁷ Wynants (1984) *Les Soeurs de la Providence de Champion*, 117 and 121-122.

⁹⁴⁸ Parliamentary Proceedings, Chamber of Representatives, 30 August 1842. (1843) *Discussion de la loi d'instruction primaire du 23 septembre 1842 d'après le Moniteur Belge*, 955-957.

episcopate, setting up their own religious teacher training schools. Pressured by the growing tendency to separate girls and boys into separate classes and/or schools, as confirmed and demanded by the ministry in a circular in 1855, municipalities were confronted with additional expenses.⁹⁴⁹ What happened in municipalities with a municipal school when the number of students increased and they followed the top-down directions (both civil and religious) to organize separate girls' instruction, was that they sought to adopt a private school, whether or not already existing, rather than having to hire an extra municipal teacher at minimum wage and having to provide extra classes. For the same reason, municipal authorities sometimes preferred lay teachers over religious in their municipal schools; the teacher's wife could then informally or formally manage a little workhouse or school for girls.⁹⁵⁰

The material advantages of an adoption for the private school in question were rather ambiguous and depended on the local context and the legal and administrative framework and – above all – its interpretation in vigour at that moment. From the parliamentary discussion it had already become clear that Catholics interpreted the support by the local council of the private school in the broadest sense. During the discussions, some Catholics even argued (unsuccessfully) that the remuneration for free education to the poor (replacing the normal tuition fees paid by the well-to-do children) were not strictly a *subsidy*, in an obvious attempt to make such schools exempt from legal inspection (as another article stated that all schools receiving any *subsidy* were subject to legal inspection). This contrasted with the liberal point of view, as for liberals this remuneration for the free education of the poor was the one and only financial advantage an adopted school could enjoy.⁹⁵¹ Thus once again, the difference in interpretation was already apparent before the law had even been promulgated. The Catholics who had raised this issue were put in the wrong (so even schools only receiving this remuneration were subject to legal inspection), but the underlying difference in interpretation remained. A circular by minister Nothomb in early 1844 confirmed that adopted schools were perfectly allowed to make use of municipal buildings, but that it had to be seen as some sort of support. Although this was legally speaking quite an impossible argument to make, some Catholics even maintained the claim that teachers in an adopted school could be given a fixed salary by the local authorities.⁹⁵² (Such cases also reappeared after the school war, for example in Aalter (East Flanders) where the local teacher was adopted, had a municipal house at his disposal, received remuneration for materials for the poor and, most importantly, a fixed salary.⁹⁵³)

⁹⁴⁹ (1859) *Rapport triennal*, 129.

⁹⁵⁰ Heyrman (2016) 'De bedrijfscultuur van katholieke scholen. Een verkenning van financies en beheer'.

⁹⁵¹ Parliamentary Proceedings, Chamber of Representatives, 11 August 1842. (1843) *Discussion de la loi d'instruction primaire du 23 septembre 1842 d'après le Moniteur Belge*, 306.

⁹⁵² (1862) *Rapport triennal*, XXXVIII.

⁹⁵³ RAG, Provincial Archives East Flanders 1870-1900, 2/7472/1-18: Aanneming van scholen: wet 1884.

This had much to do with the mindset from which local actors reasoned. For them, these adopted schools were only the continuation of an old tradition of local agreements that included the necessary provision for the teacher in terms of salary and housing, paid from local funds (consisting of the rents on estates, foundations or legacies dedicated to the local poor schools) that were not seldom under the influence of the Church. The confiscation of those estates, foundations and legacies during the French Revolution had brought these funds under the public responsibility, in the Welfare Offices or in the municipal funds. Therefore, they implicitly reasoned that these funds were a legitimate means by which to continue the local agreements, even under the new legal regime. And it was indirectly from these funds that the Welfare Offices and the municipal authorities paid for the education of the poor (Welfare Offices for the children of parents on the official poor lists, the municipal authorities for the other children whose parents were not on poor relief but who were nonetheless considered eligible for free education).⁹⁵⁴ However, from their point of view, these funds could just as well be legitimately used for salaries and housing, as part of the continuing local agreements.

Of course, cases in which adopted teachers were paid fixed salaries and enjoyed municipal housing sowed confusion as it considerably blurred the boundaries between a municipal school and an adopted one. What difference was there between a municipal and an adopted school, if the latter was housed in a municipal building, if its teachers enjoyed a fixed salary and an additional subsidy? Exactly the same question had been raised by a Catholic representative during the parliamentary discussions, taking the case of Bouillon (Luxembourg) as an example:

*Le conseil communal de cette ville a confié l'école communale à des frères de la doctrine chrétienne ; il leur a fourni un local et leur paie à chacun un traitement de 600 fr. ; moyennant ce traitement, les frères donnent l'instruction gratuite à tous les enfants. Je ne sais si on peut appeler un semblable établissement un établissement subventionné car la commune fournit le local et fait tous les autres frais de l'enseignement.*⁹⁵⁵

Remarkably, the salary they were each paid was no less than three times what the 1842 law would determine to be the minimum wage for municipal teachers (BEF 200), and in addition, all other costs were paid for by the municipal authorities. Legally speaking, this school would constitute a municipal school under the coming legal regime, rather than just an adopted one.

The difference was, of course, that the adopted school was more flexible than the real municipal one. Religious institutes and Catholic officials simply took advantage, avoiding the burdens that came with the status of a municipal school and fully exploiting the lenient interpretation of adoption under Catholic rule. After the liberals made the rules stricter, some religious institutes considered transforming some of their municipal schools into adopted ones. In Chimay (Hainaut), in around

⁹⁵⁴ Bivort (1845) *Commentaire de la Loi sur l'instruction primaire du 23 septembre 1842*, 19.

⁹⁵⁵ Parliamentary Proceedings, Chamber of Representatives, 19 August 1842. (1843) *Discussion de la loi d'instruction primaire du 23 septembre 1842 d'après le Moniteur Belge*, 628.

1857, the local council issued a decision to adopt the existing school run by the local branch of the *Frères des Ecoles Chrétiennes*, although in theory it was a municipal school, since one of the brothers was hired as a municipal teacher and they used a municipal building.⁹⁵⁶ Clearly frustrated, the district commissioner made it perfectly clear that if the adoption was to proceed, the religious teacher would lose his fixed salary, would have to pay rent for the municipal building, and would lose the limited allowance he received for heating during the winter. Moreover, he noted that even as an adopted teacher, he would be obliged to take part in the conferences and comply with all pedagogical rules regarding books and curriculum. The district commissioner also tried to convince the Frères' provincial, but apparently in vain. The same case later was also tabled at the *Commission centrale*, where the diocesan inspector was so reckless as to call the district commissioner's reflections 'illicit', as explained before.⁹⁵⁷ It is not clear, however, whether many cases actually changed their status accordingly.

Yet, there was an underlying ambiguity in this type, which only hardened the Catholic interpretation. The fundamental question was this: if a private school was adopted, did it *replace* a municipal school, also adopting its legal entitlements and requirements, or did it remain private in that it only differed from other private schools in its getting support from the local authorities? It appeared that the first statement was true, not only from the law itself, which used the phrase *tenir lieu de* (replace), but also from statements during its drafting. Nothomb, for one, had said that subsidizing or adopting a school meant so much that 'from then on this school is not longer considered a private school but becomes a municipal school'; and the adoption clause itself was based on a similar clause in the 1834 draft bill that held that 'a private school which meets the conditions can, if the municipal authorities wish so, replace (*tenir lieu*) the municipal school'.⁹⁵⁸ Like municipal teachers, adopted teachers enjoyed employer-paid contributions to a public pension fund and had to take part in the trimestral teachers' conferences.⁹⁵⁹ However, at other times, more specifically with regard to the legal regime of inspection, it was instead maintained that adopted schools were essentially private and that they were henceforth exempt from some aspects of inspection. Rogier had serious difficulties making the religious institutes follow the curricula and the textbooks and participate in the teachers' conferences, which even for adopted teachers was part of the job. Even after the institutes got the concession that only their directors had to attend the conferences, and not even participate actively, the problem persisted, which undoubtedly contributed to his perseverance in the minimalist interpretation taken as a rule since 1859.

⁹⁵⁶ KADOC, Archives Brothers of Christian Schools. District Belgique Sud, 461 : Chimay.

⁹⁵⁷ (1862) *Rapport triennal*, XXXVIII-XXXIX.

⁹⁵⁸ Parliamentary Proceedings, Chamber of Representatives, 11 August 1842. (1843) *Discussion de la loi d'instruction primaire du 23 septembre 1842 d'après le Moniteur Belge*, 295.

⁹⁵⁹ Simon (1983) *De Belgische leerkracht lager onderwijs en zijn beroepsvereniging 1857-1895*, 40.

Whether or not a school was considered a municipal school or not after having been adopted, the biggest disadvantage of such schools was certainly their unstable position. While the law clearly explained the administrative process of getting the authorization and the power to cancel such decisions, it said little about the rights of the 'entrepreneurs' in question. The decision by the local council to adopt their school, which was not agreed by formal contract, could be revoked by another simple decision by the municipal council. Especially in times where such schools could depend considerably upon the support they were given (housing, materials, remuneration), a sudden negative decision often meant the end of the school in question. Fluctuations in the ideological composition of the local council and the increasing tensions in the context of the 'culture wars' made such decisions very probable. In Dinant (Namur), for example, the local council had adopted a school of the *Frères des Ecoles Chrétiennes* in 1852, deciding to increase their subsidy from BEF 1,000 to BEF 1,600 in 1865. The next year, however, the subsidy was withdrawn entirely.⁹⁶⁰ The lack of legal certainty as a matter of fact reflected the same weakness for religious institutes involved in the similar 'invitation' type of public poor-relief system as seen in the previous chapter. This legal certainty did exist in the similar private/public type of school in secondary education, where private colleges were 'patronized' by the local authorities; the support was agreed upon by a ten-year contract which made sure that the school was informed well beforehand if the support was discontinued, and only stopped being supported at the end of the school year. It was not until 1895 that a new law imposed similar ten-year contracts for the adoption of primary schools.

3. PRIVATE SCHOOLS SUBSIDIZED BY THE LOCAL AUTHORITIES

Another consequence of the lenient interpretation by Catholic governments of adoptions was the fact that they admitted a category of schools simply subsidized by the local authorities. Thus, besides a maximalist interpretation of the adoption, enjoying all sorts of support and being close to a municipal school, there was also a category of schools that remained private and only enjoyed a simple and limited amount of money. It is remarkable that during the years after 1842 this extra category was accepted without much opposition, while the law did not provide a legal basis at all. The official triennial reports consistently spoke of 'adopted *or subsidized* schools'. In 1844 the question was raised by the provincial governors of East Flanders and Brabant, who complained about cases in which private schools were subsidized without being adopted, or at least without having asked permission to be adopted. Nothomb replied that there was indeed a 'secondary sort of adoption' (*adoption d'une seconde espèce*). Though not exempt from inspection and the need to ask for permission, the school was considered to remain private in that its teachers were exempt from the requirements for municipal and adopted teachers, such as the public pension funds and the trimestral conferences.⁹⁶¹ The distinction between the

⁹⁶⁰ KADOC, Archives Brothers of Christian Schools. District Belgique Sud, 653 : Dinant.

⁹⁶¹ RAG, Provincial Archives East Flanders, 3432/1 : letters from the ministry to the governors of Brabant and East Flanders, 25 April 1844.

regular adoption and its simpler version also appeared in the annual list of adoptions made by the provincial authorities and presented to the ministry.

In the municipality of Peruwelz (Hainaut), a school set up by the deacon in 1834 was served by the *Frères des Ecoles Chrétiennes* and subsidized from 1844 by both the Welfare Office and the local council. It was also one of the brothers' schools receiving subsidies from the national government during the 1840s.⁹⁶² In 1848 the Welfare Office's subsidy was increased, while the local council promised to fill any financial gaps that remained. Probably under pressure from the ministry to regularize the school's irregular status, an official adoption was decided and granted in 1856. Remarkably, a hand-written report said that

*L'école chrétienne, bien qu'entretenu par la Commune, conservera toujours son caractère privé et jouit ainsi d'une parfaite tranquillité; mais dès qu'on eut demandé et obtenu son adoption, elle fut en butte à mille tracasseries de la part des Inspecteurs primaires.*⁹⁶³

It is clear that the brothers were unaware that, even without being officially adopted, they were bound by the law's stipulations. Even if the already questionable case was made that this type was not totally illegal, it still had to be admitted that according to article 23 (holding that all schools receiving subsidies in whatever form were legally subject to inspection) they were subject to inspection. Instead, the school was considered a private school. And, apparently, they had succeeded in avoiding inspection and other legal requirements until 1856. Only grudgingly had they accepted the adoption, which was then withdrawn in 1859 by the ministry.

This category of school (not officially adopted but nevertheless subsidized), of which there were very few, only existed for a short period of time and stopped with the administrative corrections issued by the liberals after 1859. Liberals only allowed one possible interpretation of the adoption, one which paid remuneration for providing free education to the poor, and nothing more. (However, according to Wynants, the later Catholic law of 1884 seemed to allow an opening for turning a blind eye to schools subsidized by either the local, provincial or national governments without being adopted. It is true that after 1884 the Catholics searched for ways to subsidize their network regardless of whether they had been adopted or not, a call that would only grow louder and louder, as section 5.4 will demonstrate. Thus, rather than in its number of applications, it is this category's existence in itself that is significant, because it foreshadowed the Catholic quest for subsidies for its private network.)

⁹⁶² The hand-written report offering a brief overview of the history of the school, which was probably drawn up long after the events, seem to suggest that the national subsidy was only withdrawn in the early 1850s, but it seems rather unlikely that the subsidies, abolished in 1849 by the Rogier cabinet, had reappeared under Rogier's successors, for it was a highly sensitive topic. KADOC, Archives Brothers of Christian Schools. District Belgique Sud, 1343 : Péruwelz.

⁹⁶³ KADOC, Archives Brothers of Christian Schools. District Belgique Sud, 1343 : Péruwelz.

4. PRIVATE SCHOOLS 'EXEMPTING' (*DISPENSÉE*) LOCAL AUTHORITIES FROM THEIR OBLIGATION (ART.2)

Besides the possibility of adopting a private school, the 1842 law allowed another exception. Municipalities where a private school existed which, without local subsidies of any kind, provided a legally adequate education, given in a sufficient room to all children who enjoyed the right to free education, could be 'exempted' (*dispensée*) from the obligation to erect their own municipal school. Proponents of this type exclaimed that it was the ultimate evidence and the necessary consequence of the freedom of education: 'Article 2 does not proclaim a principle; it proclaims, confirms and recognizes the consequences of the constitutional principle that is the freedom of education.'⁹⁶⁴ Opponents, on the other hand, feared that this article would undercut the obligation under the law's first (and, in their eyes, most important) article to set up their own municipal school, not in the least because some of the radical Catholics in the parliament did not even want to allow inspection in these schools, arguing that they were private anyway.

In practice, as was admitted by Nothomb during the parliamentary debates in 1842, these schools could only exist in municipalities that either were so rich that there were no poor children for whom the local authorities had to pay, or had private schools that accepted the poor children at their own expense, most of the time funded by a charitable foundation or legacy. As was very much to be expected, there were only a very few such cases. Especially in the province of East Flanders, there were many private schools for the poor funded by charitable foundations. In such municipalities, the municipal authorities did not want to be forced to set up schools which would never be attended anyway. Neither were the private schools very keen on accepting too much 'meddling' in their affairs in the form of legal inspection. Eventually the parliament agreed that without any inspection it could not be observed if the school in question met the legal standards. Thus it was agreed that these schools, if not liable to the normal inspections, including two visits a year by the cantonal inspector and one by the provincial inspector (in theory at least), would be visited at least once a year to see whether there was reason to withdraw the 'exemption' for the municipality.

If the number of these schools was already marginal to start with under the legal regime of 1842, declined significantly over the years. Especially threatening in their case was that a liberal law on bursaries and foundations in 1864 brought all legacies, foundations or other funds which had been designated specifically for popular education under the sole authority of the municipal authorities.⁹⁶⁵ From then on, such charitable funds were considered a (distinct) part of the municipal funds, and the schools which they funded hence became municipal schools strictly speaking, which was of course one of the primary aims of the liberals. With the law,

⁹⁶⁴ Parliamentary Proceedings, Chamber of Representatives, 11 August 1842. (1843) *Discussion de la loi d'instruction primaire du 23 septembre 1842 d'après le Moniteur Belge*, 302.

⁹⁶⁵ See Wynants (2004) 'Le transfert des fondations d'instruction primaire aux communes (1864-1884): un épisode de la lutte scolaire', 817-831.

liberals had once more abolished a mixed private/public category of schools dating back to traditional, charitable, local agreements, in their attempt to ground the educational landscape on a more rational basis and a more clear-cut private/public divide.

What, then, was the significance of these mixed private/public forms of schools? One of the positive consequences of the government's involvement in the different mixed private/public types of schools and the extensive reach of the central administration is that relatively reliable figures have been preserved, mainly reflected in the comprehensive triennial reports published by the state administration. However, that is not the case for entirely private schools. Estimates of the numbers of fully private schools were at the time far less available and already more problematic because of the total lack of government supervision.⁹⁶⁶ Fully private schools are therefore not included in the following figures. In these figures, I have preferred to focus on the *shares* of the different categories in the total number (although the absolute numbers are also given), which is most interesting to assess their significance throughout the period under scrutiny. The number of schools always includes both girls' and boys' schools.

The total number of schools kept rising under the regime of the 1842 law, from 3,341 schools at the end of 1845 to 4,839 at the end of 1878 (see figure 9). It is clear that the schools covered by article 2 of the 1842 law only constituted a marginal part, never more than 2%. This was different for the adopted schools, which in the first years, under the Catholic regime, accounted for roughly 30% of all schools. However, throughout the entire period, the share of adopted schools decreased while the proportion of municipal schools increased, even before the liberal interpretation shift was fully installed after 1859. The same observation is reinforced in figure 10, which counts not the schools but the teachers in those schools, distinguishing between religious and lay teachers. Throughout the years the number and the proportion of religious teachers in municipal schools increased considerably, while their proportion in adopted schools simultaneously decreased, even if the proportion of adopted schools itself was already decreasing. Indeed, without a doubt the most visible dynamic supported by these figures was the one that abolished a great many adoptions of all kinds and turned many other adopted schools into municipal ones, a process called 'municipalization' (*communalisation*) by Wynants.⁹⁶⁷ This is an important point. It demonstrates that, while they were clearly frustrated with the stringent regulations against the different mixed private/public types of schools, Catholics seemed not dedicated specifically to

⁹⁶⁶ See also Christens and Suenens (2016) 'Van roeping tot project. Vrouwelijke religieuzen in het katholiek onderwijs'.

⁹⁶⁷ Wynants (1984) *Soeurs de la Providence de Champion*, 142. Very interesting in this regard is one of the annexes of Wynants, which lists all schools by the Soeurs de la Providence and the changes in their status they underwent. See Annexe III.

adopted schools as long as local clergy or religious institutes could still exert their influence in municipal schools. This was precisely the result liberals hoped for.

The 1864 law on foundations mentioned earlier had the same effect. Liberals claimed that they did not in principle oppose religious teachers, as long as they met the same standards that applied to other teachers. Liberal minister of Interior Alphonse Vandenpeerenboom, Rogier's successor from 1861 to 1867, stressed that he tried to convince religious institutes to transform their schools into municipal ones, adding that especially adopted schools run by lay teachers (i.e. private teachers) were abolished. The figures in figure 10 seem to indicate that Vandenpeerenboom was right; the proportion of lay adopted teachers indeed decreased more quickly than that of religious teachers.

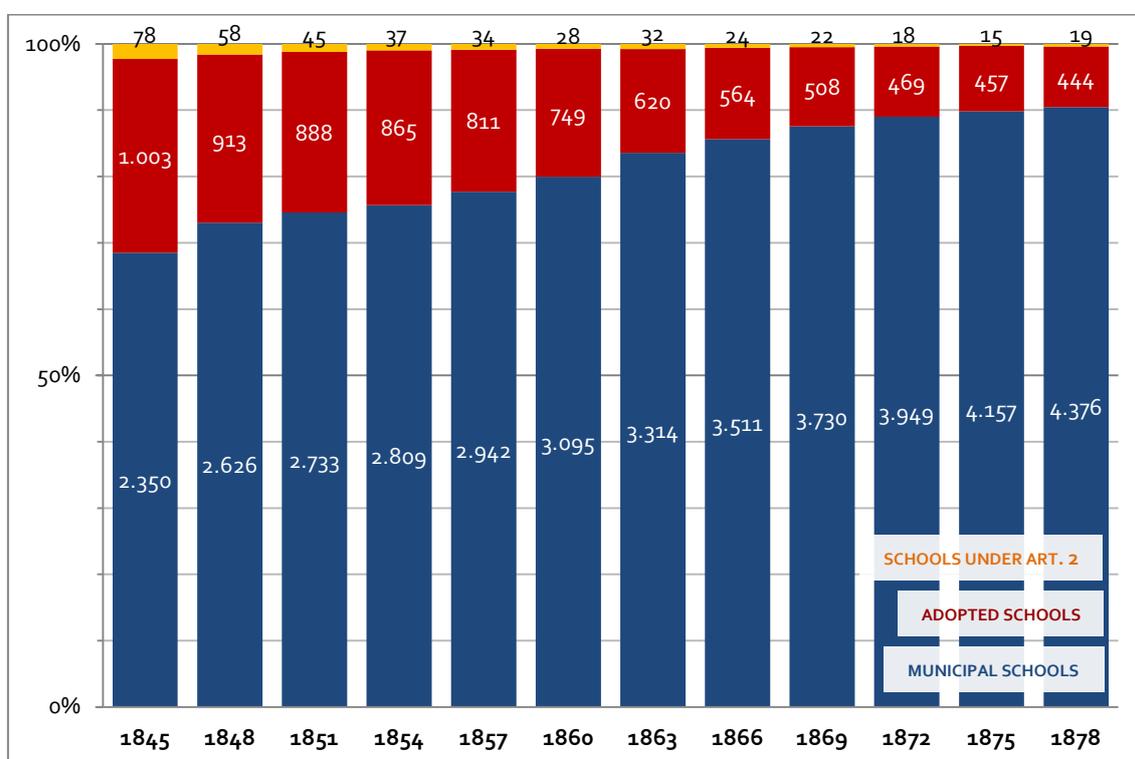


Figure 9. Triennial shares of municipal schools (blue), adopted schools (type 2) (red) and schools under article 2 of the 1842 law (type 4) (orange) schools with the absolute numbers for each category in the bars.⁹⁶⁸

In terms of financial support, too, the adopted schools were far inferior to the municipal schools. During the whole period, total spending on primary education by local, provincial and national governments rose steadily, not only because of the general expansion of education in schools and a growing student population but also because of pay raises for teachers. The shares for adopted schools only

⁹⁶⁸ These figures are based on Minten, De Vroede and Depaep (1992) *L'enseignement primaire 1842-1878. Volume II*, 36 and Minten, De Vroede and Depaep (1993) *L'enseignement primaire 1879-1929. Volume III*, 151 and 156.

accounted for 4.8% in 1865 (298,000 out of BEF 6.2 million) and 3.2 % in 1875 (379,000 out of almost BEF 12 million). This was in a way logical because, unlike their complete funding of the municipal schools, local authorities were not supposed to pay for teachers' wages, materials or infrastructure of adopted schools. The average expenses for adopted schools roughly between 1850 and 1870 were about 1/4 of those for municipal schools. In the Ghent district (excluding the city of Ghent) the average municipal expenses for adopted schools rose from BEF 194.29 in 1851 to BEF 393.20 in 1870, while those for municipal schools experienced a

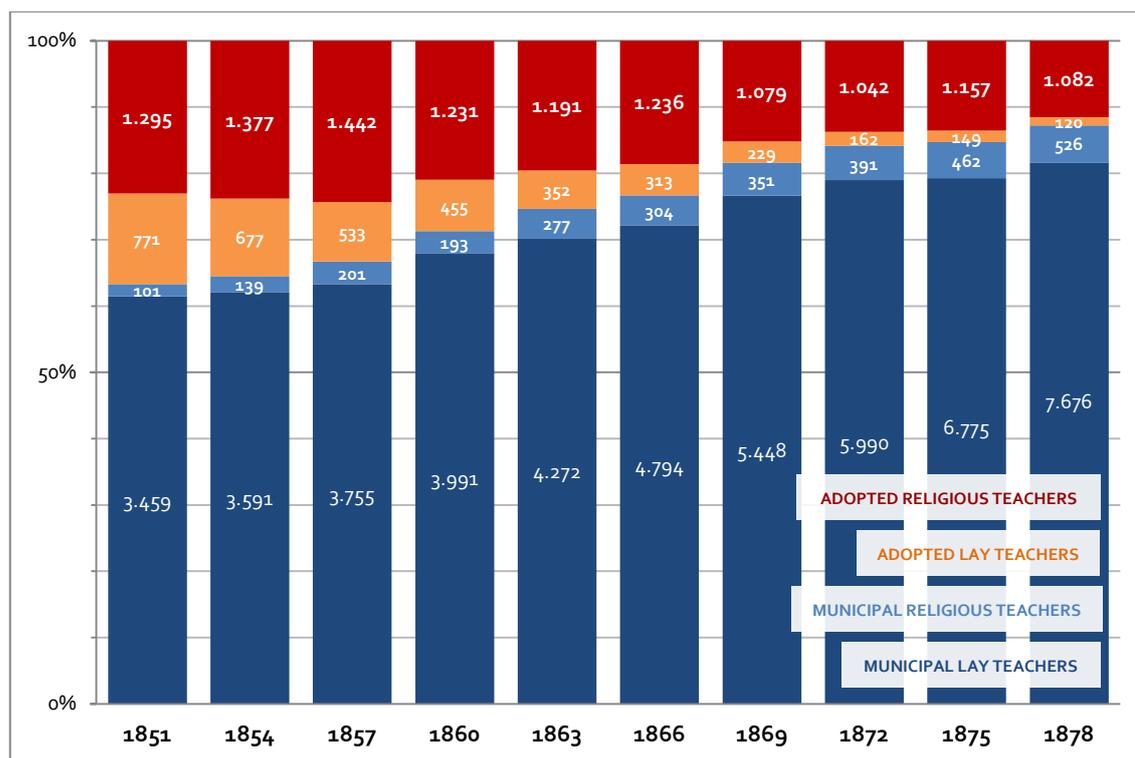


Figure 10. Triennial shares of lay and religious teachers in municipal (blue/blue) and adopted (orange/red) schools (type 2) with the absolute numbers for each category in the bars.⁹⁶⁹

similar rise from BEF 836.92 in 1851 to BEF 1565.58 in 1870.⁹⁷⁰ Counting averages is misleading in a way, as the financial support given to adopted schools by municipal authorities could vary considerably from case to case. Especially under the unionist Catholic regime before 1847, and with the existence of the unofficial category of 'subsidized' schools, some local authorities granted large sums while

⁹⁶⁹ These figures are based on (1854) *Rapport triennal*, 254; (1862) *Rapport triennal*, 220-225; (1871) *Rapport triennal*, 242-243; (1883) *Rapport triennal*, 452-455; Minten, De Vroede and Depaep (1992) *L'enseignement primaire 1842-1878. Volume II*, 48-50; Minten, De Vroede and Depaep (1993) *L'enseignement primaire 1879-1929. Volume III*, 166 and 429.

⁹⁷⁰ These figures are derived from the special attachments for education expenses in the municipal budgets, RAG, Provincial Archives East Flanders 1850-1870, 48, 52, 67, 74, 78, 81, 88, 102, 106, 109, 116, 137, 141, 172 and 176: Bijlage betreffende het lager onderwijs bij de gemeentebegroting, 1851, 1854, 1855, 1856, 1858, 1860, 1861, 1862, 1865 and 1870. I am grateful to Jolina Arryn, who analysed these figures in a bachelor paper in 2014, see Arryn (2014) *Vrijheid van onderwijs: een kwestie van centen? Kwantitatieve analyse van de onderwijsbegrotingen van lagere scholen in Oost-Vlaanderen van 1850 tot 1870*.

others, who adopted schools for purely financial and not so much for ideological reasons, tried to reduce their involvement to a minimum. Expenses became much more rationalized under the liberal cabinets, and especially from 1859 onwards, from which point adopted schools were not allowed to be more expensive for the municipal budget than the average municipal school. Their only financial support from the local authorities consisted of the reimbursements for free education to the poor, and they lost all other forms of support.

In short, contrary to what some liberals had feared, the different mixed private/public types of schools never actually dominated the scene during the first phase covered here and were outnumbered by far by normal municipal schools with lay teachers, albeit under religious influence. Catholics had worked hard to include adoptions as a type of school in drafting the 1842 law, but at the same time their belief in these truly religious municipal schools, in a time when even a majority of liberals accepted the moral and religious grounding of elementary education, had given them little reason to focus exclusively on their own fully private or private/public schools. Around the turn of the century, Catholics grudgingly reminisced that their naïve belief in municipal schools had played into liberals' hands and had led to the discrimination against private Catholic schools. If not in number, however, the status of the adopted school was of great importance because it left open and made commonly accepted the possibility of publicly subsidized private schools. The status of adopted schools would play an immensely important role after 1884, when Catholics changed their course: they started to favour their own private network of schools and started to ask for equal subsidies for *all* private schools, regardless of adoption. The next section will explore the remarkable ways in which Catholics succeeded in reversing the odds after the school war by establishing their own network of schools and striving for government subsidies to develop it.

5.3 ... towards a state-subsidized private Catholic network (1879-1919)

What the Catholics feared – and radical liberals hoped – to be the ultimate consequence of the liberal views on education became a reality when a liberal cabinet in 1879 drastically reformed the education landscape: the mixed private/public categories of schools, which had already been under pressure since the liberal shift in interpretation of the 1842 law, were abolished in favour of the new standard of public, municipal schools without religion and teaching the modernized curriculum. Understandably, this led to a huge shock among Catholics and especially among the episcopate, who launched a movement against the public schools and started to massively found private, Catholic schools instead. The psychological impact of the school war, its consequences on the ground and the political turmoil in its aftermath made Catholics realize the inescapability of the

public education network and the fragility of their own position and influence in the educational landscape. This informed a decisive change of course in their strategy, which had already been foreshadowed in their discourse starting in the 1860s: after 1884, Catholics gradually and implicitly abandoned their hopes of re-Christianizing 'godless' public schools and instead started to develop and favour their own private network where necessary. In that sense, the category of adopted schools introduced by the 1842 law, while initially not very significant in numbers, formed the basis on which they could build their publicly subsidized private network and their policy of 'subsidized liberty': it had introduced the tacitly accepted implication that in principle private schools, as a consequence of the constitutional freedom of education, could enjoy subsidies as a legitimate substitute for a public school. This 'subsidiary' idea constituted the legal precedent and thus paved the way for a private, publicly-subsidized Catholic network that gradually emerged throughout this third phase between 1879 and 1919.

The Catholic attempts to financially support their private network were based on and defended by the increasingly important idea of families having the freedom to send their children to whatever school they deemed right. Hence their call for 'subsidized liberty' falling back on the idea of a 'subsidiary' state which Catholics had also advocated in the 1830s: if liberals and socialists wanted to have public schools without religion, then they should subsidize the schools that did offer the Catholic and religious education that Catholic parents wanted for their children. This was informed by both ideological and political reasons. Inevitable electoral reforms, reflecting both the cautious movement towards democratization and a growing Catholic belief in a bond with the people, further amplified the importance of primary education.⁹⁷¹ In spite of the extension of the franchise and the abolition of the majority system in favour of proportionality in 1900, Catholics remained in power for 30 consecutive years until the First World War, although at times an assumption of power by an anticlerical bloc of socialists and liberals loomed large. Both their sole government power and their fear of losing it to the left, intensified by a similar turn of events in neighbouring France, determined their preference for cleverly executed and well-timed power politics in favour of the system of subsidized liberty. The hastily drafted 1884 law was modified by a new law in 1895 and again, after considerable internal pressure and conflict, in 1914. Both laws were the result of Catholic cabinets forcing through their plans after decisive electoral victories, pushed by certain fractions within the Catholic party. The First World War dramatically changed the political context and signalled a new era of the 'sacred union' (*union sacrée*) with socialists, liberals and Catholics sharing power in a reborn atmosphere of compromise. Yet, the 1919 modification of the 1914 law, which was one of the union's consequences, was again a symbolic marking point for the Catholic strategy of 'subsidized liberty', introducing full wage equality between public and private schools.

⁹⁷¹ This 'turn to the people' was by no means confined to Belgium. For a comparative European approach see Lamberts (1992) *Een kantelend tijdperk (1890-1910)*.

After briefly describing the ‘school war’ and its consequences, this section first will lay bare the most fundamental motives for the Catholic ideological turn towards ‘subsidized liberty’ and its use as a rhetorical device. Then it turns to the internal struggles in the Catholic ranks, considerably influencing the power play in strengthening the Catholic network with growing state subsidies, new legislative initiatives and other manoeuvres. The section ends by reflecting upon the long-term consequences of the subsidized liberty policy and the increasing financial equality between the public and the private networks, two networks which were more neatly defined in private/public terms than before but which – paradoxically – also grew closer to each other.

Culture war over education: the ‘school war’ and the restoration of 1842 (1879-1884)

As mentioned above, underlying the growing disagreements between Catholics and liberals was a lingering conflict about the nature of instruction. It was a fundamental conflict that had been relegated to the background by the Belgian revolution and during the unionist years, but that was gradually coming to the fore as liberals regained their confidence in the ideals of the Enlightenment and as Catholics became more intransigent. For liberals the modern state had a moral duty to provide its citizens with quality, modern education, the aim of which was to produce good citizens, instructed in modern science and the virtues of human progress. They increasingly rejected the stranglehold on public education held by the Catholics, who imposed their religious and moral project to shape good Catholics rather than good citizens, holding public education under their power. Such views were increasingly brought to the fore by a new generation of anticlerical young liberals, most prominently assembled in the *Ligue de l'Enseignement* established in 1864. Though less vigorously anti-Catholic than some similar organizations supported from within the Freemasons, the *Ligue* continuously petitioned in favour of the ideals of a laicized, neutral, public school following the most recent pedagogical developments, and could soon boast a considerable fan base.⁹⁷² The example of the *Ligue* was soon followed in France. The secularizing education policy introduced with renewed vigour by Jules Ferry and his fellow republicans in the French Third Republic from 1870 onwards made Paris an obvious transnational hot spot, for both governmentally led congresses and non-governmental associations.⁹⁷³ Republican representatives in France, like their radical liberal colleagues in Belgium, took to the ramparts for a laicized, free and compulsory elementary education.

Enjoying a new-found unity within the Belgian liberal party around the legal reform and laicization of education, a radical liberal cabinet took power in 1878.

⁹⁷² Lory (1979) ‘Les sociétés d’éducation populaire de tendance libérale 1860-1880’, 217-254 and Lory (1979) *Libéralisme et instruction primaire 1842-1879* II, 447-449.

⁹⁷³ For such international congresses on education, most of them explicitly liberal, see (1960) *Les congrès internationaux de 1681 à 1899. Liste complét. International congresses. 1681 to 1899. Full list*, 21, 24-26, 29, 37-38, 45.

Legislative action on this matter was foreshadowed by an inaugural speech from the throne in 1878 and by the establishment of a separate Ministry of Public Education.⁹⁷⁴ The new minister Van Humbeéck immediately revoked a recently issued circular by his predecessor that had abolished the annual obligation for provincial authorities to list the cases of 'adopted schools' and schools under article 2, saying that the state already had enough information on the local situation of primary education as it was.⁹⁷⁵ It was clear that the new cabinet was planning on another step in the long and gradual liberal struggle against the different mixed private/public types of primary schools and the Catholic influence in public schools. Starting from 1847 and definitively enforced after 1859, they had already shut the door to 'subsidized' schools (type 3), hugely restricted the adoptions (type 2) and were seeing more strictly to the legal requirements of municipal teachers (type 1). The next step was the new law in 1879 laicizing, modernizing and centralizing popular education. With this law, all types of schools other than municipal ones were abolished and municipal teachers had to meet strict standards. For the first time in Belgian history, there was now a clear-cut distinction between purely private and public schools. Nearly everywhere, Catholic schools, under whatever type they had resorted, turned into private schools. Municipal schools, too, were massively abandoned by their teachers and replaced by private schools.

The bill Van Humbeéck presented abolished the 1842 law and with it the possibility to adopt private schools, making it a legal requirement for a municipality not only to have at least one municipal school, but also to reserve expenses to run it and to employ only teachers who had been awarded their qualification in a state school.⁹⁷⁶ It was the state that would fix the precise number of municipal schools and would see to it that the amount of the expenses was in relation to the municipality's financial state. In terms of laicization, the bill in fact remained rather moderate, compared to the more radical demands of progressist liberals: while making religious instruction an optional course outside the curriculum and strictly reducing the clergy's influence on this course, it ensured that religious instruction could be given within the school buildings. Van Humbeéck promised a lenient implementation, emphasizing that in practice there was no need for changes in the schools' schedules, and further made sure to build in some transitional measures, for instance in the cases of adopted schools and schools under article 2 of the 1842 law.⁹⁷⁷ It has even been noted in the literature that the bill underwent a 'delaicization' during the process.⁹⁷⁸ Van Humbeéck seemed to be prepared to compromise in order to temper the worst emotions of the liberals' Catholic colleagues. Ironically, such attempts fostered the laicization controversy and

⁹⁷⁴ Lory (1979) *Libéralisme et instruction primaire 1842-1879* II, 582-785.

⁹⁷⁵ RAG, Provincial Archives East Flanders 1870-1900, 2/5479/1: circular Van Humbeéck to provincial governors, 31 December 1878.

⁹⁷⁶ (1879) *Pasinomie*, 182-198.

⁹⁷⁷ (1879) *Pasinomie*, 204-206.

⁹⁷⁸ Lory (1985) 'La résistance des catholiques belges à la « loi de malheur », 1879-1884', 730.

probably only contributed to the unfortunate consequence that the bill's great importance in pedagogical innovations was somewhat overshadowed.

However, the liberal cabinet greatly underestimated the shock in Catholic circles. For Catholics, this *loi de malheur* (law of misfortune) was their worst nightmare come true. They had always maintained that education and instruction was part of the family's sphere of interest and argued that the prerogatives on that matter belonged to the father as the cornerstone of the family. As emphasized before, they had only accepted public schools as a part of the educational system on the condition that the Church pulled the strings in the realization of its educational project. The state had no morality as such and had no role to play whatsoever in the education of Catholic children! The liberal statism went against the grain of the dominant culture in Belgium, against its traditions and its organically grown field of education. Moreover, laicized public schools and teachers did not only undercut the Church's moral ground, but also a considerable part of the financial basis of Catholic schools, not in the least with the complete abolition of the adoption clause for private schools. The shock of the reform prompted a decisive step for the Church in Belgium and its supporters to 'turn towards the people'.⁹⁷⁹

Already hugely discontented with the continuation of the liberal policies of the preceding cabinets by the moderate Catholic cabinets between 1870 and 1878, the episcopate took up arms as soon as the bill was presented in parliament.⁹⁸⁰ After it was passed, they issued a pastoral letter harshly condemning the 'schools without God'. Not only the teachers involved, but also the parents whose children attended these schools would suffer damnation, since they and their children would be refused the sacraments. Catholic politicians deplored the bishops' extreme reaction, because they feared, not without reason, that it would alienate many moderate liberals, and they even sought a reaction by the pope to castigate the Belgian episcopate. The consequences of the episcopal actions nevertheless were soon felt. Hundreds and hundreds of petitions declaring themselves against the bill at hand were filed at the Chamber during the discussions. Clergy answered their bishops' call to not cooperate in any way by providing religious instruction under the new law; only a full replacement of this *loi de malheur* could do justice, cooperation would only legitimize the new regime.

The concerted counteraction of the episcopate, the lower clergy, religious institutes and Catholic aristocracy and bourgeoisie was aimed at establishing at least one free, Catholic school in every single municipality as an alternative to the 'irreligious' public schools. Especially in the rural parts of Flanders, this led to the massive abandonment of municipal schools to these new or existing private schools. Liberal strongholds such as Brussels, Ghent and Liège were not hurt by the Catholic countermeasures, and neither were suburban regions where municipal schools were strongly rooted as well, such as the Walloon provinces of Liège and Hainaut.

⁹⁷⁹ Lamberts (1992) *Een kantelend tijdperk*.

⁹⁸⁰ De Smaele (2009) *Rechts Vlaanderen*, 203-206.

Official numbers nevertheless showed that the share of students in municipal schools fell from 79% in 1879 to 39% in 1880, figures that even Catholics said were too optimistic.⁹⁸¹ Equally problematic for the liberal cabinet was that several local councils refused to comply with the new law and sought myriad ways to undermine its implementation.⁹⁸² The Ministry had to appoint teachers in municipalities where the local council refused to replace teachers who did not qualify under the new conditions.

As strong as their reaction to the 1879 law was the Catholics' wish to turn back the clock after they had regained control over parliament in 1884. In that year, Catholics had united under the banners of the *Union pour le Redressement des Grievs*, an ultramontane group that wanted to canvass popular support for the coming elections. The Catholic majority was overwhelming, not in the least due to the majority system and the disagreement among liberals.⁹⁸³ A new Catholic cabinet was formed, with notorious hardliners Charles Woeste and Victor Jacobs, and with Jules Malou as cabinet leader. As soon as the liberals had presented their bill in 1879, Malou had declared that 'the program of the Right, if she regains power, will be to abolish the 1879 law, to replace it by the borrowing of the English legislation (subsidized liberty)', so it was crystal clear from the start where this cabinet was headed with regard to their education policy.⁹⁸⁴ The electoral victory gave the new cabinet the confidence to rush their revanchist bill through parliament in extraordinary sessions during the summer. The fundamental points of the bill could not have made more of a contrast with the liberal attempts to found a public network of laicized schools, as they mainly fell back to the Catholic strategy since the 1860s. Its first paragraphs expressed, not unsurprisingly,

*l'espoir de voir l'initiative des citoyens enfanter de nombreuses écoles, de tous degrés et de toute nature, les pouvoirs publics se bornant à combler les lacunes de l'enseignement libre et se retirant peu à peu devant les progrès de la liberté.*⁹⁸⁵

The Catholics thus were once again favouring the 'subsidiary' state, only 'filling the gaps' that were left by private initiative. The Belgian king urged the Catholic

⁹⁸¹ These figures should nonetheless be taken with a grain of salt. As the official triennial reports repeated time and again, there was no certainty about the numbers of private schools. It might well be the case that the 1879 count still underestimated the number of private schools whereas, with rigorous attention for the Catholic counteractions, the figures were more realistic later. For more general methodological reflections on these kinds of figures, see Minten, De Vroede and Depaepe (1993) *L'enseignement primaire 1879-1929. Volume III*, 15-21 and his other volumes.

⁹⁸² There are numerous studies on the local impact of the school war, among which most notably Soete (1980) 'La résistance catholique face à la loi Van Humbeéck dans l'arrondissement de Tournai (1878-1884)', 119-169 and the many local studies by Paul Wynants in the *Revue D'histoire Religieuse Du Brabant Wallon* published between 2004 and 2010 (references in full can be found in the bibliography).

⁹⁸³ Falter (1986) 'De Kamerverkiezingen van 10 juni 1884', 9-44 and Lamberts and Lory (1986) *1884: un tournant politique en Belgique*, 201-207. See also Tyssens (1998) *Om de schone ziel van 't kind*, 75.

⁹⁸⁴ Hymans (1878-1880) *Histoire Parlementaire de la Belgique de 1831 a 1880*, 205.

⁹⁸⁵ Parliamentary Documents. Chamber of Representatives, 1884-1884 (extraordinary session), n°4.

cabinet to act moderately and to come to a ‘transaction’ and a ‘nation-wide and thus enduring law’, but to no avail.⁹⁸⁶

‘Fast-tracked’ and passed in September 1884, the new law reinstated much of the local autonomy of the 1842 law: municipalities again appointed their own municipal teachers, who did not have to hold certification from state schools, and once again, private schools could be adopted.⁹⁸⁷ The private schools the Catholics had established to compete with the ‘godless’ municipal schools during the school war badly needed financial support after five years of living off Catholic charity. Therefore, the restored opportunity to adopt schools was utilized massively, not only by municipalities that had been forced to stop their adoptions by the 1879 law, but also by municipalities now adopting the private schools that had only been set up during the school war. On the other hand, religious teachers could now return to their positions in the municipal schools, and did so with relief in some municipalities.⁹⁸⁸ Thus, some of the newly-established private schools now made way again for both municipal schools and adopted schools.

The pure revanchism behind the 1884 law backfired on the Catholic cabinet for at least three reasons. First, it gave the liberals a project to rally around, and successfully so, as they overtook the streets with protest marches and considerably offsetting their losses in the municipal elections in autumn of that year.⁹⁸⁹ The king felt supported in his earlier judgments by this outcome: Woeste and Jacobs were forced to resign and eventually the cabinet was entirely reshuffled. Secondly, as Wynants has argued, it unnecessarily prolonged the school war beyond 1884.⁹⁹⁰ The law only fuelled local Catholics to adopt their private schools as a sign of their victory (*adoption triomphalistes*, according to Wynants) rather than as a well-considered policy option.⁹⁹¹ Undoubtedly helped substantially by the Catholic euphoria and rush, liberals however soon regained the upper hand in many municipalities, abolishing the adoptions straight away.⁹⁹² Which brings us to the third point, the 1884 law being the result of a rash drafting process. It had reinstated the possibility to adopt schools, but without considering the disadvantageous status that had already been a problem long before 1879. Adoptions were still little more than informal agreements, subject to abrogation by new, liberal municipal majorities at any point. Moreover, in their wish to restore the adoption option, the Catholic hardliners forgot that decentralization could also turn against them in cities and regions where liberals ruled.

⁹⁸⁶ Stengers (1986) ‘Léopold II et le cabinet Malou (juin-octobre 1884)’, 151-177.

⁹⁸⁷ (1884) *Pasinomie*, 337-358.

⁹⁸⁸ AAM, Onderwijs 19^e eeuw, I.18: schoolbezoeken diocesaan inspecteur, 1890-1891.

⁹⁸⁹ For a lively account of these and other liberal protests on the education policy, see Deneckere (1998) Geuzengeweld, 99-151 and 165-181 and Witte (2003) ‘The battle for monasteries, cemeteries and schools: Belgium’, 121-126. See also Keunings (1986) ‘Le maintien de l’ordre en 1884. Les manifestations d’aout et de septembre à Bruxelles’, 99-150.

⁹⁹⁰ Wynants (1984) *Les Sœurs de la Providence de Champion*, 206-207.

⁹⁹¹ Wynants (1986) ‘Adoption et subsidization d’écoles confessionnelles de filles dans les provinces wallonnes. Etude d’un échantillon (1830-1914)’, 639. See also 636-637.

⁹⁹² One example is KADOC, Archives Brothers of Christian Schools. District Belgique Sud, 1361 : Rochefort.

Of course, the cabinet was caught between two fires, their own party and episcopate on the one hand and the demands of the king on the other, and could thus seemingly satisfy neither of the two. Even within the Catholic party, not in the least among Catholic teachers, opposition to this law started as early as its promulgation and grew stronger over the years. While some of these tensions had already loomed before, they had now moved to the forefront because of the flaws in the 1884 law, partly giving cause to a decisive ideological course change within the Catholic party in favour of the emerging ‘subsidized liberty’ policy. It basically meant that the Catholic party accepted, if not out loud then at least tacitly and if not immediately then at least gradually, the neutrality of the public education network creeping in. Instead of re-Christianizing this public network it now sought to reinforce its own private network of schools through a structural policy of government subsidies.

The ideological turn towards ‘subsidized liberty’

As already mentioned, the school war was only the culmination of a longer process of growing distinction between public schools and private ones.⁹⁹³ Even in 1859, liberals had alluded to this distinction by saying that as a rule, and notwithstanding a couple of exceptions, there were only public and private schools.⁹⁹⁴ The liberal policy hampered and eventually abolished, with the 1879 law, all mixed private/public types of schools, leaving only purely private schools and laicized public schools. The Catholics did nothing but confirm this growing dichotomy during the school war by abandoning public schools, by stigmatizing teachers and students who remained in municipal schools, and by establishing their own private network funded by a huge, coordinated effort by clergy and nobility and increasingly by lay volunteers among the middle class as well. One of the parliamentary reports in the wake of the national education enquiry launched by the liberals in 1881 was significantly entitled ‘Etat de l’enseignement primaire public et privé’.⁹⁹⁵ Grudgingly, Catholics reminisced that they never should have accepted the 1842 law. Yes, at first glance, the 1842 law had honoured the local agreements between local authorities, clergy and nobility that had existed since the Ancien Régime. Although the municipal authorities had been given the official prerogatives, in practice the Church could exert its influence. However, in hindsight, in doing so the 1842 law had let in a liberal Trojan horse, enabling liberals to first build their network of municipal schools, and then to break down the religious foundations of these schools step by step. At this point Catholics could no longer ignore the existence and even dominance of the public education system.

On the one hand, Catholics were confronted with the laicization process in public schools. The Belgian episcopate had contributed a great deal to this by rejecting the clergy’s cooperation with the municipal schools to provide religious instruction. In the 1884 law they refrained (on the king’s orders) from once again making religious

⁹⁹³ Wynants (1998) ‘Du refus du monopole étatique à l’oligopole des réseaux’, 48-49.

⁹⁹⁴ Lory (1979) *Libéralisme et instruction primaire 1842 - 1879* I, 209.

⁹⁹⁵ Vanderkindere (1884) *Enquete scolaire sur l’état de l’enseignement primaire public et privé*. See also Parliamentary Documents, Chamber of Representatives, 1883-1884, n°109.

instruction a *compulsory* part of the municipal school curriculum, but they soon were to regret their caution. The local autonomy re-established in the same law meant that liberal city councils could simply continue their 'godless' municipal schools, raising concern with some Catholics that other liberal councils, 'radicalized' during the school war, would follow their example. A new law in 1895 modifying the 1884 law reaffirmed the compulsion, but allowed parents to ask for a dispensation, which in practice had little effect. In traditionally anticlerical regions and in liberal strongholds of Ghent, Liège and Antwerp where municipal schools were strongly rooted, exemptions were requested on a massive scale, spurred by the concerted action of liberal and free-thinking organizations such as the *Ligue de l'enseignement*.

On the other hand, Catholics were confronted with the difficulties of their own private network of schools. Even during the school war, establishing and maintaining private schools in some cities and regions turned out to carry a heavy financial burden and the flow of charitable funding soon dried up.⁹⁹⁶ It was now commonly argued that Catholic supporters had done their best and that it was time that, with the Catholics having regained government power, the government stepped in. Part of the financial relief came with the adoption of both old and new Catholic schools. However, many Catholic schools saw themselves refused an adoption by liberal councils or did not even bother to apply for one, even more so after the liberals' successes in the municipal elections of 1884. In the same regions where municipal schools were so dominant, private Catholic schools had long struggled to survive, and to their utter discontent they were not helped in any way by the 1884 law. In the provinces of Hainaut and Namur many private schools held by religious institutes had lost their most important source of financial support from the Catholic charitable society *Société de Crédit de Charité* during the 1860s, as mentioned before.⁹⁹⁷ The situation only worsened because poor parents in these regions were increasingly tempted by the advantages of municipal schools such as the distribution of free soup and clothing.

The result of all this was that Catholics were set for a major change of course in their educational strategy, one with a long-lasting impact for the Belgian educational scene. Gradually, and not without internal conflict, Catholics turned away from their vain hopes to co-ordinate a 're-Christianized' public network after 1884 (or make it 'suppletive' to private Catholic schools, for that matter), and instead started to advocate equal government funding for their own private network *alongside* the public network, something which they, borrowed from Jules Malou, started to call 'subsidized liberty' (*liberté subsidiée*). What this meant implicitly (expressed only very reluctantly and without public acknowledgement) was that Catholics thus would come to accept the growing laicization of the public

⁹⁹⁶ One of the Catholic committees in Liège saw its donations fall from BEF 62,255 to only BEF 327 in 1881 and had to drastically cut back its expenses and sell most of their debentures. Boulange (1986) 'L'établissement de l'enseignement primaire catholique à Liège', 313-314 and 327-330.

⁹⁹⁷ See section 5.2. KADOC, Archives Brothers of Christian Schools. District Belgique Sud, 662 : Dour ; 736 : Frameries.

schools and pledged themselves fully to the cause of their own private Catholic network. In so doing, they obviously returned to their ‘subsidiary’ thinking in the first years after 1830, before they had made what they saw as a mistake to agree to the 1842 law and the official introduction of public schools. The discourse that now underpinned the turn to subsidized liberty contained several of the features invoked in the 1830s as seen in section 5.1: the constitutional freedom of education, the need for a subsidiary state to support schools that existed because of that freedom, and the example of England as the most ‘free’ country of the time:⁹⁹⁸

Le passage que je viens de vous lire fixe clairement le sens de l'article 17 de la Constitution. Et pour vous montrer combien le principe de la liberté subsidiée était dans l'esprit du législateur constituant, je rappellerai à mes collègues de gauche ce fait très significatif dont il est bon de garder le souvenir : la commission nommée en 1831 pour élaborer le premier projet de loi sur l'instruction primaire [...] consacrait précisément le système de la liberté subsidiée, à l'instar de ce qui existe dans les grands pays libres comme l'Angleterre.⁹⁹⁹

One particularly symbolic example of the turn to subsidized liberty was already demonstrated by the Catholic government policy after 1884 with regard to the already mentioned liberal city councils. Instead of forcing city councils to implement compulsory religious instruction in their municipal schools (which had not been enforced, mostly on the king's orders), they forced them to adopt private schools that did include religious instruction. A claim on the ‘religiousness’ of the public schools was thus exchanged for separate, private schools.

Canon Xavier Temmerman (1850-1920), a Catholic education expert who would later become a close confidant of archbishop Mercier, explained the fundamental motives behind the change of course in 1895 and merits being quoted at length:

Ils me paraissent avoir raison en ce sens que l'on doit rétablir le plus possible l'atmosphère chrétienne dans les écoles officielles ; malheureusement en fait, quoi que l'on fasse, faire cela d'une manière générale est devenu chose radicalement impossible. Et cela fut-il possible, et rétablît-on d'une façon générale l'obligation du programme religieux de la loi de 1842, la réforme scolaire se bornerait forcément à cela. Cependant la plupart des défenseurs de ce système réclament en outre l'obligation pour l'Etat de reconnaître toutes les écoles libres dûment organisées. Réunir ces deux obligations paraîtrait, je le crains fort, excessif : avec la situation actuelle des esprits en Belgique, du moment qu'on oblige l'Etat à rendre toutes ses écoles religieuses, l'on ne pourrait simultanément l'obliger à reconnaître toutes les bonnes écoles libres. [...]

Mais tous n'admettent pas, avons-nous dit, qu'on puisse réclamer, tout au moins en fait, les deux choses à la fois, et considérant que dans la situation actuelle le bon enseignement

⁹⁹⁸ For another example : ‘C'était la première idée qui a surgi en Belgique après 1830, lorsqu'on s'est occupé de l'instruction primaire. La commission qu'on avait nommée en 1831 concluait à l'adoption du système anglais, c'est-à-dire le régime de la liberté subsidiée’, see Banning (1880-1881) *La Belgique et le Vatican*, 249.

⁹⁹⁹ Parliamentary Proceedings, Chamber of Representatives, 8 April 1908, 1369.

*catholique n'est plus possible que dans les seules écoles libres, ils veulent avant tout établir l'obligation pour l'Etat de subsidier suffisamment toute bonne école libre. Pour eux ils mettent l'obligation du côté de la reconnaissance à donner aux écoles libres, et se contentent, croyant ne pouvoir faire plus, de pousser à la réforme religieuse la plus large des écoles officielles. [...] Le vrai système nous paraît donc se réduire au minimum [...] à la reconnaissance obligatoire pour l'Etat de toute école libre réunissant les conditions légales.*¹⁰⁰⁰

His concern first showed how he juxtaposed public schools as 'state schools' (*L'Etat et ses écoles*) with private schools. He even went so far as to declare that 'good Catholic education was now only possible in free [private] schools'! This was remarkable, as many public, municipal schools in the countryside were still under the firm influence of the Church. Therefore, it should be understood mainly in the sense that, following the school war, the discourse had changed dramatically towards private (free) vs. public (municipal/state), in which public schools (excluding the municipal schools in the countryside which were still seen as 'local' schools) had lost all credibility. At other occasions, Temmerman himself warned against this kind of rhetoric, reinforcing the image that such discourse was in fact widespread.

What concerned Temmerman more fundamentally was the danger of putting all their efforts into re-Christianizing the public schools, as public schools would always remain in some kind of danger of Catholics losing government power and liberals using it to regain control. In a way this echoed the strategic developments in mutual aid, as will be shown in the next chapter: not only out of ideological reluctance toward state intervention (in conformity with the popular Catholic slogan '*L'Etat hors de l'école!*') but also out of strategic reasoning, Catholics preferred to build their own private, albeit publicly subsidized, intermediary structures because in the case of their adversaries assuming power their own network would still be their own network, even if it lost its subsidies. This new idea was to a large extent shaped by the context of gradual democratization, in which education was seen as a crucial form of social provision and a powerful means to take into account the voice of parents and local communities. For the same reason, the choice of freedom for parents became a central element in the discourse underpinning the new Catholic strategy of 'subsidized liberty': Catholics were merely defending Catholic citizens and their rights to send their children to the school they wanted. What was the value of freedom of education, if parents could not send their children to the schools they preferred? Hence the need for the state to guarantee this right, by subsidizing private schools on the same footing as public schools. When the new law of 1895 enabled equal state subsidies to all private schools meeting the same conditions as schools adopted by local authorities (hence called 'adoptable' schools), Catholics defended the new clause by fulminating against the 'teachers without faith' in the public schools, arguing that it was

¹⁰⁰⁰ Temmerman (1895) *Réponse à une lettre de Monseigneur de Harlez*, 9-11 (Temmerman's emphasis).

discriminatory towards Catholic parents to not grant equal funding to private Catholic schools.¹⁰⁰¹ It was once more evidence of the fact that Catholics, taking the dichotomy between private Catholic and public secular schools further, coupled the implicit acknowledgment of ‘neutral’ public schools with the structural funding of their own network.

‘Subsidized liberty’, therefore, was the firm foundation of the Catholic discourse and indeed appeared to be a powerful and attractive idea. It sounded fairly reasonable, as some socialists in parliament admitted.¹⁰⁰² Catholics seemed to accept the pluralistic reality of contemporary society, where everyone was free to choose the school of their choice for their children, and where the state made sure that these different schools were all treated equally and were all provided the means they needed. However, they only did so to a certain extent and from their own point of view. Catholics were convinced that public schools reflected the wishes of socialists and liberals, while private schools reflected the wishes of Catholics; put differently, a pluralism that – from the Catholic point of view – distinguished between religious and non-religious. What if others were to claim their share in this system of subsidized liberty? Countless times, socialists in parliament asked Catholics if they would still advocate subsidized liberty if socialists suddenly decided to establish their own socialist network of schools, a question which Catholic ministers refused to answer.¹⁰⁰³ A rhetorical question of course; both sides knew fully well that Catholics would never allow a private socialist network of schools to be developed. The socialists, for that matter, never seemed to actually consider doing so, which showed the fundamental conflict. For liberals and socialists alike, public schools were part of the core task of state provision (at least in Belgium where Catholics had a monopoly over private schools), neutral education made public schools fit for everyone and legitimized their government funding. If others (Catholics) wanted to invoke the freedom of education, it was their right; but others should not have to pay for it and thus neither did the government. Catholics on the other hand considered public schools to be the ideological project of liberals and socialists, who chose for the state as ‘educator’. They had reluctantly come to accept it, but saw it as a grave injustice that Catholics had to pay for it, while lacking subsidies, they had to pay for their own private schools as well:

*Nous voulons l'instruction obligatoire, mais nous vous demandons de nous concéder en échange la liberté subsidiée. Nous n'aimons pas les écoles publiques ; nous trouvons qu'il est injuste d'obliger les contribuables catholiques à payer pour des écoles que leurs enfants ne fréquentent pas. Nous demandons l'égalité de tous devant tous les subsides de l'Etat, de la province et de la commune.*¹⁰⁰⁴

¹⁰⁰¹ Glenn (2011) *Contrasting Models of State and School*, 148.

¹⁰⁰² Parliamentary Proceedings, Chamber of Representatives, 22 January 1904, 396.

¹⁰⁰³ See for example Parliamentary Proceedings, Chamber of Representatives, 8 April 1908, 1368. The Catholic minister answered that he would ‘not discuss future contingencies.’

¹⁰⁰⁴ Daens quoted Parliamentary Proceedings, Chamber of Representatives, 22 January 1904, 396.

Moreover, as the same quote showed, progressive Christian Democrats like Daens – and he was not alone – were prepared to give liberals and socialists their long-desired compulsory education in exchange for more financial equality.

Therefore, measures that implemented or reinforced the system of subsidized liberty would always make sure not only that (1) the interests of private Catholic schools would be served by financially reinforcing them but also that (2) socialists would not be tempted to start to build their own network. Financial equality between the public and private schools, which was the single most powerful slogan underpinning the Catholic call for subsidized liberty, based on the fair idea that the state had to make sure that the freedom of education was fully realized and that the schools of every parent's choice were treated equally, did *not* mean *full* financial equality. It did not include financial equality with regard to the construction, the renovation or the material costs of schools. Not because Catholic schools were all in perfect shape, far from it; but because subsidies to that end would tempt socialists to build their own network. The conservative leader Woeste, for one, realized the danger of claiming full equality, and criticized Catholics who did for their inconsistency:

*Ils disent : Vous n'avez pas assez fait, il faut l'égalité complète entre les écoles officielles et les écoles libres. [Mais] comment l'entendent les honorables amis auxquels je fais allusion? Est-ce qu'ils prétendent que les pouvoirs publics fournissent d'une manière absolue et à toutes les écoles libres les locaux et le mobilier? [...] S'il ne s'agit pas de cela, vous n'arrivez pas à l'égalité complète.*¹⁰⁰⁵

Yet, Woeste still adhered to the principle of subsidized liberty. Thus, once again subsidized liberty depended on interpretation and was a good thing as long as it served the interests of the Catholic party. It was as much – and arguably more – a rhetorical device and a discursive means to an end than it was a consistent and neutral idea. This will only be reinforced by similar observations in the development of social insurance, where the system of subsidized liberty was also put into place but where it served different purposes and different strategies.

The choice for subsidized liberty and for building a strong publicly subsidized Catholic network is well reflected in the figures. From 1842-1920 the total number of schools increased from about 3,000 to over 8,000 (see figure 11). The proportion of the mixed private/public types under the Catholic regime (most importantly the 'adopted' schools) started at about 30% of all schools, but as shown in the previous sections, their number declined steadily and the school war reduced them to virtually zero. This is not surprising, as the Catholics still relied heavily on their influence in public municipal schools which they co-coordinated on the local level. But in the thirty years that followed, and bearing in mind that the school war had brought about a drastic change in Catholic thinking and on the ground, the proportion of private but publicly subsidized schools quickly rose over 30%,

¹⁰⁰⁵ Parliamentary Proceedings, Chamber of Representatives, 29 April 1897, 1227.

reaching about 40% by the First World War. In contrast to the period before 1879, Catholics definitely seemed to have opted for investing in their private network. The proportion of students in these types of schools was arguably even higher, as the Catholic schools on average tended to have more crowded classes and schools. By the time compulsory education was introduced in 1914 the student population in primary schools totalled about 900,000, of whom roughly 400,000 (45%) were in the adopted or adoptable schools.¹⁰⁰⁶ This of course did not account for the many Catholic municipal schools in the rural areas which even Catholics themselves sometimes overlooked in their rhetoric against the public schools in the cities.

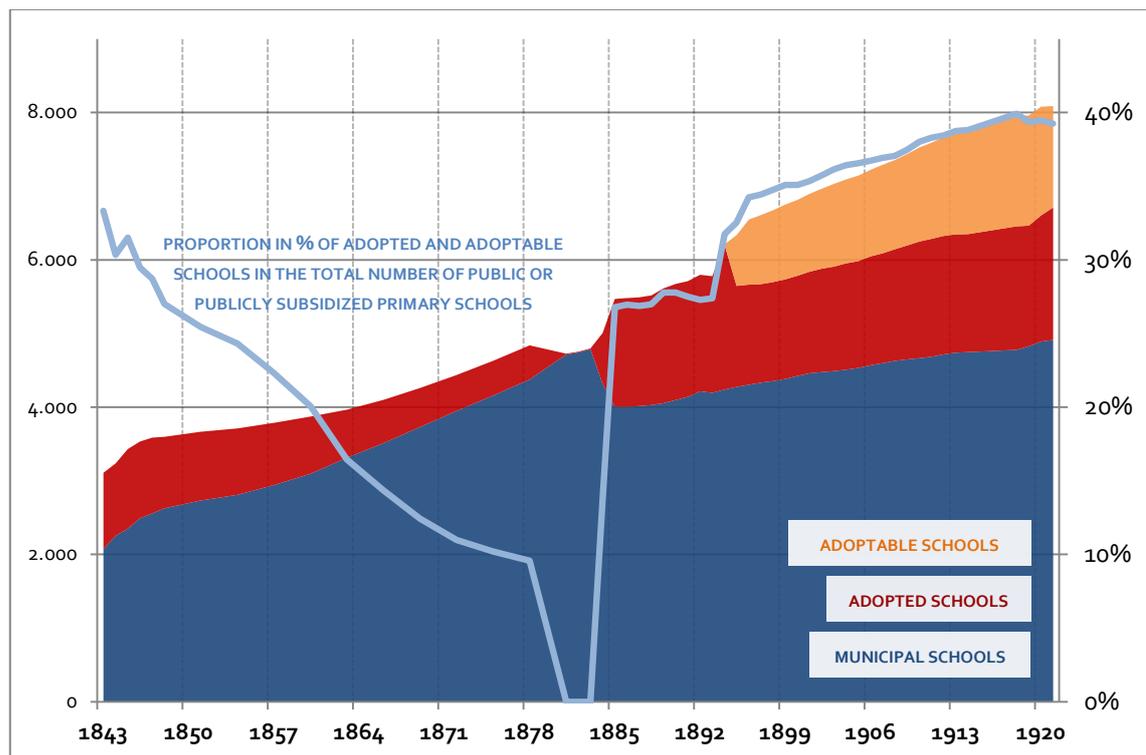


Figure 11. The cumulative number of municipal schools (blue), adopted schools (red) and adoptable schools (orange), and the proportion (in %) of the two latter categories in the total number (blue line), between 1843 and 1921.¹⁰⁰⁷

The first careful steps towards financial compensation for private Catholic schools (1884–1895)

Signs that Catholics were intending to use their government power to help their own severely under-funded private schools, emerged soon after their assumption of power in June 1884. In the course of the drafting process of the 1884 law, during which King Leopold II was trying to move moderate liberals to file amendments in

¹⁰⁰⁶ Van Laer (2016) 'Statistieken', 527.

¹⁰⁰⁷ My own calculations based on Minten, De Vroede and Depaep (1992) *L'enseignement primaire 1842-1878. Volume II*, 36 and Minten, De Vroede and Depaep (1993) *L'enseignement primaire 1879-1929. Volume III*, 151 and 156.

order to give the bill a varnish of cross-party consent, a Catholic member of parliament laid down a seemingly insignificant proposal. While the original bill echoed the 1842 law in stating that local authorities could award remuneration to municipal or adopted schools for their free education for the poor, the amendment proposed to extend this advantage to every 'school meeting the conditions of adoption and subject to inspection'.¹⁰⁰⁸ This would of course boil down to a whole new category of private schools qualifying for subsidies, which clearly foreshadowed the category of 'adoptable' schools in the 1895 law. The amendment did not survive as the Catholic cabinet did not wish to disturb the unleashed liberal opposition any further. Three years later, however, the undisputed leader of the Catholic parliamentary benches Charles Woeste dug up the amendment and asked for a special credit for non-adopted private schools. He cleverly argued that the amendment had been brushed aside by the cabinet for reasons that no longer existed, adding that the cabinet itself had left an opening in article 9 of the 1884 law which stated that every 'subsidized' (i.e. not necessarily 'adopted') school was subject to legal inspection.¹⁰⁰⁹ Although the man behind the original amendment had become minister of the Interior in the meantime, Woeste's annually recurring amendments were deemed inopportune and it was not until 1894 that an extra BEF 300,000 was allocated to the budget for primary education, to be distributed among private schools which qualified under the conditions but were not adopted.

From the next year on, confirmed by the 1895 law, the government allocated part of the budget to these 'adoptable' schools. While provincial and local authorities were also allowed to support these schools, the national subsidies covered more than 90% of their total expenses. The state's direct involvement in subsidizing the new category of schools was of course imperative. Starting in 1889, the province of Luxembourg, under Catholic rule, had issued special credits for the subsidizing of private schools.¹⁰¹⁰ But subsidies were specifically needed in those regions where adoptions of Catholic schools were rare and where private Catholic schools were under extreme financial pressure. As their adversaries dominated the provincial councils in these provinces and not surprisingly withheld all financial support to private schools, the state was their only hope, as the archbishop had also remarked.¹⁰¹¹ From 1895 onwards, state subsidies were distributed equally to municipal schools, adopted schools and adoptable schools, although municipal and adopted schools were also eligible for 'complementary subsidies' to make sure that they did not end up receiving less subsidy than before the 1895 law.¹⁰¹²

As a matter of fact, the 1884 law had already foreshadowed state involvement in a different way. An exceptional clause made it possible for the state to adopt schools

¹⁰⁰⁸ Parliamentary Documents, Chamber of Representatives, 1884-1884 (extraordinary session), n°23, 1 and Parliamentary Proceedings, Chamber of Representatives, 1884-1884 (extraordinary session), 21 August 1884.

¹⁰⁰⁹ Parliamentary Proceedings, Chamber of Representatives, 1 April 1887, 871-872.

¹⁰¹⁰ Simon (1983) *De Belgische leerkracht lager onderwijs en zijn beroepsvereniging 1857-1895*, 184.

¹⁰¹¹ AAM, Onderwijs 19^e eeuw, I.24.

¹⁰¹² (1895) *Pasinomie*, 361.

itself, in those cases when local councils refused to put religious instruction back in the municipal school's curriculum, and moreover refused to adopt a school to that end, after at least 20 fathers had made their desire for religious instruction clear. The schools were then adopted by the state, forcing the local authorities to allocate part of the budget to this effect. By the end of 1893, there were 31 such schools, of which 16 were in Antwerp and 9 in Brussels and neighbouring municipalities, of course to these councils' own frustration.¹⁰¹³ The outspoken refusal by the city of Brussels to pay even led the city administration to go to court, where after a long struggle the national government's position was upheld.¹⁰¹⁴ When the 1895 law came into effect, these schools were turned into adoptable schools, and even became eligible for the already mentioned 'complementary subsidies', although these had in fact been reserved for municipal and adopted schools.¹⁰¹⁵

	SCHOOLS	STATE	PROVINCIAL	MUNICIPAL	TOTAL	%
Antwerp	69	288,281	33,823	8,600	330,704	11.4%
Brabant	216	537,202	0	9,680	546,882	18.9%
West Flanders	190	357,553	15,866	15,081	388,500	13.4%
East Flanders	132	289,097	30,870	10,429	330,396	11.4%
Hainaut	307	556,373	0	6,809	563,182	19.4%
Liège	171	341,419	0	2,267	343,686	11.9%
Limburg	52	83,620	10,000	14,433	108,053	3.7%
Luxembourg	80	83,610	11,818	6,755	102,183	3.5%
Namur	107	142,983	30,345	11,173	184,501	6.4%
TOTAL	1,324	2,680,138	132,722	85,227	2,898,087	

Figure 12. The amount of subsidies in BEF by the state, provincial and municipal authorities given to adoptable schools in the nine provinces and the shares of each province in the total amount of subsidies in 1911.¹⁰¹⁶

¹⁰¹³ (1895) *Rapport triennal*, CXXIV-CXXVIII.

¹⁰¹⁴ (1890) *Ville de Bruxelles. Bulletin communal*, II, 24 and 109.

¹⁰¹⁵ (1895) *Pasinomie*, 361-362.

¹⁰¹⁶ ARA, Ministry of the Interior. Enseignement Primaire, 231 : Loi du 19 mai 1914. Statistiques. Ecoles primaires adoptables. Resources 1911. It should be noted that these and following figures should be treated with caution. A number of reasons make it difficult to precisely estimate the expenses for the

It is interesting to reflect for a moment on the detailed subsidies to adoptable schools before 1914, as they said much about the importance of this category and of the state's involvement. The state was responsible for about 94% of the total amount of subsidies (compared to about 50% of the total expenses for adopted schools), a share that remained unchanged between 1896 and 1914. In 1911 (see figure 12), three provinces, Antwerp, East Flanders and Namur, all under Catholic rule, granted relatively high amounts of around BEF 30,000 each. Three other provinces, Brabant, Hainaut and Liège, all three under liberal rule, seemed to refuse to subsidize their adoptable schools altogether. Interestingly, it was precisely these latter three provinces that were especially well represented in terms of the number of schools receiving subsidies and, consequently, of the share in the total, with Brabant and Hainaut about 19% and Liège about 12%.

It is important to note that these subsidies for adoptable schools were indirectly related to the number of *adopted* schools in a given province. In regions with relatively few adopted schools, where municipal authorities simply did not adopt them and preferred their own municipal schools, there were arguably more schools that were in principle 'adoptable'. With the provinces unwilling to step in, it was vital that the state come to the rescue, something which the responsible figures in these dioceses had not failed to emphasize. The Limburg and Luxembourg regions traditionally had high numbers of adopted schools (in Limburg about half of all schools) and thus fewer 'adoptable' schools which were in need of extra subsidies. In the total expenses for primary education (state, provincial and municipal expenses for municipal, adopted and adoptable schools), two-thirds were still local and provincial expenses of which little or nothing went to adoptable schools.¹⁰¹⁷ Therefore, calls for additional subsidies for adoptable schools and, importantly, consequently for the centralization of primary education funding as well (so that adoptable schools would no longer have to depend on municipal authorities to adopt them) kept lingering in the Catholic party (see the following section).

different categories of schools. Slight differences existed between the figures of the national expenses for primary education in the ministry's archival records and the same figures in the triennial reports (*Rapport triennal*) or in the parliamentary documents.

(This is for instance the case for the expenses for adoptable schools in 1911. The figures I used for Figure X below, from the ministry's records, give a total of BEF 2,898,087, while the triennial report for the same year and for the same categories listed a total of BEF 3,667,934. One explanation could be that the ministry's records were estimates made up beforehand (as they were called 'Besoins et ressources') while the triennial reports used more up-to-date figures. However, it is still strange as the triennial reports listed exactly the same categories and seemed to be based on the ministry's tables. Totals were sometimes wrongly calculated (as in (1907) *Rapport*, 611, footnote b) where subsidies to adoptable adult and nursery schools are coincidentally included in the total count of the ordinary service of primary education) and sometimes the administration worked with extrapolations and estimates. Overall, figures used here are based on the ordinary service and did not include additional 'extraordinary' expenses.)

What makes precise counts especially difficult is the fact that as the subsidy regulations became more extensive first in 1914 and again in 1919, the financial administration also became far more complex. New services were taken into account and some did not distinguish between the different categories of primary schools or even between primary education in itself and the related adult and nursery schools. The expense for the salaries of teachers on reduced pay, for example, included both adopted and municipal teachers in primary, adult and nursery schools. Of course, the differences and excluded figures are so marginal that they would never have substantially altered the overall image.

¹⁰¹⁷ Temmerman (1909) 'Une solution de la question scolaire', 186.

From the same goal of strengthening the Catholic schools, the 1895 law also put through some long-desired improvements for the adopted schools, which the Catholic cabinet had failed to consider in 1884 in their hasty drafting of the revanchist 1884 bill. Adopted teachers now had the right to the same minimum wages as municipal teachers (ranging between BEF 1,200 and BEF 2,400 for men and between BEF 1,200 and BEF 2,200 for women), as well as to the same pay rises. Important for the stability of the adoptions was that its first article stated that adoptions could now be agreed upon for a period of ten years.¹⁰¹⁸ Even if the convention between the local authorities and the school in question said nothing about the matter, the adoption could only be revoked with one year's advance notice. These clauses had not been in the original draft by minister Frans Schollaert (1851-1917) and were only added in later amendments by Woeste and Schollaert. Surprisingly, apart from a single exception liberals and socialists did not seem to worry a great deal about these significant additions, and instead focused on the rehabilitation of obligatory religious instruction in public schools.¹⁰¹⁹ Perhaps they also failed to understand its consequences. Local authorities, which were renewed by municipal elections every six years, could be bound to agreements which they had not negotiated, while education traditionally constituted a major theme in the electoral campaigns. Its significance for the viability and stability of adopted schools, and the opportunity taken by Catholic councils would soon be obvious. Catholic municipal councils anticipated both losing the elections and the liberals abolishing the adoption by simply 'readopting' their schools just before or even after the elections. This legal trick thus guaranteed ten years of steady support for the adopted schools which the new liberal council in theory could not touch. Liberals and socialists made an attempt to forbid such tricks in an amendment they filed in 1905, but to no avail.¹⁰²⁰

Internal struggles in the Catholic camp (1895-1911)

In 1895, the Catholic cabinet took advantage of a favourable electoral result to carry through measures to strengthen the Catholic networks, defying expected outrage from the opposition. However, if there was any satisfaction at first in its own ranks, it did not last long. Discontent in the Catholic camp, reflecting the different factions and their different goals and ways to achieve those goals, was mounting over how to strengthen Catholic education. There was a general feeling among certain ranks that 1895 had been an unfair treat for the Catholics (a quite unbelievable stance from the cabinet's point of view, to be sure) as religious instruction remained a dead letter in the public schools in the liberal cities and the financial situation of the private schools remained critical. The Antwerp Catholic school committee, for example, condemned the fact that the subsidies for adoptable schools were calculated in terms of classes and not in terms of students. This calculation method meant a considerable loss for adoptable schools as it was

¹⁰¹⁸ (1895) *Pasinomie*, 359-365.

¹⁰¹⁹ Wynants (2000) 'Une stratégie catholique de lutte scolaire', 229-230.

¹⁰²⁰ Parliamentary Documents, Chamber of Representatives, 1905-1906, n°95 and (1895) *Pasinomie*, 362-363.

precisely their inability to hire extra teachers, due to their precarious financial situation, that accounted for the fewer but overcrowded classes.¹⁰²¹ Moreover, the equal state subsidies for adoptable schools were seen as little more than just a drop in the ocean, since the local and provincial authorities still spent large amounts exclusively on municipal and adopted schools. Local and provincial expenses were still responsible for two-thirds of the primary education expenses.¹⁰²²

One of the most pressing questions in the education debate, and the source of a not insignificant part of the discontent in the party's rank and file, was the teachers' question. Conscientious teachers who on the episcopate's orders had exchanged their financially attractive positions as municipal teachers for a position in the new private schools during the school war longed for better conditions. Teachers in private, non-adopted schools were underpaid and often had to take on an additional job to survive, even though they were often leading figures in the local party apparatus and party-linked movements such as mutual aid associations.¹⁰²³ They blamed the Catholic government for failing to bring them better terms in the laws of 1884 and 1895.¹⁰²⁴ The increasing discontent came not only from teachers' associations such as the Catholic Teachers' Union (COV), a national federation since 1893, which started to concern itself with their representation especially after 1907. Expressions of concern were also to be heard from the Catholic school directors and inspectors, who increasingly saw their teachers switching to municipal or adopted positions. Teachers working in adopted schools, on the other hand, had been put on the same footing as municipal teachers as regards wages in 1895, due to COV lobby work in the parliament. However, this did not include religious teachers constituting about half of the adopted teachers, whose wage remained subject to negotiation with the local authorities in the terms for adoption.¹⁰²⁵ Even Catholic teachers in municipal schools were unhappy with the 1895 regime, because the wage scales were calculated on the municipality's population, which gave a disadvantage to teachers in the rural regions where Catholic municipal and adopted schools were widespread.¹⁰²⁶ Pensions were another hot item. Catholic teachers who had returned to their municipal teacher positions in 1884 had to wait until 1901 to regain the pension entitlements they had lost by leaving their schools during the school war.¹⁰²⁷ Although adopted teachers had enjoyed the same rights as municipal teachers until 1876, being affiliated with the public pension funds, they had been disregarded ever since.¹⁰²⁸ They were given

¹⁰²¹ AAM, *Onderwijs 19^e eeuw*, I.24.

¹⁰²² Temmerman (1909) 'Une solution de la question scolaire', 186.

¹⁰²³ Van Rompaey (2003) *Strijd voor waardering: het COV van 1893 tot 1983*, 31 and 37.

¹⁰²⁴ Simon (1983) *De Belgische leerkracht lager onderwijs en zijn beroepsvereniging 1857-1895*, 60-61

¹⁰²⁵ KADOC, General Archives Sisters of Mercy Ronse, 9.2.3.4.1.: *Onderhandelingen met het gemeentebestuur over aanneming*. Briefwisseling, ontwerpen van aannemingscontracten, 1905.

¹⁰²⁶ De Maeyer (1994) *Arthur Verhaegen (1847-1917)*, 489. See also Simon (1983) *De Belgische leerkracht lager onderwijs en zijn beroepsvereniging 1857-1895*, 152-167.

¹⁰²⁷ Van Rompaey (2003) *Strijd voor waardering: het COV van 1893 tot 1983*, 48-49.

¹⁰²⁸ Simon (1983) *De Belgische leerkracht lager onderwijs en zijn beroepsvereniging 1857-1895*, 43.

equal rights to a public pension only in 1912, at which point the partial right to a pension of teachers in adoptable schools was also recognized in principle.

The teachers' question returned in what seemed to be another battle in the ongoing fight between the conservative and the more progressive factions of the Catholic party, namely the lasting dispute between the social Catholic president of the Democratic League, Arthur Verhaegen, and his conservative nemesis Charles Woeste. Verhaegen had abandoned his earlier preference for a minimalist 'suppletive' state in education matters, realizing the impossibility of such a claim in the context.¹⁰²⁹ While carefully acknowledging some of the accomplishments of the 1895 law and the goodwill of its most prominent architects, he soon came to believe that only a new law could definitively secure the Catholic education network and ensure a lasting peace between the political parties. Without a doubt he felt reinforced by the teachers' demands. Verhaegen had always maintained good ties with the COV, which held their first yearly congresses together with Verhaegen's Democratic League. Woeste, on the other hand, who was one of the architects of the 1895 law, rejected the mere idea of a new law, not only because of the inherent political danger of risking a new school war and losing government power, but also because he feared that socialists and liberals would use the same state subsidies and financial equality to build their own school network. Although he had been one of the chief supporters of the state subsidies to adoptable schools in the late 1880s and again the years preceding 1895, he now despised an extension and generalization of those subsidies on both ideological non-intervention grounds and political grounds.¹⁰³⁰ With the specific aim to provoke discussion, Verhaegen published a draft bill in 1902 which basically included giving up compulsory religious instruction in return for equal government subsidies to public and private schools.¹⁰³¹ His proposal was sharply criticized by the opposition as well as by different powers within the Catholic party, but it would reappear in the context of the new bill in 1910.¹⁰³²

Verhaegen found a tacit but increasingly outspoken supporter in the figure of the new archbishop Désiré Mercier (1851-1926), appointed in 1906. From the start of his episcopacy Mercier was determined to take the education matter into his own hands. Christian democrats and their radical *Daensist* splinter group as well as the Democratic League, the COV and other teachers' associations were losing their patience. Trouble had also risen from below in Mercier's own diocese. In an attempt to more adequately distribute the income from Catholic charity in his diocese, Mercier had set up a diocesan committee but local, parochial committees were reluctant to cooperate and wanted to keep their own earnings to themselves. This

¹⁰²⁹ See Arthur Verhaegen (1879) *L'Etat hors de l'école!*.

¹⁰³⁰ See for instance an article in 1890 in which he questioned whether the financial situation of the Catholic schools was 'in conformity with the rules of distributive justice', which he of course answered negatively. See Woeste (1890) 'Des subsides aux écoles libres', 5.

¹⁰³¹ Verhaegen (1901-1902 and 1902-1903) 'La Question Scolaire'.

¹⁰³² De Maeyer (1994) *Arthur Verhaegen (1847-1917)*, 486-493.

forced solidarity had already been a problem during the first years of the school war.¹⁰³³ Again, this had much to do with the fact that the school committees themselves had gradually been democratized, with volunteers who linked their affection and voluntarism to the local school, rather than to the regional or national picture. Mercier grew more and more convinced that a broad national Catholic congress was needed to restore the Catholic party's unity, and more importantly to push his ideas for legal reform in favour of the adoptable schools. Although the resulting congress in Mechelen in September 1909 initially seemed to refrain from explicit expressions of sympathy for new legal action, the education section turned out to be a major concerted action of carefully selected speakers supporting the ideas of Mercier and Temmerman, which made its president Woeste feel 'overrun'.¹⁰³⁴ The last item on the wish list of the conservative Count de Grunne summarized the general tendency for school reform:

*Modifier la loi scolaire de 1895 en faveur des écoles adoptables, dans le sens précis d'une plus juste répartition des crédits votés par les provinces et les communes pour le service ordinaire de l'enseignement primaire, selon les mêmes règles suivies pour la distribution des subsides de l'Etat. C'est-à-dire une subvention proportionnée aux services rendus et de nature à donner à leurs instituteurs une satisfaction légitime.*¹⁰³⁵

The clever conception of the congress neutralized conservative opposition to legal reform and set the agenda for the Catholic cabinet to work out a bill.

Even in 1895, Temmerman had expressed what was increasingly the ultimate goal for the Catholic school reformers:

*Nous allons jusqu'à réclamer que l'Etat ne fasse aucune distinction, pour la répartition de la somme consacrée à l'instruction primaire, entre les écoles officielles et les écoles libres.*¹⁰³⁶

The major obstacle for radical equality between municipal, adopted and adoptable schools, however, was local autonomy. While the state distributed its contributions to the primary education expenses (almost) equally starting in 1895, the local and provincial authorities were still free to subsidize or not subsidize a particular school. Verhaegen and Temmerman acknowledged this and they proposed a system where all schools were subsidized by local, provincial and state subsidies according to a fixed repartition system. Not surprisingly, this prospect could count on vehement opposition from liberals and socialists who envisioned their strong urban strongholds, not to mention their smaller and less wealthy municipalities, being forced to subsidize Catholic schools. The prospect of centralization was also disputed within Catholic ranks, where feelings against state interference were still deeply rooted, but the pressure on them to abandon the traditional local autonomy

¹⁰³³ AAM, Onderwijs 19^e eeuw, I.10.

¹⁰³⁴ Woeste (1927-1937) *Mémoires pour servir à l'histoire* II, 354-355, 365-366 and 379.

¹⁰³⁵ de Hemricourt de Grunne (1909) 'Situation de l'enseignement libre en Belgique', 153 (de Hemricourt's emphasis). For the other reports in the education section of the congress see the entire proceedings: (1909) *Malines 23-26 Septembre 1909. IIF Section. Oeuvres scolaires et post-scolaires. Rapports*.

¹⁰³⁶ Temmerman (1895) *Réponse à une lettre de Mgr. de Harlez*, 11.

in favour of full equality grew undeniably stronger. Catholics at the same time realized that they could not block the idea of introducing compulsory education in the law for much longer, not only because of the increasing pressure from the left but also because of the international context.¹⁰³⁷ Belgium was lagging behind, and Catholics did not want to add grist to the mill of the opposition's premise that thirty years of Catholic rule had only brought Belgium a backward social policy.

Enjoying the confidence of both Mercier and Verhaegen, Schollaert launched his famous bill on the 'school voucher' (*schoolbon* or *bon scolaire*) in 1911.¹⁰³⁸ The idea seemed simple: parents would be provided with vouchers to give to the school of their choice and all schools would be subsidized in proportion to the number of vouchers assembled. It had already been advanced by both Temmerman in 1884 and Verhaegen in 1886. The logical – and intended – consequence of the idea, as liberals and socialists of course realized, was the financial equality of private and public schools, but another effect they rightly anticipated was the 'hunt' for students. One of the most controversial consequences, however, was that local and provincial authorities would now be forced to contribute to the subsidizing of private schools. Although liberals and socialists were tempted to accept the offer in return for the long-awaited idea of compulsory schooling, they succeeded in resisting the temptation together. On top of the heavy protest from liberals and socialists, internal discontent grew stronger, with Woeste in the lead, and the cabinet was eventually forced to resign. Catholics suddenly saw themselves confronted with the odds of an anticlerical bloc overthrowing them in the 1912 elections – was Woeste's prophecy going to be fulfilled after all? – but they won narrowly. Just as in 1895, the win made a new Catholic cabinet confident to force through a new, modified bill. Even with the Schollaert bill removed, school reform in the form of a more equal subsidizing of private Catholic schools was imminent.

The private/public paradox: growing uniformity between public and publicly-subsidized networks (1912-1919)

After the fall of the Schollaert cabinet in 1911, the moderate but shrewd cabinet leader Charles De Brocqueville (1860-1940) and the Christian democrat minister Prosper Poulet (1868-1937) picked up the thread of the failed school reform. Although they immediately clarified that the idea of the school voucher was to be abandoned, they adhered to the same fundamental plan of offering Catholic schools financial equality. Looking for a new approach to tackle the same question, they cleverly shifted their focus to the teachers' demands, not only making an appeal to the COV but also to other, more liberal-oriented public teachers' associations. Whereas the Schollaert bill had awarded subsidies to the school committees (or religious institutes) behind the schools, Poulet built the financial equality mostly

¹⁰³⁷ This was by no means a new idea, and had been advocated by progressists for a long time, always critically acclaimed by (even socially-minded) Catholic sources such as De Haerne (1872) 'De l'instruction obligatoire'.

¹⁰³⁸ De Maeyer (1994) *Arthur Verhaegen (1847-1917)*, 493-504. See also Desmed (1986) 'Le projet de loi Schollaert et le bon scolaire (1911)'.

around a structural improvement of the teachers' conditions. De Brocqueville had secured the teachers' goodwill beforehand by voting extra credits amounting to BEF 4 million for wage supplements to compensate them for the postponement of a definitive settlement. In the process of drafting a new bill, the new cabinet appeared to assess the political situation quite well: they acknowledged that compulsory education was inevitable and that both abolishing the local autonomy and granting equal wages to religious teachers were extremely sensitive and would rouse the opposition's fury. Schollaert knew a thing or two about the sensitivity of socialists and liberals to what they saw as subsidies to the religious institutes. Controversy had broken out when his government planned an additional BEF 1 million subsidy for adoptable schools on the annual budget in 1910. Expressing the same concerns as the entire opposition, the socialist leader Emile Vandervelde (1866-1938) argued that 'the proposed million will add to the other sources of revenues flowing into the monasteries' coffers'.¹⁰³⁹

The result of Poulet's and De Brocqueville's dexterity was that the 1914 law, apart from its most notable accomplishments such as the revision of the wage scales, the generalization of free education and compulsory education, was most of all a complex edifice that, without explicitly saying so, made an attempt at the de facto equality for adoptable schools. Subsidies for adoptable schools were presented in different categories, probably intentionally in order to minimize their appearance. The three types of schools (municipal, adopted, adoptable) qualified for a basic subsidy for each class as well as for a basic income for their (lay) teachers, but adoptable schools were furthermore eligible for additional subsidies to compensate for the fact that they did not enjoy the additional financial support from local authorities for both adopted and municipal schools.¹⁰⁴⁰ To make up for the wage-scale revision (which imposed extra costs because school committees had to pay higher minimum wages) the government decided to increase the state subsidies aimed to that effect, but left the large cities out of that arrangement, considering that they could cope with the extra cost themselves. This measure of course targeted the liberal and socialist majorities in these cities. Similar compensations were issued because the law also generalized free education (hence taking away the schools' income from tuition fees) and again compensation mostly benefited the adoptable schools (60%). In addition, about half of the annual extra credit of BEF 1 million for adoptable schools voted by the Schollaert cabinet remained to cover maintenance expenses, the other half being included in the wage subsidies. It seemed that the apparent simplicity – and failure – of Schollaert's proposal had made way for the complexity – and success – of Poulet's and De Brouckère's construction.

¹⁰³⁹ Parliamentary Proceedings, Chamber of Representatives, 1909-1910, 23 March 1910, 960. For the amendment see Parliamentary Documents, Chamber of Representatives, 1909-1910, n°123, 3.

¹⁰⁴⁰ (1914) *Pasinomie*, 151-255 and Coulon and Jason (1955) 'Petite Histoire des Subsidés Scolaires en Belgique', 164.

While the context had dramatically changed due to the First World War, Catholics continued on the same path towards financial equality. As the 1914 law had showed, Catholic politicians were prepared to compromise to achieve this. The same idea concerned Catholics after the war. Some politicians hoped to reach an agreement with the liberals and socialists, consisting in the acceptance of a neutral ethics course in the public schools in return for the fully equal subsidizing of adoptable schools. That the episcopate, after having taken the pulse of the rank and file of the Catholic Party, initially decided to reject such a compromise demonstrated however that even after all this time they still felt uncomfortable in accepting the hard fact that the decisions on the educational project of (some) public schools was no longer theirs to make.¹⁰⁴¹ Yet, an updated law in 1919 restarted the process begun in the 1914 law, another step in the direction of centralization. Besides a new revision of the wage scale, wages were now directly paid by the state, which at last signalled the total wage equality of public, adopted and adoptable schools.¹⁰⁴² While in the general atmosphere of national peace and unity liberals and socialists rallied to the proposed bill, they did so only very reluctantly:

*Contraints et forces, nous tolérerons que, dans cette loi d'un jour, loi d'occasion, ce principe soit inscrit; mais [...] ce régime est appelé à disparaître et [...] rien ne justifie que nous mettons à la charge de l'Etat les frais de l'enseignement privé!*¹⁰⁴³

They looked sorrowfully at how it laid the basis for a definitive turn to subsidized liberty. The same structural equality would soon follow for issues other than wages.¹⁰⁴⁴ Pensions had already been guaranteed to adopted teachers, partly from 1901, and adoptable teachers would follow in 1937.

The single most important achievement of the 1919 law was of course its wage policy, finally giving equal treatment to the private Catholic adoptable schools (at least in terms of wages!). Following calculations from the ministry, the 1914 law had cost around BEF 44 million in wage expenses (including wage supplements such as annual pay rises, family allowance or director supplement) and would almost double to BEF 84 million with the 1919 law coming into effect (partly due to inflation).¹⁰⁴⁵ The share of adopted and adoptable schools taken together was expected to rise from 28% before 1919 to 33% after 1919 (see figure 13 below). By distinguishing between lay and religious teachers in the adopted and adoptable

¹⁰⁴¹ De Groof and Tyssens (1988) 'De partiële pacificatie van de schoolkwestie', 270-278.

¹⁰⁴² De Paeuw, a high official in the education administration, remarked not insignificantly that the law did not literally state that the wages were paid by the state, only that the state provided direct subsidies measured to the wage scales to cover the wage expenses. De Paeuw argued that, by doing so, the legislator wanted to guarantee the prerogatives of the local authorities and of the freedom of education in the direct provision of education. See De Paeuw (1924) *Loi organique de l'enseignement primaire*, 46. See also (1919) *Pasinomie*, 194.

¹⁰⁴³ Parliamentary Proceedings, Chamber of Representatives, 1918-1919, 13 Octobre 1919, 2089. See also De Groof and Tyssens (1988) 'De partiële pacificatie', 289-290.

¹⁰⁴⁴ Coulon (1959) *Les subsides scolaires en Belgique*, 11-14. See also Coulon and Jason (1955) 'Petite Histoire des Subsides Scolaires en Belgique', 164.

¹⁰⁴⁵ As I am more interested in the relative numbers and shares of the publicly-subsidized schools compared to the totals, and given the complexity of the figures, I merely use the figures as an indication. I have therefore not made a point to compensate for economic variables such as inflation.

schools (as the numbers in the previous section pointed out, very few religious had remained in municipal schools after 1884), the figures also give us some indications of their importance. Not only were the expenses granted to religious already higher than those granted to their lay colleagues in both categories before 1919 (8% over 6% respectively, for both categories), they also made the most striking progression (9% over 6% for adopted and 10% over 8% for adoptable). Considering the fact that religious were not included in the wage scales and were only paid roughly 60% of their lay colleagues' wage, and also received few or no wage supplements such as family allowance, this should mean that the share of religious in number was even higher than these figures would tell us.¹⁰⁴⁶ The religious institutes thus seemed to maintain their traditionally prominent position. Bearing in mind that their private schools' precarious situations before, during and after the school war now enjoyed growing subsidies, if not so much in terms of equal wages, they arguably not only maintained but strengthened their position, to the horror of the liberal and socialist representatives.

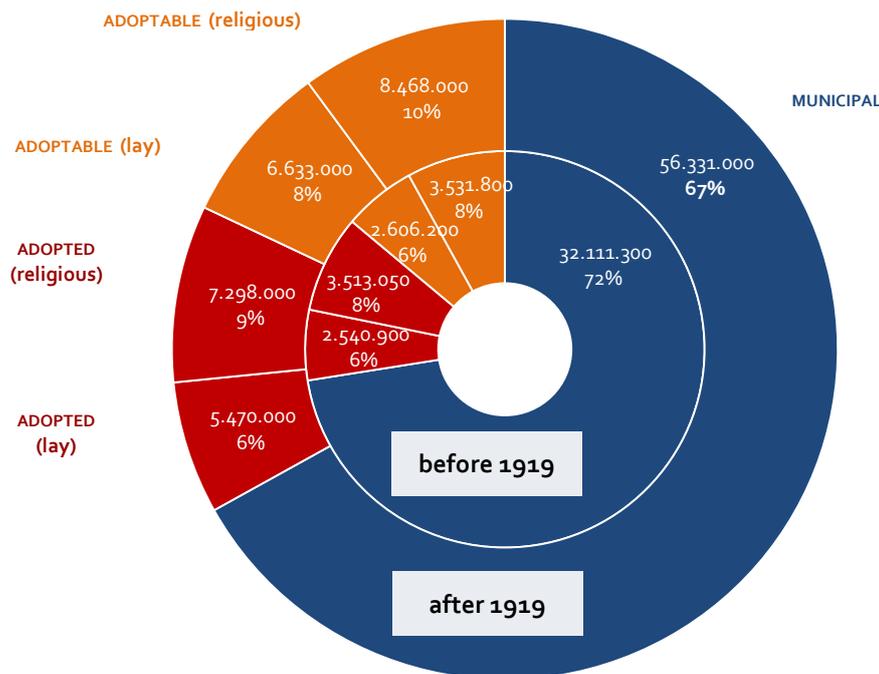


Figure 13. Total salary expenses in BEF for teachers in municipal, adopted (lay/religious) and adoptable (lay/religious) schools, before and after the 1919 law.¹⁰⁴⁷

¹⁰⁴⁶ Out of the 8,000 schools, 260 were run by male religious in 1922-1923, see Suenens (2016) 'Broeders en paters voor de klas: mannelijke religieuzen en het katholiek onderwijs'. For indications on female religious see Christens and Suenens (2016) 'Van roeping tot project. Vrouwelijke religieuzen in het katholiek onderwijs'.

¹⁰⁴⁷ The expenses included basic salary, periodical pay raises, housing indemnity, direction indemnity and family allowance for teachers and were calculated by the administration of Catholic minister Charles de

Indeed, the 1919 law rounded off an impressive growth in the adopted and adoptable schools' share of the total expenses for primary education brought about by thirty years of Catholic government policy. This of course coincided with the general trend of increasing state financial intervention. Although the state had already been involved in expenses for primary education since 1842, by granting complementary subsidies to local authorities for municipal schools, its financial contribution increased enormously at the end of the nineteenth century. State expenses for primary education rose from BEF 273,761 (about 14% of the total expenses for primary education) in 1842 to BEF 9.5 million (about 54% of the total expenses), and, also under the influence of extra subsidies for adopted and adoptable schools, to BEF 25.6 million (56%) in 1911.¹⁰⁴⁸ The two-step legislation of 1914 and 1919 meant a major reform and the total expenses went through the roof (although at least partly due to the high inflation after World War I), amounting to almost BEF 300 million in 1923, compared to about BEF 40 million in 1911. Before 1884 the share of adopted schools in the total expenses (state, provincial and municipal expenses) was only marginal and even declined in the period preceding the school war (from 4.8% in 1865 to 3.2% in 1875).¹⁰⁴⁹ While the number of adopted schools in the total number of schools regained its earlier level of about 30% after 1884, their share in the total expenses was now considerably higher, equalling 12% (more than 2 million out of BEF 18 million) in 1885.¹⁰⁵⁰ After the adoptable schools entered the picture in 1895 the shares of both types of subsidized schools (adopted and adoptable) maintained their steady increase and grew to 22% in 1905, 25% in 1911 and 30% in 1923. Given the percentages of student population (45%) and number of schools (40%) in 1923, there was still not complete financial equality, but compared to the situation thirty years before, it was an absolutely impressive accomplishment of the Catholic governments. Liberals and socialists had every reason to feel defeated.

Reflecting upon the developments during the third phase between 1879 and 1919, it seems that the Catholic choice for subsidized liberty, the growing pressure from within the party ranks and the inclination of Catholic cabinets to use their re-established government power to put this into effect actually led to a remarkable paradox. The more intensely perceived *divide* between the 'neutral' public schools

Brocqueville. Figures are to be found in ARA, Papieren de Brocqueville, 624, 17/1-2, and are cited by and taken from De Groof en Tyssens (1988) 'De partiële pacificatie', 293.

¹⁰⁴⁸ De Winter (1956) 'Tussenkost van de staat in de uitgaven voor onderwijs. Lager onderwijs (Gewone Dienst)', 6 and 9.

¹⁰⁴⁹ ARA, Ministry of the Interior. Enseignement Primaire, 8, 28, 47: Besoins et ressources de l'enseignement primaire, 1865, 1875, 1885.

¹⁰⁵⁰ ARA, Ministry of the Interior. Enseignement Primaire, 8, 28, 47: Besoins et ressources de l'enseignement primaire, 1865, 1875, 1885.

and the Catholic private schools (as seen above in the quote of Temmerman, see page 305-306) that made Catholics opt for subsidized liberty, informed their demands for the equal financial treatment of private schools and thus led to the growing *uniformity* between the public network and the publicly-subsidized, private network of Catholic schools. Put more simply, the two distinct networks which had emerged during the school war seemed to grow to each other in financial, legal and even programmatic terms.

Of course, the divide between private and public schools was first and foremost a question of perception and discourse. Municipal schools were still an overwhelming majority, and many in the countryside were still essentially Catholic. There was often a stable balance between the local municipal school for boys and the local adopted school(s). Yet, in the rhetoric (and partly in the facts as well) the distinction between private and public schools had grown much sharper. The Catholic episcopate had contributed to this by not referring to the many 'good' Catholic municipal schools in the countryside when denouncing all public schools in their pastoral letters in 1879, something which the Holy See could not appreciate.¹⁰⁵¹ Whereas in the period before the school war, boundaries between types of adopted and between municipal schools had blurred considerably, with 'private schools' meaning those schools which were out of all public or governmental reach, after 1884 and certainly after 1895 adopted and adoptable schools were decidedly considered 'private', even though they were publicly subsidized and, at least in theory, fully private schools could still exist.¹⁰⁵² In cities and in regions where 'godless' municipal schools had strong roots, adopted and adoptable schools were seen as the private Catholic alternatives. In contrast with the 1884 law, which had made it possible to abolish many municipal schools, the 1895 law no longer permitted local authorities to do so and even established one municipal school in each municipality as a rule, not in the least because of the exploding school population.¹⁰⁵³ Thus, even in the rural areas where there may not have been a municipal school before, there was at least one after 1895.

And yet, despite the Catholic urge to dissociate their 'good' private schools from 'bad' public schools wherever they could, their preference for subsidized liberty and for growing financial equality for private schools caused a growing uniformity between the two networks. The laws of 1914 and 1919 were definitely major steps in this process, arguably far more so than the proposal by Schollaert in 1911. Schollaert's proposal implied that schools were to be funded according to the number of vouchers they received, but significantly, these subsidies would have been granted to the municipal authorities, school committees and religious institutes which were the organizational structures behind the schools. In this

¹⁰⁵¹ De Smaele (2009) *Rechts Vlaanderen*, 205.

¹⁰⁵² In a testimonial book looking back to 100 years of 'free' private Catholic education published in 1932, it was emphasized that private schools meant adopted and adoptable schools. It did not mention other private Catholic schools. See du Bus de Warnaffe (1932) 'L'enseignement primaire libre au cours d'un siècle', XXXV.

¹⁰⁵³ See especially Schollaert's circular accompanying the new 1895 law in October, (1895) *Pasinomie*, 385-386.

scenario, even if the regulatory framework had imposed some uniform regulations, private schools would arguably have retained more autonomy in the precise application and use of the subsidies they received. The 1914 and 1919 laws more literally (and complexly) introduced financial equality in terms of wages, whereby adopted, adoptable and municipal teachers were simply paid the same (basic) wages in the same way.

Remarkably, the development of growing uniformity had been somehow predicted by the liberal Jules Bara in 1888. His comments not only showed that by that time Catholics had already shown signs of wanting to subsidize their own private network as a strategy, but also that doing so could transform the 'liberty' into subsidized liberty:

Il y a plus, messieurs, votre thèse c'est la condamnation de l'enseignement libre; car, en définitive, quand votre enseignement sera subsidié, il ne sera plus libre ; [...] la surveillance et les obligations qu'on lui imposera vont dépendre des gouvernements qui se succéderont; on ne se bornera pas à deux inspections par an, on ne fera plus défense aux inspecteurs d'adresser des observations aux instituteurs adoptés, on pourra ne plus dispenser ces derniers de ne pas prendre part aux conférences. Et vous aurez ainsi supprimé cette liberté d'enseignement que vous vantiez tant naguère ! Il n'y aura plus d'enseignement libre : tout l'enseignement sera public et payé plus ou moins par l'Etat.¹⁰⁵⁴

For the same reason, conservative Catholics like Woeste did not like the way subsidized liberty was taken to the extreme by the more progressive and syndical demands of teachers' organizations and Christian Democrats. He countered criticism of the 1895 law and calls for financial equality by saying that 'It is impossible to maintain that, if everything is paid for by the public authorities, it would not be the public authorities but still the individuals who would make the law in these schools.' Of course, he was still a fierce advocate of subsidized liberty 'because it is natural that, in a well-organized society, men come to each other's aid' but 'subsidies are something else, replacing individuals with the public authorities is something else'.¹⁰⁵⁵

In the cities and the regions where there was opposition between the public and the private networks, it was the growing competitiveness between public and private schools in what seemed to develop into an educational 'economy' which fuelled uniformization. Private schools were down and out in the period after 1884 because of their often-precarious financial situations, which heavily crippled the schools' quality standards. They suffered from overcrowded classes and the school committees behind them complained that the charitable donations on which they depended were only just enough to pay their normal functioning – not to renovate their premises, build new classes or improve wage standards for teachers. Worrying about losing teachers as well as parental support in the rivalry with the public

¹⁰⁵⁴ Parliamentary Proceedings, Chamber of Representatives, 11 April 1888, 965.

¹⁰⁵⁵ Parliamentary Proceedings, Chamber of Representatives, 29 April 1897, 1227.

schools, Catholics themselves wanted to improve the conditions and the quality of their schools. This development was only reinforced as they became eligible for state subsidies, stimulating them to meet the necessary conditions. The same had happened with adopted teachers, at least half of whom (in each school) had to be certified from 1895 onwards. The fact that a structural dependency on subsidies would lead to stricter requirements from the subsidizing government and less autonomy for the schools had been one of the reasons why Woeste had so adamantly opposed the proposed school reform by Verhaegen and supporters. It is true that this became a self-fulfilling mechanism, as the dependency on subsidies and their conditions, which depended directly and indirectly on the school's popularity, further set in motion more competition and thus more uniformity. Extracurricular advantages are the perfect example. Public schools appealed to many poor parents because of social initiatives subsidized by municipal authorities, such as the distribution of soup and clothing or the organization of summer camps, which did not apply to the children of private schools. But the competition was gradually reduced. In some cities, for example Brussels and Antwerp, the city council started to grant subsidies for soup distribution not only to its own public schools but also to Catholic schools, while in Ghent in 1909 socialists and Catholics in the city council agreed to a system for all children regardless of what type of school they frequented.¹⁰⁵⁶ The 1914 law stated that provincial and municipal expenses for such extracurricular advantages had to serve all children, levelling the differences and reducing the competition (of course, in favour of Catholic schools).¹⁰⁵⁷

Generally, the growing uniformity was apparent on two different levels: within the different categories of the Catholic network and between the Catholic and the public networks. To begin with the former, adoptable schools grew ever closer to the category of the adopted schools. Qualifying for subsidies meant meeting the same conditions as adopted schools did. In that sense, the adoptable school was only a continuation of the earlier category of forced adoptions by the state, something Woeste had explicitly used to ask for these subsidies in 1887.¹⁰⁵⁸ Both categories received (almost) equal subsidies from the state from 1895 onwards. This is precisely what Catholics were arguing: Why should there be a difference in financial treatment if both schools met the same standards? Adopted schools, on the other hand, were more and more put on the same footing as public schools. Their equal treatment had a long tradition in the 1842 law, although as shown before, it was not always clear to what extent adopted schools were treated equally. The 1895 law introduced the long-awaited equality of municipal and adopted teachers in terms of wages. This was also reflected in the administrative system at the ministry: while expenses for adopted schools had always been treated in a distinctive manner, distinguishing between remuneration and subsidies 'à forfait', expenses were now

¹⁰⁵⁶ (1900) *Bulletin Communal*, Parliamentary Proceedings, Chamber of Representatives, 29 January 1914, 814 and Parliamentary Proceedings, Chamber of Representatives, 19 February 1909, 713.

¹⁰⁵⁷ See article 26. (1914) *Pasinomie*, 157.

¹⁰⁵⁸ Parliamentary Proceedings, Chamber of Representatives, 1 April 1887, 871.

calculated for both municipal and adopted schools simply according to personnel and material.¹⁰⁵⁹ And of course the ultimate confirmation of the growing uniformity between the three kinds of schools (municipal, adopted, adoptable) had been the 1919 law, with equal, state-paid basic wages for teachers at all three. Of course, on many points and levels, there were still many differences. The expansion, modernization and bureaucratization of primary education had made the system extremely complex, with all sorts of expenses and exceptions. But the fundamental seeds of the modern system had been growing: a dual system with a secular, public school network and a Catholic, publicly-subsidized school network, which would continue to resemble each other more and more.

Conclusion

Over the course of the long nineteenth century, the educational landscape was drastically reshaped. Born from the ashes of a revolution that brought about the constitutional freedom of education but little more, it largely continued the traditional Ancien-Régime system of particularistic local agreements, religious prerogatives and local elites, which coupled with an enhanced municipal autonomy resulted in many different models in the private/public grey area within the boundaries of a regulatory framework. Throughout the nineteenth century, it developed into a uniform system of coexisting public and publicly-subsidized Catholic networks which were simultaneously much more manageable and much more complex, due to expanding subsidizing mechanisms and regulations. This major development was heavily informed by the ideological turn towards 'subsidized liberty' taken by the Catholic party after the trauma of the school war, during which the liberals had put their views on a modern education system into practice. Once again, the underlying struggle proved to be between the prerogatives of the modern state in providing public education and the power over instruction and morals traditionally held by the Church. It made the Catholics realize, gradually and not without internal conflict, that they could no longer count on having an influence in increasingly laicized public schools and that instead they needed to fully engage with their own private network to safeguard their own educational project.

Thirty years of consecutive government power, helped by the slow pace of democratization and by shrewd power politics, gave the Catholic Party the chance to draw the lines of a new educational reality according to their own ideological preference for 'subsidized liberty', defying both internal and external opposition. The subsequent Catholic cabinets succeeded in building their own network substantially supported by the state, ultimately sacrificing their fear of state intervention on the altar of considerable financial support and long-lasting stability

¹⁰⁵⁹ ARA, Archives Ministry of the Interior. Enseignement primaire 47, 67, 78, 231: Besoins et ressources de l'enseignement primaire, 1885, 1895, 1905, 1911.

for their own network. The discourse of financial equality of public and publicly-subsidized ('private') schools was partly a rhetorical device: it was to strengthen the Catholic network, but meanwhile Catholics were always wary of giving the opportunity to other potential private providers (read: socialists) to build their own network. Financial equality was desirable to the extent and on the condition that it only reinforced the Catholic private network. Moreover, there were conflicts within the Catholic party as the growing dependence on government subsidies also shaped their private schools and made them susceptible to rules and regulations reflecting the modernized context. The system of subsidized liberty has made its effects felt to the present day. Though far less in intensity and number, subtle quarrels between the public and the private Catholic networks and their supporters still flare up regularly, not infrequently inspired by current debates about religious or ideological identity or the growing diversity of the school population.¹⁰⁶⁰

Although for obvious reasons of space and time this chapter was only focused on primary education in its narrowest sense, many of the same developments applied to and influenced other levels of education (nursery schools, secondary schools, universities, teacher-training institutions), other branches of education (work, industrial, technical, professional and domestic-science schools) or other providers of education.¹⁰⁶¹ Though influenced by a different legislative framework – or, more often, the lack of one – by the end of the century they generally found themselves in the same context of growing state involvement and subsidized liberty. Liberal city councils started to subsidize all sorts of professional schools in the second half of the nineteenth century, while the Catholic cabinets did the same with domestic-science schools for girls.¹⁰⁶² Finally, private providers other than Catholic, whether religious such as Jewish and Protestant or ideological, may have been marginal in the nineteenth century but have grown increasingly relevant in the modern-day discussions on education.

¹⁰⁶⁰ For some inspiring thoughts on the long-term developments of the education landscape, see Wynants (1998) 'Libérer la liberté d'enseignement', 46-53.

¹⁰⁶¹ Especially interesting for a good introduction to these forms of technical and professional schooling is D'hoker (1986) 'Het aandeel van de gemeenten in de ontwikkeling van het technisch onderwijs, ca. 1830-1933', 645-668, in which he also explores the unequal subsidizing of public and Catholic professional schools by the Catholic governments.

¹⁰⁶² Subsidies to professional schools totaled BEF 85,000 in Liège in 1905 and BEF 95,000 in Brussels in 1910. See (1905) *Bulletin administrative de la ville de Liège. Annexes*, and (1905) *Ville de Bruxelles. Bulletin communal*, II, 2020 ff. Around the same time, the provincial authorities in Liège did the same for about BEF 25,000. See ARA, Archives Cour des Comptes, Province of Liège, 7133 and 7136.

6

CHAPTER SIX | SOCIAL INSURANCE

'AIDE-TOI ET LE GOUVERNEMENT T'AIDERA'

MUTUAL AID AND 'SUBSIDIZED LIBERTY'

Since the mid-nineteenth century, and especially after the economic and agricultural crisis, hopes were up that much of the social misery could be prevented by spreading the self-help and mutual aid principles among the workers and by stimulating mutual-aid societies providing insurances against the consequences of sickness, disability or old age. Many hoped that the workers' growing self-sufficiency would eventually lighten the heavy burden of the public poor-relief system. But it was only from the late 1880s onwards that the mutualist movement gained momentum. This had much to do with the fact that, especially after the shocking events of 1886, the state undeniably started to assume a more important role in both social regulation and provision, as was already apparent in the previous chapter. Most labour legislation, such as the reduction of working hours, typically dates from this era. In terms of social provision, the state also gradually got more involved by means of higher social spending.

However, the growing state intervention did not clash with the core principles also underlying the public poor-relief system. Far from establishing a centralized state-run system of social insurances, the Catholic governments in power for 30 years starting in 1884 engaged in the same private/public cooperation, initially complementing and then gradually replacing local authorities' financial responsibilities. Just as before in the case of their feud with liberal governments, Catholic governments feared the demons of a secularized, revolutionary and centralized state. However, they followed this course not only out of a growing ideological adherence to the principle of subsidiarity. In an era of electoral reforms and growing democratization in which the socialist movement and political party gained massive popularity, advocating a more extensive and state-run social policy, the Catholic policy was obviously also and more importantly motivated by political reasons. Using their government power, they allocated more and more responsibility for providing social insurances to the growing number of mutual aid societies, and increased their financial support. The Catholic power politics specifically targeted the socialist organizations and later forced their cooperation in the same system. Increasingly influenced by the general movement towards competing socialist and Catholic (and to a lesser degree also liberal) ideological

'pillars' in society, the originally ideologically neutral mutual aid societies were embedded in ever growing and systematized structures, acting as an intermediary level between the state and society. The same was true for trade unions as part of the same broader labour movement. This laid the foundations for the so-called Belgian system of 'subsidized liberty' underpinning the modern welfare state, to this day still resembling the same interaction between private providers and state funding.

Just as in the preceding chapters, the main lines of this chapter will be chronological. The chapter starts off by looking at the origins of mutual aid associations between 1800 and 1848. The second section, treating the developments between 1848 and the late 1880s, continues by explaining the first legislative initiatives on mutual aid associations largely as an answer to the social and economic crisis and following the unrest of the late 1840s. Their slow early development was in sharp contrast to what transnational bourgeois reformers expected from the principles of self-help and mutual aid. They only started to flourish from the late 1880s onwards, sparked by another major social crisis, after which they gradually ended up in the 'battle for the worker' fought out mainly between the socialist and the Christian labour movements. In the thirty years of Catholic government power that followed, the Catholic cabinets carefully avoided following international and national examples that proposed other pathways to social insurance and instead patiently but steadily built their own system of 'subsidized liberty', mirroring their strategy in education policy. To fully grasp the firm Catholic commitment to subsidized liberty, as well as the reasons behind their choice for it and the consequences of this choice, the third and the fourth sections will cover the alternative pathways to social insurance and the Catholic policy of subsidized liberty, respectively, between 1886 and 1914. So to be clear, the third section will first have a look into alternative systems formulated and advocated by Christian Democrats, socialists and progressive liberals between 1886 and 1914, before the fourth section explores the gradual instalment of the system of subsidized liberty in the field of social insurances and the ways in which the Catholic governments actively used their government power to steer policy in this direction during the same period. The sixth and final section will briefly delve into the special subfield of unemployment insurance, the organization of which followed the general inclination to subsidized liberty, in spite of being put in place on the local level.

6.1 Self-help and mutual aid: the legacy of the ancient guilds (1800-1850)

In the early nineteenth century, the strategies of providential saving and mutual aid which people pursued to provide for some sort of allowance if misfortune struck them and which have become known as social insurance, were mostly remnants of earlier traditions. Less-formal types of mutual aid included relief funds organized by local pubs and parochial savings funds, but the most important legacy was that of

the ancient guilds. In the late medieval times, craft guilds had emerged which collected funds from members' subscription fees, fines and charitable income to provide limited relief for them and their families when necessary. By the eighteenth century their support had grown considerably, not least because the provision of insurance, which seemed to have become their core business, was among the most reliable forms of welfare provision available and it encouraged many people to join.¹⁰⁶³

During the French Revolution, guilds were abolished and prohibited as they symbolized conservatism, protectionism and the Ancien Régime the revolutionaries so despised. Some of the guilds, however, managed to survive and tried to continue their activities in secret. The circumstances improved as a French decree was issued that made it clear that mutual relief funds were not considered part of the coalition ban still in place. Some local authorities, for instance in Ghent, were positive towards and even supported the continuation of old funds and even, in some cases, the establishment of new ones.¹⁰⁶⁴ But new associations managed autonomously by workers had a hard time: because of the low wages and the industrializing context, they attracted few members and could hence offer only minimal benefits, making their existence untenable for more than a couple of years. Only funds that were created directly by factories in the textile industry seemed to enjoy some early successes. Moreover, these autonomous associations of workers were increasingly considered a threat to society as some had been proven to support strikers, and thus were an open violation of the coalition ban.

6.2 High expectations, low outcomes: the slow development of mutual aid (1850-1886)

Bourgeois reformers and governments started to devote their attention to the question of self-help and mutual aid only as an answer to the actual and perceived crisis of the public poor-relief system as well as the 1848 revolutions that had come with it. This was not at all surprising, as the principles of self-help and mutual aid fitted nicely within the liberal bourgeoisie's ideals and morals, as opposed to the revolutionary reform in 1848 that went through Europe like a shock wave. Years of agricultural and economic crisis around that time made it unsurprising that the public poor-relief system was inundated with people struck by sickness, poverty and chronic unemployment and that it was increasingly under fire. While, as shown in chapter four, the poor relief system was funded mainly by the former (often Catholic) charitable institutions, capitals and lands that had been nationalized and assigned to the local public institutions during and after the French revolution, local and central government were responsible for filling the financial gaps. The

¹⁰⁶³ Van Leeuwen (2002) 'Histories of Risk and Welfare', 40-43 and Lis and Vanthemsche (1995) 'Sociale zekerheid in perspectief', 39.

¹⁰⁶⁴ Companje et al. (2009) *Two centuries of solidarity*, 77-79.

crisis made their expenses soar and there was little or no political will to extend the government's support. While poor relief should only be the last and final step for 'deserving' people that did not have any alternative, it was now also widely provided to the 'undeserving', who had often become (temporarily) unemployed.¹⁰⁶⁵ Calculations were made to demonstrate that more than 50% of the people on poor relief had fallen victim to unemployment due to sickness or old age.¹⁰⁶⁶ Reformers therefore had high hopes of associations providing insurances on the basis of self-help and mutual aid as a more fundamental solution.

If people like Ducpétiaux realized that poor relief and mutual aid were at least solutions to the same wider question, some reformers were even under the illusion that mutual aid associations could entirely replace the need for a poor-relief system. This kind of discourse was widely shared in transnational circles of liberal, bourgeoisie reformers and philanthropists.¹⁰⁶⁷ One of the concluding resolutions at the *Congrès international de bienfaisance* in Brussels in 1856 said that self-help and providence (*prévoyance*; in the sense of preparation for the future) was 'one of the principal means to avert and to relieve the effects of alimentary and industrial crises and misery in general'.¹⁰⁶⁸ Five years later in London, they were even more ambitious in hoping that the poor relief system should 'at least be supplemented, if not replaced' by these new self-help initiatives.¹⁰⁶⁹ A modern society, so it was argued, should expect more from tackling the origins of pauperism than from trying to soften its consequences whilst actually only causing it to extend and aggravate. Dissident opinions quoted English numbers to prove that establishing and stimulating such mutual aid associations to provide insurance for workers would not be able to stop the rise of poverty and seriously questioned the financial capacities of workers, but such critical opinions were scarce and could not temper the mainstream enthusiasm about self-help and mutual aid solutions.¹⁰⁷⁰

When in 1846 and 1847 Belgium, too, was hit by a major economic and agricultural crisis that fostered social unrest across Europe, the national government considered the spreading of the idea of *providence* as one of the most productive measures for guaranteeing the well-being of the working class. Part of the broader solution was encouraging mutual aid associations to provide a limited insurance for their members in times of hardship, in order to prevent them from ending up in the public poor-relief system. Such associations it was asserted, and not without a hint of paternalism, were the perfect place for workers to learn the values of saving, thrift and interpersonal solidarity. However, the establishment of a state-funded Annuity Funds and a legal framework for the mutual aid associations in the early 1850s could not make them prosper. Only after another, different sort of crisis in

¹⁰⁶⁵ Lis (1986) *Social change and the Labouring Poor, Antwerp 1770-1860*, 127.

¹⁰⁶⁶ Dubois (1900) 'Un projet de réforme de la bienfaisance en Belgique', 792.

¹⁰⁶⁷ Van Damme (1985) 'Industrialisering en sociale politiek (begin 19e-begin 20ste eeuw)', 178.

¹⁰⁶⁸ (1857) *Congrès international de bienfaisance de Bruxelles: Session de 1856. Tome I*, 485.

¹⁰⁶⁹ (1863) *Congrès international de bienfaisance de Londres: Session de 1862. Tome I*, 86-87. See also 150.

¹⁰⁷⁰ De Percéval (1851) *Sociétés de secours mutuels. Discours prononcé par M. Armand de Percéval*, 10.

1886 did the number of recognized mutual aid associations start to grow exponentially. In the spring of 1886 heavy strikes in the coal basins of Liège, followed by brutal actions by the police and the army, had sparked an unforeseen outburst of social unrest, making the Catholic government recognize the gravity of the situation. It would be the start of an unprecedented growth of new legally recognized (often Catholic) associations. These three phases, namely the coming about of the legal framework of the 1850s, the slow development and the sudden increase after 1886, will make up the following section.

Mutual aid as a form of crisis control: the first law on mutual aid associations (1851)

Charles Rogier, who had become the leader of the first liberal cabinet in 1847, made it immediately clear that he considered self-help and mutual aid, in combination with clever ways of state intervention, necessary to defuse the crisis. His predecessor had asked local authorities via the provincial governors to consider establishing their own 'provident funds' (*fonds de prévoyance*). Rogier himself had been advocating the establishment of a state-funded savings and annuity fund since 1842.¹⁰⁷¹ Visschers, too, considered such a fund essential to encouraging both individual workers and mutual aid associations to safely put their money away at an interest.¹⁰⁷² The two men realized that saving for a pension that would be paid out only in the distant future was not only a heavy financial burden but also took serious mental effort for workers who did not have much to spare. Moreover, they would only entrust their money to someone on such terms if they knew it would be safe and sound. Both considerations justified the direct provision by the state of such a fund well enough. Ideas in favour of a state fund were initially held off by liberal bankers who feared competition with the private bank sector, but with the banks not being spared by the crisis, their opposition was wiped away. An 1850 law established an official pension funds by the state which in 1865 was merged with a savings bank, becoming known as the *Algemene Spaar- en Lijfrentekas* (General Annuity Funds, or ASLK).¹⁰⁷³

In the meantime, discussions had been started on a bill about mutual aid associations. Providing a legal framework for such associations was seen as the second part of the diptych and inextricably linked to the establishment of the ASLK. Compared to saving for their pensions, putting aside money for times of sickness or disability was considered far more feasible for an association of workers to do by their own initiative.¹⁰⁷⁴ Therefore, direct state intervention was not needed. It was stressed that those associations which did not want to enjoy the advantages of legal recognition would retain their full freedom.¹⁰⁷⁵ Freedom and spontaneous activity

¹⁰⁷¹ Parmentier (1986) 'Het liberaal staatsinterventionisme in de 19de eeuw. Een concreet geval: de oprichting van de A.S.L.K.', 390.

¹⁰⁷² Visschers (1848) *De l'organisation des caisses communes de prévoyance en faveur des classes laborieuses*, 11-12.

¹⁰⁷³ Companje et al. (2009) *Two centuries of solidarity*, 79-80.

¹⁰⁷⁴ Parliamentary Documents, Chamber of Representatives, 1850-1851, n°48, 1.

¹⁰⁷⁵ Parliamentary Documents, Chamber of Representatives, 1849-1850, n°272, 1.

were indeed the foundations of self-help and mutual aid, and in these foundations lay a large part of their success. The legal framework was seen as something that would only make the mutual aid movement flourish even more, as it had done in England, the country of mutual aid par excellence.¹⁰⁷⁶ In the last lines of the introduction to its bill in 1850, the government had sounded confident that ‘The proposed measures in favour of the mutual aid associations will only contribute to increasing the number and to improving the organization of these useful institutions.’¹⁰⁷⁷

Like a similar law in France which was promulgated the year before and on which the Belgian bill drew heavily, the final draft seemed, according to the French historian André Gueslin, ‘reprimanding and encouraging, sometimes going hand in hand in the same text’.¹⁰⁷⁸ On the one hand, as many authors in the past have emphasized, the government seemed to display a certain reluctance and distrust towards the mutual aid associations.¹⁰⁷⁹ As already mentioned, the government was wary of revolutionary activities hidden under the cloak of mutual aid associations. Legal recognition was therefore only granted after a set of strict conditions had been met, and had to be approved by royal decree. A *Commission Permanente* with Visschers as the obvious president and Ducpétiaux as one of the members was installed to give advice on the applications for legal recognition, to follow up on the broader question of mutual aid and to report back to the government.¹⁰⁸⁰ On the other hand, the associations were granted certain limited financial advantages. They were exempt from stamp taxes and registration fees and were allowed to go to court and to accept donations and bequests of moveable property – something which charitable institutions could only dream of. The Ministry of the Interior distributed models for the articles of association, and starting in 1862 would also offer awards every three years to the financially most well-organized associations.¹⁰⁸¹ In any case, the bill was seen as interventionist enough by contemporaries.

Apart from the limited financial advantages, the definitive law was totally silent about direct financial support by the state in the form of subsidies. With good reason, because Rogier considered financial support only justified in extraordinary situations and did not want to make mutual aid associations structurally dependent on it:

Si l'Etat doit intervenir directement pour la constitution d'une caisse de retraites, sa mission consiste surtout, relativement aux sociétés ordinaires de secours mutuels, à encourager leur formation. Ces associations doivent naître de l'initiative privée,

¹⁰⁷⁶ de Boutteville (1847) ‘Sociétés de prévoyance’, 688-689.

¹⁰⁷⁷ Parliamentary Documents, Chamber of Representatives, 1849-1850, n°272, 2.

¹⁰⁷⁸ Gueslin (1998) *L'invention de l'économie sociale*, 149.

¹⁰⁷⁹ See for instance Companje et al. (2009) *Two centuries of solidarity*, 79-80 and Rezsóhazy (1957) *Geschiedenis van de Kristelijke mutualistische beweging in België*, 71.

¹⁰⁸⁰ (1851) *Sociétés de secours mutuels. Loi du 3 avril 1851. Arrêté royal du 12 mai 1851. Rapport de la Commission nommée par cet arrêté*, 11ff and (1851) *Pasinomie*, 181.

¹⁰⁸¹ (1851) *Pasinomie*, 73-79 and (1862) *Pasinomie*.

*convenablement préparée et secondée. Il faut que les ouvriers, soutenus par leurs patrons, se réservent, autant que possible, l'honneur et le soin d'organiser une épargne pour les jours de maladie et d'incapacité momentanée de travail. [...] On doit éviter d'introduire comme règle le principe de l'intervention pécuniaire de l'Etat en faveur de ces associations. L'ouvrier doit compter, avant tout, sur lui-même, sur son travail, sur la fruit de sa prévoyance. [...] L'autorité interviendra principalement d'une manière tutélaire, pour éclairer et encourager. Sans accorder de secours direct, à moins de circonstances extraordinaires, l'Etat contribuera à alléger les charges qui pèsent sur ces associations.*¹⁰⁸²

Thus, in keeping with the reigning spirit, the nature of intervention was in theory more regulatory than financial. However this did not mean that subsidies *in fact* did not already play an important role from the start. Back in 1848, the parliament had agreed to the extra expenses of BEF 200,000 'to foster the establishment of provident funds in favour of the working class,' of which BEF 30,000 was aimed at granting a limited subsidy as a means of encouraging both existing and newly founded mutual aid associations.¹⁰⁸³ This role of the state harmonized perfectly with the prevalent discourse. The parliamentary report discussing the government's bill, supported the cabinet in its vision that

*Le Gouvernement, qui ne peut pas tout faire, comme le voudraient certains novateurs, mais qui n'est point condamné non plus à ne rien faire, comme quelques-uns essaient de le soutenir, peut avoir une part honorable dans cette œuvre de prévoyance, de charité et de progrès.*¹⁰⁸⁴

To justify such subsidies, the cabinet and Rogier found a rewarding precedent in the existing state subsidies for similar provident funds in the mines. The mines were plagued by accidents, with 1,175 men dead and another 860 wounded between 1835 and 1844, leaving the same number of families without an income. Therefore, such funds had been established and their recognition awarded by royal decree in the major mining regions in 1839 and 1840. As the senior official for the mines and their funds, Visschers never refrained from emphasizing their importance for the prosperous development and relative stability of those funds throughout the years. It was not so much their financial importance he applauded – the state subsidies only accounted for about 2% of the expenses¹⁰⁸⁵ – as the psychological and moral support they meant for the mine operators and the workers and their mutual aid efforts:

Les nombreux accidents qui arrivent dans les mines, le nombre des victimes, l'état des caisses, justifient l'allocation du subside de l'Etat. Bien plus, ce subside est indispensable: il forme le lien qui réunit les exploitants; il les détermine à supporter les charges assez lourdes qu'entraîne leur adhésion. Supprimez ce subside; la conviction de tout exploitant,

¹⁰⁸² (1849) *Sociétés de secours mutuels pour les ouvriers et sociétés d'épargnes pour l'achat*, 4.

¹⁰⁸³ (1850) *Pasinomie*, 294 and (1849) *Sociétés de secours mutuels pour les ouvriers et sociétés d'épargnes pour l'achat*, 146.

¹⁰⁸⁴ Parliamentary Documents, Chamber of Representatives, 1850-1851, n°48, 1.

¹⁰⁸⁵ Visschers (1858) 'Exposé sur les institutions de prévoyance en Belgique', 181-182.

*la nôtre, c'est que les caisses auraient bientôt cessé d'exister. [...] Si, d'une part, l'esprit de charité doit réunir dans une même association les membres d'un même corps d'état, de l'autre, quel puissant dissolvant que l'intérêt privé! Le subside de l'Etat fait pencher la balance en faveur de l'association.*¹⁰⁸⁶

He saved the last words of the same text for praising the cabinet: 'Honours also to the cabinet, who by its annual subsidy preserves, consolidates and maintains this institution!', and repeated the same message fifteen years later at the international congress in London.¹⁰⁸⁷ With his unambiguous support for state subsidies as an essential incentive, Visschers had surely contributed to making fellow policy-makers and politicians accustomed to the mere idea of subsidies and to their moral importance.

Forty years of creeping development (1851-1886)

During the years that followed, it was abundantly clear how much social reformers expected from self-help and mutual aid. Indeed, self-help and mutual aid were not only the material answer that would better tackling the roots of the social problem, but they were also the moral answer to the crisis' social and political consequences of moral decay and revolutionary uproar. Self-help would teach the worker to be prudent with his income, be self-sufficient rather than be dependent on others and thus also content himself with his (inferior) place in society.¹⁰⁸⁸ It was even believed that self-help was the sine qua non for every attempt from above to better the workers' situation, as Visschers put it in a quite paternalistic way in London in 1862:

*Si nous nous occupons du bien-être matériel et moral des populations ; si nous veillons sur la santé le développement des forces physiques et intellectuelles de l'homme dès ses premières années ; si en le guidant, en l'éclairant, en le protégeant, nous cherchons à faire disparaître les entraves qui paralyseraient ses mouvements, l'exercice de ses facultés, c'est à une condition : qu'il s'aide lui-même ; le self help, comme on dit en Angleterre, doit être la base de tout système de secours.*¹⁰⁸⁹

The bourgeois reformers, however, also realized and admitted that the circumstances in which the workers lived made them vulnerable and weak in their feeble attempts to make progress. They were realistic enough to acknowledge that it would not come from their individual savings alone. Fortunately, so they argued, workers could not only help themselves, but they could also – and should therefore – resort to their peers who were in the same situation. Workers associating in mutual aid associations was applauded, as 'what is difficult to the individual

¹⁰⁸⁶ Visschers (1847) *De l'état actuel et de l'avenir des caisses de prévoyance en faveur des ouvriers mineurs*, 11 and 105.

¹⁰⁸⁷ Visschers (1863) 'Des caisses de prévoyance en faveur des ouvriers mineurs en Belgique', 337.

¹⁰⁸⁸ In contrast with what Parmentier argued, I do not think that much of the prevalent discourse stressed the opportunity for social mobility. It rather tried to content and comfort the worker with his rightfully lower position in the social order. Parmentier (1986) 'Het liberaal staatsinterventionisme in de 19de eeuw. Een concreet geval de oprichting van de A.S.L.K', 383. See for instance (1858) *Congrès international de bienfaisance de Francfort-sur-le-Mein. Session de 1857. Tome I*, 184.

¹⁰⁸⁹ Visschers (1863) 'Rapport sur les Mémoires relatifs à l'état social et économique de la Belgique', 97.

becomes less painful (*pénible*) and less complicated if it is supported by association.¹⁰⁹⁰ Belgian reformers specifically invoked association as a national tradition and one of the virtues of the Belgian people.¹⁰⁹¹ In the absence of any initiatives by their employers or by the state – and regardless of whether such intervention was desired or rejected – self-help and mutual aid was considered most fundamental.¹⁰⁹² This is also why they were often bracketed together, considered part of the same plan, for instance here by Ducpétiaux:

*Ainsi, l'association est considérée généralement comme l'instrument essentiel de la régénération de la classe ouvrière; on a reconnu que l'Etat n'avait pas mission et était incapable d'assurer à tous le travail et le bien-être; les travailleurs ont compris qu'ils devaient s'aider eux-mêmes.*¹⁰⁹³

However, there was another side to the coin. Some liberals still opposed the idea of mutual aid associations because it was against their fundamental preference for the individual's total emancipation. The fact that such associations reminded them of their illiberal, closed and protectionist predecessors, the ancient guilds, was not in their favour. Conversely, the same associations were feared by others to be a mere mask for their members' revolutionary activities – and not without some truth – especially after the popular uprisings in 1848.¹⁰⁹⁴ That fear had also underpinned the first laws on mutual aid, both in France as in Belgium, as stated above.¹⁰⁹⁵ Especially Catholics, however, liked to emphasize the link between the mutual aid associations and the ancient guilds, which constituted their romanticized ideal of social harmony and a hierarchical society.¹⁰⁹⁶ Such ideas would rise to prominence more powerfully than ever and from an unambiguously positive perspective at the end of the century in the widely shared neo-Corporatist discourse, as shown in chapter three in the cases of Victor Brants and Adolphe Prins.¹⁰⁹⁷

The emphasis on individual initiative and association made the discourse fit perfectly in the wider subsidiarity discourse prevalent at that time. The most powerful answers to social crisis occurred when individuals stood up and brought themselves and other companions together in a spontaneous association, so the liberal cabinet leader Charles Rogier said:

Cette mission que j'ai indiquée, le gouvernement doit la remplir comme mandataire de la société. Mais son concours est subordonnée nécessairement, d'abord à l'initiative de ceux qui doivent en retirer un avantage direct, ensuite à la participation de ceux qui vivent en

¹⁰⁹⁰ Dejace (1900) 'Le loi sur les pensions de vieillesse', 234.

¹⁰⁹¹ See for instance Pieter De Decker in the parliamentary discussions: 'la vie propre des associations qui existent de temps immémorial en Belgique', see Parliamentary Proceedings, Chamber of Representatives 18 February 1851. See also (1851) *Pasinomie*, 74.

¹⁰⁹² Dauby (1871) 'Des moyens d'assurer une pension de retraite aux ouvriers vieux ou infirmes', 99-100.

¹⁰⁹³ Ducpétiaux (1867) 'La question ouvrière', 626.

¹⁰⁹⁴ Companje et al. (2009) *Two centuries of solidarity*, 48.

¹⁰⁹⁵ Gueslin (1998) *L'invention de l'économie sociale*, 149.

¹⁰⁹⁶ Rezsóhazy (1957) *Geschiedenis van de Kristelijke mutualistische beweging in België*, 83 and Visschers (1854) *Over de maatschappijen van onderlingen bystand in België*, 5.

¹⁰⁹⁷ See for instance the introduction to Parliamentary Documents, Chamber of Representatives, 1894-1895, n°129, 1 or several of the speeches by Brants and Prins in the *Conseil Supérieur du travail*.

*contact immédiat avec la classe ouvrière [...] l'association et la mutualité sont les pivots de toutes les combinaisons ayant pour objet de consacrer une garantie contre les chances défavorables de l'avenir.*¹⁰⁹⁸

The state, far from substituting itself for and thus destroying these individual energies, had to stimulate or encourage such initiatives, only actually assuming a direct role if and when it was established that individual initiative had not been successful. Thus, Visschers, as a high official who was responsible for the national mines and their related 'provident funds' (*voorzorgskassen*, or funds with contributory schemes established by the state to cover the expenses of disability and wage loss due to accidents), had demanded from the late 1840s onwards that the state establish a general fund for pensions with which workers could affiliate themselves through the intermediary of a mutual aid association. Although he held a somewhat more paternalist view, by advocating associations run by employers, they were still the result of private initiative and association, and subsidized by local and provincial authorities and, if necessary, the state.¹⁰⁹⁹ Ducpétiaux, on the other hand, emphasized the importance of the workers' own initiative, independence and self-sufficiency, if they were able to provide for themselves, and if they were not, the necessary task of society and the state to help them reach their goals. In his wider work on the 'workers' question' in the last years of his life, he acknowledged that workers were to be helped on three levels:

*Assister ceux qui ne peuvent s'aider eux-mêmes; tendre un main fraternelle à ceux qui veulent s'élever, et seconder leurs efforts tout en respectant leur initiative; fonder sur une base solide l'indépendance des travailleurs d'élite, indépendance dont ils comprennent désormais les devoirs et acceptent la responsabilité.*¹¹⁰⁰

Remarkably and significantly, it was precisely these three men – Rogier, Visschers and Ducpétiaux – who were commended for their visions by the *Commission Permanente* on mutual aid in the beginning of the twentieth century.¹¹⁰¹

While the Ministers of Justice and the Interior hoped and expected an increase in mutual aid associations, the years and decades that followed made it abundantly clear that the 1851 Act had in fact had a very meagre impact. In spite of continuous positive messages by the *Commission Permanente* about the 'continuous and steady development' and the 'fruitful legislation', the numbers of recognized associations remained surprisingly low. Various reasons accounted for this. First and foremost, politicians and policy-makers such as Visschers probably seriously overestimated the workers' financial capacity. During the discussions in parliament, one representative had questioned whether 'it was rational to start with savings and provident funds in favour of those who have hardly enough for their legitimate

¹⁰⁹⁸ (1849) *Sociétés de secours mutuels pour les ouvriers et sociétés d'épargnes pour l'achat de provisions d'hiver*, 2. For another speech by Rogier see also (1849) *Discours prononcés par M. Ch. Rogier, Ministre de l'Intérieur, dans la discussion générale du budget du département de l'Intérieur*, 56.

¹⁰⁹⁹ Visschers (1848) *De l'organisation des caisses communes de prévoyance en faveur des classes laborieuses*, 3-14.

¹¹⁰⁰ Ducpétiaux (1867) 'La question ouvrière', 627-628.

¹¹⁰¹ (1900) *Les progrès de la mutualité en Belgique de 1895 à 1900*, 3.

daily needs?¹¹⁰² Even more towards the end of the century, when wages had been generally going up, this remained a problem. The French inspector general of the public poor-relief system confronted his fellow participants rather bitterly at an international congress on the public poor relief system in Paris in 1889:

*Sans me préoccuper de l'augmentation absolue ou relative du salaire depuis vingt, trente, cinquante ans ou plus, je demande à toute personne un peu au courant de la vie parisienne, si un père de famille, avec sa femme et deux ou trois enfants, peut trouver dans la somme en question autre chose que la subsistance au jour le jour, loin qu'il lui soit possible de mettre, comme on dit, « quelque chose de côté ».*¹¹⁰³

The wages were simply not enough to set something aside. It was for good reason that some of the earliest and strongest mutual aid associations had formed in Brussels among well-paid highly skilled craftsmen.

However, even if and when workers were capable of investing part of their wages, they were reluctant to do so. Spreading the self-help and mutual aid principles had had as its most important aim to infuse common workers with the typical bourgeois ideals. Yet for many workers, who were in totally different positions and had little hope outside of getting by in everyday life, these ideals remained distant and strange. When the government made the local councils aware via their provincial governors of the start-up subsidies for new mutual aid associations and asked them to promote such efforts in their localities, the answers did not lie. Few people were eligible to participate in a potential mutual aid association; few people were actually willing to burden themselves with its organization; there was a general lack of financial means as well as a lack of a meeting room.¹¹⁰⁴ Yes, mutual aid associations could count on important financial incentives from the state. Aside from the financial advantages stipulated in the 1851 Act, the national government provided limited start-up subsidies for societies (never more than BEF 150 each) and prizes for the award-winning associations. That such 'generous' opportunities were not taken clearly frustrated some of the policy-makers. Henri T'Kint de Roodenbeke de Naeyer (1817-1900), a unionist politician and later president of the *Commission Permanente*, lashed out in front of the international audience in London in 1862:

*L'intervention du gouvernement n'a pas été en général comprise comme elle méritait de l'être. Au lieu d'accueillir comme un bienfait les garanties de loyauté, de régularité et de lumière, ainsi que les promesses d'assistance et d'appui, que l'intervention désintéressée du gouvernement venait apporter aux sociétés de secours mutuels, nous n'avons vu que trop souvent cette intervention éveiller des appréhensions et être repoussée avec méfiance.*¹¹⁰⁵

¹¹⁰² De Percéval (1851) *Sociétés de secours mutuels. Discours prononcé par M. Armand de Percéval*, 3.

¹¹⁰³ Regnard (1889) 'Dans quelle mesure l'assistance publique doit-elle être obligatoire. Rapport', 17.

¹¹⁰⁴ RAG, Provincial Archives East Flanders 1830-1850, 868/4: letters by the provincial governor 25 and 31 August 1848; letters by the provincial governor during October and answers by local councils in November and December 1848.

¹¹⁰⁵ T'Kint de Naeyer (1863) 'Notice sur les sociétés de secours mutuels en Belgique', 332.

Yet, at an earlier international meeting Visschers had admitted that the financial advantages, which did not substantially increase over the years, 'had not seemed considerable enough to make a great number of associations profit'.¹¹⁰⁶

Although it was granted that the financial incentives seemed not very successful, government subsidies to mutual aid associations never substantially increased over this period (see figure 14). Not that societies had not made requests for extra financial support, for funding their anniversary or for filling a gap in their accounts; however, the government proved to be rather rigid.¹¹⁰⁷ Without counting the bonuses for award-winning associations which were awarded irregularly over this period (almost BEF 5,000 in 1878 and about BEF 7,000 in 1884 and 1887), the amount of government subsidies totalled about BEF 8,000. The largest share of the subsidies were granted on behalf of the local authorities, whose share was never below 2/3 before 1886 (again, bonuses not included). It was only after 1886 that subsidies started to increase, especially on behalf of the provinces and the state. With regard to the provinces, this increase was accounted for by the introduction from this period onwards of new credits, as a matter of fact partly under the influence of the state, as will be demonstrated further on. The state itself, however, still granted the same start-up subsidies as before – for the time being. Their increased amounts of subsidies from 1887 therefore were more a reflection of the increased number of new mutual aid associations.

What people like T'Kint de Roodenbeke de Naeyer underestimated while boasting of the financial advantages were the repressive measures built in to the 1851 law. The cabinet had added an article to the original draft which granted the local authorities, the mayor and the aldermen, the right to be present at the association's meetings at all times. An even graver problem still was that if the mutual aid association stopped its activities or was dissolved, its assets would not be distributed back to the original owners but instead would fall into the hands of the government. The assets would be distributed either to another, similar association or to the local Welfare Office, or could be reinvested in a new association recognized within 5 years in the same locality.¹¹⁰⁸ Obviously, however, even the slightest risk of losing the money set aside at such hardship for all those years was extremely uncomfortable for people who already had little to spare.

Taken together, these considerations meant that few societies were inclined to search for legal recognition. The *Commission Permanente* calculated in 1864 that by the end of 1860 only 36 associations had been recognized (which had become 54 by the time the report had gone into publication), in contrast to some 250 non-

¹¹⁰⁶ Visschers (1857) *Aperçu des institutions de prévoyance de la Belgique*, 18.

¹¹⁰⁷ RAG, Provincial Archives East Flanders 1850-1870, 695/6: Stukken en correspondentie betreffende subsidies aan maatschappijen van onderlinge bijstand, 1861-1867.

¹¹⁰⁸ (1851) *Pasinomie*, 77. See for example RAG, Provincial Archives East Flanders 1850-1870, 696/5: Oordegem, 1865.

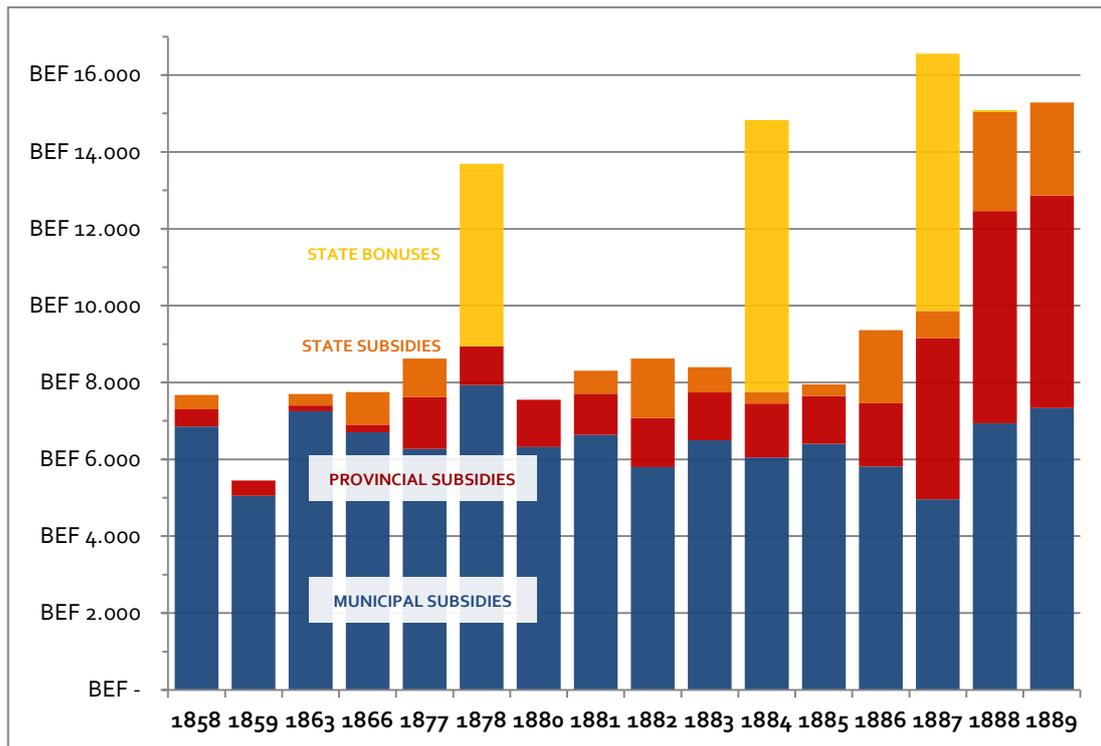


Figure 14. Subsidies to mutual aid societies by the local (blue) and provincial (red) authorities and both start-up subsidies (orange) and bonuses for award-winning associations (yellow) by the state between 1858 and 1889 (non-continuous series).¹¹⁰⁹

recognized associations known to the authorities, together comprising about 50,000 members.¹¹¹⁰

In reality there were undoubtedly many more unrecognized societies. Even more new unrecognized societies emerged after the repeal of the coalition ban, the infamous Le Chapelier law, in 1866.¹¹¹¹ An exact count of the existing unrecognized societies was difficult considering the varying forms in which such mutual insurance funds existed and their fluctuating numbers.¹¹¹² As they did not have to meet the stringent conditions imposed by the law, such funds lacked the necessary minimal standards of accountancy and were often administered on a purely empirical basis of trial and error, resulting in many failures.

¹¹⁰⁹ Calculations based on RAG, Provincial Archives East Flanders 1850-1870, 698/1: Rapporten van de bestendige commissie voor maatschappijen van onderlinge bijstand, and the recurring reports of the *Commission permanente*.

¹¹¹⁰ (1864) *Coup d'œil sur le nombre*, 16-17.

¹¹¹¹ Companje et al. (2009) *Two centuries of solidarity*, 83.

¹¹¹² The same report mentioned in a footnote several cases of unrecognized societies of which they had not received numbers, let alone of unrecognized societies of whose existence they were altogether unaware. So in fact the calculation by Companje et al., who counted around 200 societies with about 70,000 members around mid-nineteenth century was probably close to reality. See (1864) *Coup d'œil sur le nombre*, 16-17 and Companje et al. (2009) *Two centuries of solidarity*, 51. Visschers (1854) *Over de maatschappijen van onderlingen bystand in België*, 5.

Mutual aid as a form of crisis control (bis): the 1886 shock, sudden growth and ‘pillarization’

In the spring of 1886 heavy workers’ strikes started in the coal basins of Liège and instantly spread to the other industrial regions of the country, followed by brutal reprisals by the police and the army. The unforeseen outburst of social unrest and violence, and the resulting casualties, roused the political bourgeoisie from their dreams of social harmony. Only a year before, the socialist Belgian Workers’ Party had been established; the events of 1886 now demonstrated their terrifying electoral potential. The cabinet answered by shifting its focus to social policy, and started by installing the already mentioned *Commission du Travail*, on which Brants and Prins had seats. Catholics both at the time and later on tried hard to deny the fact that Catholic governments had only taken action after the 1886 events and for their own opportunistic reasons, but they were quite unsuccessful.¹¹¹³ With regard to the mutual aid associations, 1886 would indeed be the start of an unprecedented growth of new legally recognized (often Catholic) associations.

While there were still only about 200 recognized mutual aid associations at the end of 1885, compared to 54 in 1864, this number had already tripled by 1895. By the end of 1905 the number of recognized associations was 2,400, consisting of about 265,000 active members.¹¹¹⁴ As for pension funds, the number of people affiliated with the ASLK (General Annuity Funds) through mutual aid associations saw an even more spectacular increase, from 8,000 members (150 pension funds and/or mutual aid associations) in 1895 to around 455,000 members (4,500 pension funds and/or mutual aid associations) in 1905.¹¹¹⁵ Furthermore, while mutual aid associations had been male dominated and often explicitly excluded women, who were thought to be a higher risk, the number of women participating, and their share in the total number of members in mutual aid associations was also on the rise. Associations started to be more open for women, but more importantly, women-only associations were established.¹¹¹⁶ While only 711 women participated in a recognized association in 1885 (2.3%), this had already risen to 6,179 women in 1895 (6.3%).¹¹¹⁷ The fact that it became more difficult to estimate the exact numbers because of the categories of societies, was only more evidence that not only was there a great number but also a great variety of societies.

The mutualist movement clearly had the wind in their sails for a number of reasons. Some minor but important administrative modifications were made to tailor the existing laws better to their main target group, the workers. Two royal decrees in 1889 and 1890 reduced the minimum deposit for a pension to BEF 1 and made it possible for deposits to be taken by post servants, who were among the civil

¹¹¹³ See for instance Parliamentary Proceedings, Chamber of Representatives, 24 May 1905, 1450; 25 May 1905, 1462 and 26 May 1905, 1485.

¹¹¹⁴ (1906) *Rapport de la Commission permanente des sociétés mutualistes*, 3.

¹¹¹⁵ (1906) *Rapport de la Commission permanente des sociétés mutualistes*, 16.

¹¹¹⁶ (1906) *Rapport de la Commission permanente des sociétés mutualistes*, 4.

¹¹¹⁷ (1897) ‘Statistique de la mutualité en Belgique de 1885 à 1895’, 327.

servants closest to workers on a daily basis.¹¹¹⁸ These changes were only the start and would add up to major legal reforms and new laws, as will be explored in the next section. The government now also attempted to more actively spread the message of mutual aid associations to get more workers affiliated. Following the report of the *Commission du Travail*, an 1887 royal decree had set up a system of provincial and regional propaganda committees, through which the provinces from then on annually distributed BEF 23,000 in subsidies.¹¹¹⁹ They were extended by law to ‘patronage committees’ in 1889, receiving their funds now directly from the new Ministry of Industry and Labour.¹¹²⁰ Moreover, by the end of the century the financial position of many workers had improved at least a little, though much depended on their specific situation, which made them more inclined to participate in a mutual aid association.

Most importantly, the mutualist movement ended up in an ongoing process of democratization, which resulted in the electoral battle for the worker fought out between the emerging socialist and Christian workers’ movements.¹¹²¹ Workers were encouraged to affiliate or participate, not only out of sincere concerns for their lives but also out of competition among the associations. Even more than before, mutual aid associations became the cradles of socialization to bind the workers to the respective ideological ties. As a Christian democrat later noted, it was the Catholic nobility and priests who ‘carried the load’ and set out for an offensive on the local level to found new associations wherever they saw fit, not unlike their role during the ‘school war’.¹¹²² Socialists on the other hand developed their mutualist movements within their broader movement of cooperative associations and trade unions. Pillarization and growing competition led to a vicious circle, only further contributing to the extension of services and subsidies.

6.3 Challenging mutual aid: different pathways to social insurance at home and abroad (1886-1914)

By the late 1880s, new international congresses and even permanent associations were founded specifically devoted to the subject of social insurances, during a new peak of transnational activity at the dawn of the twentieth century.¹¹²³ Following the first congress on accident insurance in 1889 in Paris, a *Comité permanent international des assurances sociales*, acting as an organizing committee for coming congresses, was established in 1890. New congresses followed in Bern in 1891 and

¹¹¹⁸ (1891) ‘Société belge d’économie sociale. Séance du 25 mai 1891’, 310.

¹¹¹⁹ (1887) *Pasinomie*, 110-111 and Du Sart de Bouland (1890) *Les sociétés de secours mutuels en Belgique depuis 1830*, 86-89.

¹¹²⁰ (1897) *Rapport sur la question de la répartition du subside annuel accordé par le Gouvernement aux Sociétés mutualistes qui affilièrent leur membres à la Caisse de Retraite sous la garantie de l’Etat*, i.

¹¹²¹ See Gerard (1991) *De Christelijke arbeidersbeweging in België 1891-1991*.

¹¹²² Carton de Wiart in Parliamentary Proceedings, Chamber of Representatives, 19 May 1905, 1421.

¹¹²³ See chapter two, section 2.4.

in Milan in 1894. Although the various national systems differed substantially, the tone of such meetings was generally in favour of more state intervention. This was explicitly mentioned at the *Congrès international pour la protection ouvrière* in 1897 in Zurich, which invited ‘all the representatives of workers’ associations without distinction of political or religious affiliation, who consider state intervention in favour of the working class as justified, necessary and urgent’.¹¹²⁴ Applied to the field of social insurances, this meant, according to the conclusions of the congress in Milan, that ‘the public authorities favour the associations created to that end by private initiative and combine action by the state with that of the associations’.¹¹²⁵ The importance that some of the reformers attached to the mutual aid movement and their involvement in the provision of social insurances is apparent from the fact that from 1900 international congresses on mutual aid were held. Here, too, there were attempts to establish a permanent secretariat and organize recurring congresses.¹¹²⁶ The Belgian press did not refrain from reporting about examples from abroad, especially Germany, and even regularly listed the legislative initiatives in social matters abroad.¹¹²⁷

The focus on this renewed transnationalism and the calls for state intervention came from various corners of the ideological landscape and laid the basis for new proposals in Belgium to reform legislation on social insurances. The German example of Bismarckian social insurance was by far the most well-known and seemed to highly inform some corporatist and Christian democrat and even socialist bills on social insurance during 1886 and 1914. What the proposals seemed to have in common, borrowed from the German state insurance system, was a preference for contributory schemes in which workers, employers and the state shared the financial burden, whether or not administered by the existing mutual aid associations. Such proposals would never see the light of day, because they did not rhyme with the conservative Catholic government and its policy of subsidized liberty, which started to stretch out over several policy domains. That these alternative pathways to social insurance did not succeed does not make them any less interesting. In fact, looking at some examples and the motives that made each one uninteresting or unacceptable for the Catholic governments will considerably amplify our understanding of the system of subsidized liberty itself, as will be explained in detail in the next section. Therefore this section will first generally explain these ‘alternative pathways’ to organizing social insurance, first looking to the German example of Bismarckian social insurance, then to the proposals presented from within the Catholic party, and finally the socialist ones.

¹¹²⁴ Cited in (1897) *Revue du Travail*, 440.

¹¹²⁵ (1895) *Revue sociale et politique*, 36-37.

¹¹²⁶ (1906) *Actes du IIe Congrès international de la mutualité tenu à Liège, du 2 au 6 aout 1905*, 447-450.

¹¹²⁷ See for example De Ryckel (1890) ‘De l’assurance obligatoire des ouvriers contre la vieillesse et les infirmités’ and Waxweiler (1911) ‘Les pensions ouvrières et les principes d’une politique d’assurances sociales’ or (1899) *Revue du Travail*, 176-183 and 626-627. For a comparative approach to the history of social insurances see Pasture (2005) ‘Building the Social Security State: A Comparative History of Belgium, the Netherlands, and Germany, from the Nineteenth Century to the 1960s’.

The German example

For many of the nineteenth century's bourgeois reformers, England had always been an exemplary country with regard to mutual aid.¹¹²⁸ Workers in England united in 'friendly societies' which aside from providing all sorts of insurances also served as recreational 'brotherhoods' (hence their name), and throughout the nineteenth century their number had increased and their organization improved. It was the 'land of liberty', where government did not interfere with the societies' activities but did provide a legislative framework, with laws dating back to the late eighteenth century. However, even before the social question had broken out in Belgium in 1886, a remarkable and early case of state intervention in social insurance appeared from an unexpected direction: the new German empire.

With a law on social insurance, the powerful chancellor of the German empire, Otto von Bismarck, hoped to fulfil his long-time ambition of tackling the social question without restraining the economy by imposing labour regulation.¹¹²⁹ Together with the late 1870s anti-socialist laws, he emphasized that it was necessary to take measures for improving the workers' situation. The German workers needed to feel allied to the state rather than being drawn to the political slogans of the socialists or the Social Catholics. Even in 1876, Bismarck had brought the existing voluntary *Hilfskassen* (voluntary funds for health insurance) under state control, to impose minimum standards and improve their operations. In 1881, after it had become clear that the enhanced regulation had accomplished little, Bismarck presented a plan for comprehensive compulsory state industrial accident, disability and old-age insurance. However, put under pressure by both the liberal bourgeoisie in the cities, Bismarck's long-time rivals, and the existing voluntary associations, who wanted to protect their existence, Bismarck had to withdraw it.¹¹³⁰

A separate health insurance law followed in 1883. The compulsory health insurance was paid by contributions from workers and employers, taken directly from the workers' wage, and subsidized by the state. Municipal, regional or factory funds paid medical expenses and benefits in the event of unemployment. The existing *Hilfskassen*, too, were incorporated in the system, although they were only a small minority of the funds. The benefits and the periods during which the funds paid benefits were determined by the state's minimum standards. Additional laws on compulsory accident insurance and old-age pensions in 1884 and 1889, respectively, completed the edifice of social insurance.¹¹³¹ Only months away from his resignation as chancellor, Bismarck had gotten the comprehensive law on social insurance he wanted: it was particularly the old-age insurance which was to his

¹¹²⁸ See for instance the many reports of the *Commission permanente*. See also Adams (2007) 'The Mixed Moral Economy of Welfare', 54.

¹¹²⁹ Hennock (2007) *The Origin of the Welfare State in England and Germany*, 94-96 and Feuchtwanger (2014) *Bismarck. A Political History*, 219-222.

¹¹³⁰ Companje et al. (2009) *Two centuries of solidarity*, 65-69.

¹¹³¹ De Ryckel (1890) 'De l'assurance obligatoire des ouvriers contre la vieillesse et les infirmités', 184-195.

liking, because it was the state scheme he actually wanted.¹¹³² The Bismarckian insurance laws, as the most modern and most interventionist of their times, found wide resonance in Belgium. Even though some, like the liberal Louis Varlez (see further, in section 6.5), rejected the German laws as too interventionist and bureaucratic, many observers from different political affiliations were impressed and inspired.¹¹³³

The corporatist and Christian-democrat way

Social insurance, especially industrial accident and health insurance, figured among the prominent debates during the three international social congresses at Liège. In spite of the growing cracks in the party's unity due to the emerging differences of opinion between the conservative faction and the more progressive challengers of early Christian democracy, they had seemingly found a common denominator in their corporatism. Mixed employer-employee mutual aid associations, if based on and executed as a cooperative framework between employers and workers, were the perfect form of social harmony. There was at least some reason to believe in the success of such associations: industrial tycoons such as Léon Harmel in Northern France and Edward Rémy (1813-1896) in Leuven had already set up such initiatives in their companies. The introduction of compulsory insurance as a principle, under such circumstances and if limited to industrial workers and accident insurance, was debated and accepted by a majority of the votes at the first congress in 1886. Similar voices were to be heard in the *Commission du Travail* that had been established the same year.

If the first attempts at the first congress were still rather tentative and exclusively involved industrial accident insurance, the second and third congresses substantially developed the idea into a compulsory sickness insurance coupled with the establishment of corporatist mixed employer-employee associations. It was Woeste himself who introduced, among the three most important impending reforms, 'the compulsory insurance which should protect the worker against the consequences of sickness and accidents'.¹¹³⁴ The Hainaut lawyer and industrialist Michel Levie (1851-1939), one of the future leaders of the Christian Democrats, eventually drew up a bill that was heavily inspired by the German insurance system. The bill provided for two separate systems for accident and sickness insurance funds. The former would be funded solely by employers' contributions, the latter by both employers and workers. Significantly, it was repeatedly decided that the state would neither act as insurer itself nor subsidise in any way. Both funds would be given form and executed by corporatist associations organized by profession and led by a mixed committee of employers and workers, but with the employers in charge. Where no mutual aid associations or company funds existed

¹¹³² Feuchtwanger (2014) *Bismarck. A Political History*, 219.

¹¹³³ For the criticism by Varlez see Varlez (1892) 'Les pensions de retraite ouvrières. (Clôture de la discussion)', 37-38.

¹¹³⁴ (1887) *Congrès des oeuvres sociales à Liège 4-7 sept. 1887*, 40 cited by Van Meulder (1997) 'Mutualiteiten en ziekteverzekering in België, 1886-1914', 95.

the local authorities would establish a municipal fund, or an *intercommunale* between several municipalities, 'to fill the gaps'.¹¹³⁵

Carried away by the general enthusiasm about corporatism and mutual aid, the Social Catholics and Christian Democrats had expected much from the project presented by Levie, but they were quickly pulled back to reality. Many of the conservative Catholic politicians saw little in the plans and, although they had not been well represented at the congresses, their objections there foreshadowed difficulties in carrying the plans out.¹¹³⁶ Some obviously questioned the need for compulsion, while others rightfully doubted that workers would want to affiliate with funds run by the company or the bosses instead of running their own workers-only associations. By 1894 the enthusiasm had been tempered. The new mutual aid associations law of that year (discussed later) fundamentally differed from what had been agreed at the congresses: the (partly) compulsory system administered by mixed corporations and without financial intervention by the state was abandoned in favour of the continuation of optional insurance and affiliation with workers-only mutual aid associations and with increasing state funding.¹¹³⁷

Not long after this new 1894 law, a remarkable initiative was launched by an ally of Verhaegen at the Antisocialist Workers' Movement in Ghent, Eugène De Guchtenaere (1852-1906).¹¹³⁸ De Guchtenaere, too, was a fierce supporter of the German system: 'The German Empire has enacted some remarkable laws, exemplary from any point of view.'¹¹³⁹ This was reflected in his proposal for a compulsory old-age pension and disability insurance. Even more so than the corporatist proposals formulated in Liège, De Guchtenaere's proposal must have been disturbing to the Catholic government and representatives, as it was in many ways the exact opposite of their favoured policy. All workers and employees above 18 earning less than BEF 1,800 a year were to take part. Employers would be obliged to pay an equal share, as did the state. Participants would be granted an old-age pension of at least BEF 0.75 a day, or about BEF 275 a year (compared to BEF 65 a year in the 1900 law!), which would cost the state about BEF 20 million, as De Guchtenaere had calculated.¹¹⁴⁰ More importantly, however, the bill provided that pension funds for each profession would be not only be installed by the state but also presided over by a state delegate, assisted by a commission of an equal number of employers and employees.

Remarkably, De Guchtenaere justified his interventionist proposal by saying that 'the State, as a representative of society, [...] should intervene where private initiative is lacking', a prominent expression in the prevailing discourse that was used just as well by Brants and other Catholics. Yet, as chapter three has already

¹¹³⁵ (1890) *Congrès des oeuvres sociales à Liège. Troisième session – 7-10 septembre 1890*, 4-10.

¹¹³⁶ Van Meulder (1997) 'Mutualiteiten en ziekteverzekering in België, 1886-1914', 101.

¹¹³⁷ Van Meulder (1997) 'Mutualiteiten en ziekteverzekering in België, 1886-1914', 94-101.

¹¹³⁸ See also (1895) *Revue sociale et politique*, 103.

¹¹³⁹ Parliamentary Documents, Chamber of Representatives, 1894-1895, n°129, 2.

¹¹⁴⁰ Parliamentary Documents, Chamber of Representatives, 1894-1895, n°129, 5.

made clear, even apparently comparable expressions and convictions could lead to radically different solutions. What De Guchtenaere proposed was, without exaggerating, sheer state socialism for most Catholics, whatever their position within the party. Since the pension funds were the most popular activity of the mutual aid associations, a system of state pension funds would have meant the end for many associations. The modification to the 1894 law in 1898 and the new pension law in 1900 abolished all the foundations of De Guchtenaere's proposal. While the parliament agreed to take the proposal into consideration, as was usual, it seems to have been quietly dropped in the commission.

The perfect example of not only how the German example kept inspiring reformers in Belgium, but also how the Catholic government did not want to be forced into reforms and wanted to pull the strings, was that the government thwarted the reform proposals which were to be discussed at the *Commission de la réforme de la bienfaisance en Belgique* presided over by the Christian Democrat Van Overbergh, as mentioned in chapter four. Van Overbergh and the commission had started from the idea that, in order to revise the public poor-relief system, social insurance as a form of 'preventive welfare' (*bienfaisance préventive*) was at least as important, if not more. However, by the end of their second year of existence, the Minister of Justice clearly stated that the commission was not to be engaged with the issue of social insurance in itself.¹¹⁴¹ Not without frustration, Van Overbergh wrote in his recollections in 1903 that the commission 'had been prevented from continuing its deliberations' and 'amputated from the question of social insurance'.¹¹⁴² However, the decision to do so by the Catholic cabinet was not surprising at all. It appeared that Van Overbergh and his commission were headed to compulsory insurance (before 1896 they had only been able to discuss accident insurance) and that they were deeply inspired by the German example:

*Sans doute la mutualité a fait merveille et même elle s'oriente plus ou moins résolument vers la technique de l'assurance. Mais l'élite ouvrière seule est couverte. [...] du pas dont elle [= la Commission de la réforme de la bienfaisance en Belgique] avait marché dans la voie impériale de l'assurance en matière d'accidents, on peut induire qu'elle aurait continué sa route vers la solution germanique du risque maladie, de la même allure vigoureusement progressiste.*¹¹⁴³

Of course, the members of the Catholic cabinet must have known that Van Overbergh and at least some members within the pluralist commission were questioning the involvement of mutual aid associations and that they toyed with the idea of following the German example, which meant at the very least compulsion – and perhaps more. Van Overbergh confirmed this by writing that 'the commission of welfare dealt with social insurances in a different sense than the tendencies of the new cabinet'.

¹¹⁴¹ Van Overbergh (1900) *Réforme de la bienfaisance en Belgique. Résolutions et rapport général*, 55–57.

¹¹⁴² Van Overbergh (1903) *Phase actuelle de la réforme de la bienfaisance en Belgique*, 14 and 45.

¹¹⁴³ Van Overbergh (1903) *Phase actuelle de la réforme de la bienfaisance en Belgique*, 45.

The socialist way

Socialists, too, would experience the determination of the Catholic governments. Although the revolutionary part of the socialist movement was opposed to social insurance because it hampered the class struggle, the reformist socialist party in Belgium, the BWP, was in favour of a universal and compulsory system of social insurance paid for by the state and the employers. In the meantime, however, the pillarization of the labour movement also led the socialist movement to expand its mutual aid associations and trade unions, in addition to its powerful cooperatives. But the Catholic policy of subsidized liberty, organizing social insurances as part of the mutual aid associations rather than by universal contributory schemes, put the socialist movement in a very difficult position. On the one hand, their mutual aid associations were increasingly excluded from subsidy schemes because they were not officially recognized, while they grudgingly saw how recognized Catholic associations and federations were being enthusiastically funded and accordingly kept thriving. Under increasing pressure, some socialists within the movement were therefore inclined to comply with the rules, apply for recognition and enjoy the same advantages, beating the Catholics with their own weapons. This is what eventually happened, with most of the federations applying for recognition around 1910 and a national alliance being recognized in 1913.¹¹⁴⁴ On the other hand, however, socialists never failed to emphasize that the policy direction chosen by the Catholic governments was not theirs and that they favoured a solid system of compulsory insurances to which not only workers but also employers and the state would contribute and which was administered by more or less centralized public institutions. At several instances socialists also made attempts to mould their ideas into bills on social insurance.

One of the leading experts in the socialist party on this domain was Hector Denis, who continually advocated an all-encompassing compulsory insurance, doing so even in the context of the *Commission du Travail* in 1886 and the *Conseil Supérieur du Travail*. He continued his quest with a bill in 1897. Denis had thoroughly studied the German system, both the advantages and the disadvantages that had surfaced in the ten years of its practice. In many ways, his bill echoed the proposal of De Guchtenaere, as Denis had specifically tried to make it 'conciliatory'. Compulsory insurance was introduced for all workers and employees over 16 and earning less than BEF 2,250, but the insurance would continue to be executed by 'professional or corporatist' groups. For people who did not belong to such associations, four major public institutions comprising all nine provinces would be established, coordinated by a new state agency.¹¹⁴⁵ After a specific transitional regime of five years, the law would be evaluated and modified. Only after this transitional period did employers have to pay their full contribution. A novelty was that the state funding would be found in the general revenue and in new taxes on tobacco and alcohol. Eventually the bill's fate was the same as De Guchtenaere's.

¹¹⁴⁴ Flagothier and Musin (1989) 'Naissance et développement des mutualités socialistes en Belgique', 85.

¹¹⁴⁵ Parliamentary Documents, Chamber of Representatives, 1897-1898, n°40.

But the socialists did not give up. In the wake of the 1912 law on disability insurance, the socialists made another attempt to introduce the same principles. Reinforced by the introduction of compulsory insurance systems in Austria in 1909 and in the UK in 1911, Camille Huysmans (1871-1968) together with Denis, Anseele and other socialist representatives proposed a system that was built on much of the same principles as Denis's earlier proposition.¹¹⁴⁶ They abolished employee contributions for old-age pensions completely, arguing that the free-of-charge payment of an old-age pension was a compensation for the work that people had devoted to society during a lifetime. Workers were only expected to pay a contribution for their sickness insurance, while the disability insurance would be supported by both the state and employers' contributions. While the circumstances seemed more favourable toward reform than ever, their proposal had to compete with a separate liberal proposition and, more importantly, a Catholic one proposed by Jean-Baptiste Ghellinck d'Elseghem (1867-1927), then the deputy chairman of the national alliance of Catholic mutual aid associations. De Ghellinck d'Elseghem's proposal cut off much of the socialist path in that it accepted the principle of compulsion whilst otherwise confirming the Catholic principles of subsidized liberty.

Thus, on the eve of the First World War nothing seemed to suggest that socialists were considering or even accepting the Catholic subsidized liberty as a principle for social insurance. In the discussion on social insurances as well as in their publications, the socialist representatives kept mocking the 'ineffectiveness' and 'insufficiency' of the system of 'subsidized liberty'.¹¹⁴⁷ The Catholic conclusion that 'the results obtained thanks to this system of propaganda and subsidies are brilliant' was, as mentioned above, not quite shared in socialist circles:¹¹⁴⁸

*Aide-toi, disait-on jadis, le ciel t'aidera! Il ne faut pas trop compter sur le ciel, et il faut compter beaucoup sur soi-même.*¹¹⁴⁹

Even after the First World War, when the socialist mutualist movement flourished more than ever before, the front man of the socialist national alliance of mutual aid associations declared that despite their own mutualist movement's strength, they zealously advocated a more neutral and centralized solution rather than the system of subsidized liberty:

The socialists accept the disappearance of their own mutual aid societies to build in their stead a lasting and fertile total institution. They are eager to switch over from defective organizations to a system that offers serious guarantees and that demands the means to

¹¹⁴⁶ For the socialist bill on social insurances see Huysmans (1913) *Wat de socialisten willen in zake van sociale voorzorg, ziekte – invaliditeit- ouderdom: toelichting en tekst van een wetsvoorstel*.

¹¹⁴⁷ Denis (1910) 'De Werklieden-Pensioenen in het Parlement. Het verslag van Hector Denis', 1 and Huysmans (1913) *Wat de socialisten willen in zake van sociale voorzorg, ziekte – invaliditeit- ouderdom: toelichting en tekst van een wetsvoorstel*.

¹¹⁴⁸ Dejace (1900) 'Le loi sur les pensions de vieillesse', 233.

¹¹⁴⁹ Parliamentary Proceedings, Chamber of Representatives, 24 May 1905, 1449.

*those who should give them because of everything they win from exploiting the proletariat.*¹¹⁵⁰

Essentially, the socialists were carried away in a system which was decidedly not theirs, and which they disapproved of from the beginning, but which they reluctantly accepted because their organizational structure would otherwise have been overpowered by their Catholic adversaries. Despite their eventual involvement in the system socialists were never ideologically in favour of subsidiarity, an ideology they associated with Catholic conservatism and obsession with power.

Therefore, it is high time to explore the ways in which the successive Catholic cabinets after 1884 installed their system of subsidized liberty and how it shaped the field of social insurance policy.

6.4 The Catholic ‘subsidiary’ answer: ‘subsidized liberty’ in social insurance (1886-1914)

If the different pathways to social insurance discussed in the previous section are compared to the path Belgian social insurance policy actually took after 1886, it is clear that the Catholic government was determined not so much to expand social policy but to expand it in ways that followed their own (different) views. The Catholic government decisively set the course for a system of ‘subsidized liberty’ in their policy on mutual aid: mutual aid associations provided social insurance on a voluntary basis, but the government kept a firm grip by issuing regulations and granting a wide range of subsidies to those associations who had sought legal recognition. The system was increasingly applauded by Catholics for being such a success as well as a Belgian invention based on the national traditions of liberty and association coupled with a sound measure of state intervention.

*Il appartient au Gouvernement de favoriser ce mouvement avec efficacité, sans exagérer le rôle et sans prodiguer l'intervention des pouvoirs, sans enlever à l'initiative privée rien de sa spontanéité et de son énergie, double but qui sera heureusement atteint en conservant aux associations, sous le régime d'une liberté qui reste absolue, les faveurs de la loi, le patronage des pouvoirs publics et le stimulant des récompenses honorifiques.*¹¹⁵¹

Through clever legislation and a policy of subsidies, the government ‘pushed the citizens to associate and to make acts of initiative, thereby considerably extending

¹¹⁵⁰ Jauniaux (1914) ‘La Question Mutualiste en Belgique’, 36 cited by Vermote (1988) *Gezondheid. 75 jaar Nationaal Verbond van Socialistische Mutualiteiten 1913-1988*, 41. Later in 1930 Arthur Jauniaux declared that the socialist proposals were wrongly depicted as ‘statist’, because they did retain the principles of mutualism. In every municipality, a local committee, chosen from the local population, would convene at a neutral building. On the other hand, he admitted that this only served a ‘moral and educational mission’, because all financial decisions were to be taken by the semi-governmental regional committees. See Jauniaux (1930) *Cent années de mutualité en Belgique*, 141.

¹¹⁵¹ (1897) *Rapport sur la situation des sociétés mutualistes pendant les années 1891-1892-1893-1894-1895*, 59.

the action field of liberty'.¹¹⁵² Indeed, the virtue of mutual aid associations as intermediary institutions, as 'true schools of order, as they demand perseverance, regularity and temperance', were considered 'the best and surest auxiliaries of this movement'.¹¹⁵³ In addition, mutual aid associations of course were not limited to the field of social insurances alone. Mutual aid associations were also used as the perfect instrument to tie other traditional categories to the Catholic party, such as the farmers or the petite bourgeoisie.

In the next paragraphs, the focus will lie on the ways in which the successive Catholic cabinets have established their system of subsidized liberty in their policies on sickness, old-age pension and disability insurances, and more specifically on the ways in which they used the force of their government power to do so. After this first part it will be shown how the system also shaped the further development of mutual aid – and vice versa – and how upcoming federations and national alliances were pulled into the process of reorganization and restructuring, in which boundaries between the political and the mutual aid sectors became increasingly blurred. The system of subsidized liberty seemed to be definitively consecrated by the voting of a new law – the subject of the last part of this section – which combined the essentials of subsidized liberty with the reluctantly accepted principle of compulsion, but the First World War broke out before it could be promulgated.

Power politics: favourable regulation and subsidies as a weapon

In 1885, one year after the Catholics had regained national power, the socialist party had been established, quickly gaining massive support among industrial workers. In the first elections after the approval of universal suffrage (though with plural voting) the socialists suddenly obtained 28 seats in parliament. The Catholic fears of the socialists' subversive and revolutionary plans were only reinforced when their own majority diminished to only 86 seats (out of 151) in 1900 with the new system of proportional representation. Events in France, where radical republicans and socialists had assumed power, loomed over the Catholic cabinets and there was a fear that one day government power might end up in the socialists' hands. This plus their electoral losses, combined with the Catholics' traditional fear of the so-called 'state socialism' of socialists, this made them determined to fully develop their own 'pillar' of institutions which could run independently and without interference from hostile cabinets in the future, protected by the constitutional freedom of association. Ironically, just as in the education policy as seen in the previous chapter, in developing their own network they would increasingly use the state power they had come to hate, and their hatred of it would hence gradually fade over the years. The importance of this consideration cannot possibly be overstated. It is what underpinned their entire social policy for over thirty years or more. The

¹¹⁵² Verhaegen in Parliamentary Proceedings, Chamber of Representatives, 15 April 1904, 1268.

¹¹⁵³ Parliamentary Documents, Chamber of Representatives, 1899-1900, n° 162, 5. See also Dejace (1900) 'Le loi sur les pensions de vieillesse', 234 and (1897) *Rapport sur la situation des sociétés mutualistes pendant les années 1891-1892-1893-1894-1895*, 4.

Catholic governments from then on pursued a policy that was aimed at strengthening their own institutions and anticipating a possible change of power.

Catholic politicians and leaders faced a difficult balancing act. On the one hand, they wished to maintain government power as long as they could. Government power was not, or not entirely, a goal in itself. Since Catholics were concerned with the realization of their ideal society and genuinely feared the destruction of the social order, government power, as long as it lasted, could help build their vision. To successfully hold on to power it was considered vital to reaffirm and maintain the party's political unity. The increasing internal contestation by socially-minded figures such as Verhaegen and outspoken Christian Democrats but especially their calls for political autonomy were seen as devastating for the Catholic party's chances at staying in power. On the other hand, it was also a question of making good use of that precious government power by introducing measures which were favourable to Catholic institutions, taking the wind out of the sails of socialists (and progressive Catholics).

The two considerations were difficult to balance. Being too careful out of fear of losing government power might extend their time in power, but bore the risk of being left empty-handed if it did happen. Being too assertive and building the Catholic network by granting them government subsidies could mean substantial advantages in the short term but was politically far more risky. Moreover, in the latter case, Catholics were also wary of the fact that the socialist labour movement might equally benefit from their policies. The result was an effective power politics executed by caution, cunning and subtlety which clearly benefitted the Catholic network. In spite of their fear, Catholics did not even lose government power after all. By the end of the First World War they had left a decisive mark on the organization of Belgian social policy and the emerging Belgian welfare state.

The two most powerful weapons in the Catholic power politics were advancing and tightening regulations coupled with an increasingly wide array of government subsidies, cleverly combined in a carrot-and-stick fashion. This had already been the original idea behind the regime under the 1851 law. Drawing in societies to apply for legal recognition by start-up subsidies and awards for best-administered societies, thus made them comply with certain quality standards regarding their internal organization and financial management, without making them structurally dependent on external financial support. The *Commission Permanente* followed the same argumentation around the turn of the century.¹¹⁵⁴ Pension funds were believed to need a more structural funding by the government, while sickness funds were supposed to use their own 'ordinary' income from members' contributions. Outside of their day-to-day administration, sickness funds could however gain from small subsidies for their 'extraordinary' services, provided that their 'ordinary' and 'extraordinary' accounts were neatly separated from each other. Disability

¹¹⁵⁴ (1906) *Rapport de la Commission permanente des sociétés mutualistes pour la période 1896-1905*, 27-28.

insurance, too, which was often provided by federations, in principle had a member base large enough to cover their own expenses, although their often difficult start-up did in fact justify limited start-up subsidies. This was the theory so far, according to the *Commission Permanente*. However, in practice the Catholic cabinets were far more lenient and strategic in their approach. New subsidies for new services were specifically designed according to the Catholic institutions and their needs. Playing with the requirements and conditions for subsidies while constantly increasing the importance of subsidies, the socialist associations were practically forced to follow the lead. This will be demonstrated by elaborating on legislative actions on three levels, namely mutual aid associations in general, pension funds and federations of mutual aid associations, as well as in the subsequent section.

MUTUAL AID ASSOCIATIONS 1894-1898

Both the *Commission du Travail* and the *Commission Permanent* had emphasized the need for a new law modifying that of 1851, which dated back 40 years.¹¹⁵⁵ Just before the elections in 1890, the government presented a new bill on mutual aid associations that would change the existing 1851 regime. The cabinet acknowledged that ‘the number of recognized mutual aid associations had not grown as fast as we had hoped’ and that, although recent initiatives such as the patronage committees had already had a huge influence, it was necessary to loosen the 1851 law’s restrictive measures.¹¹⁵⁶ Four years later, the parliament in the meantime having been busy with other prominent legislation such as the electoral reforms of 1893, the government picked up the slightly revised former bill. After little debate, the new Mutual Aid Associations Act of 1894 was established by unanimous vote.¹¹⁵⁷ A liberal representative voiced the parliamentary consensus, saying that ‘the idea of modifying the law on mutual aid associations dating from 1851 has dawned upon every single one who is involved and interested in mutual aid.’¹¹⁵⁸

Most importantly, the new law basically removed the most important obstacles from the 1851 Act and expanded the advantages of legal recognition. The interference of local authorities was abolished and the administrative involvement of provincial authorities reduced, and the risk of losing the assets in the event of dissolution was taken away. On the other hand, mutual aid associations officially acquired corporate personality and could from this point on legally possess a house or building for their meetings or accept donations and bequests of this nature. Furthermore, recognition was now considered a right rather than a favour, and more sorts of mutual aid associations, in addition to those providing sickness insurance, became eligible for recognition. Associations which enjoyed recognition

¹¹⁵⁵ (1890) *Rapport sur la situation des sociétés de secours mutuels pendant les années 1886 et 1887*, 50 and (1887) *Commission du travail instituée par arrêté royal du 15 avril 1886. 3 : Rapports, propositions des sections et conclusions*, 93-108 and 405-423.

¹¹⁵⁶ Parliamentary Documents, Chamber of Representatives, 1889-1890, n°197, 1-2.

¹¹⁵⁷ Parliamentary Proceedings, Chamber of Representatives, 7 June 1894, 1818-1828.

¹¹⁵⁸ Parliamentary Proceedings, Chamber of Representatives, 4 June 1894, 1762.

prior to the new law were given a year to adapt their regulations to the new law, a transition period which was prolonged twice until the end of 1897.¹¹⁵⁹ Significantly, however, not a single word was mentioned on the conditions or the apportioning of state subsidies, neither in the law nor in the debates preceding the vote. The government still granted limited subsidies to new associations and, what is more, also some sort of annual subsidies for those associations sending their accounts to the Ministry. This latter subsidy varied 'according to the importance of the information provided by the association', obviously a rather vague description.¹¹⁶⁰ With the numbers of new associations sharply increasing, those budgets increased, too. So even under their increasing importance, the subsidies continued to be remunerated not under the law, but by ministerial decrees issued by the administration.¹¹⁶¹ This 'administrative way' of financial support was deeply rooted in government policy. During the international charity congress in Brussels in 1856, Ducpétiaux had already distinguished between state intervention by legislative action and state intervention by administrative action, including 'advantages granted to recognized societies or institutions such as free-of-charge premises for meetings or subsidies to cover expenses'.¹¹⁶²

The 1894 law was significantly modified by the law of 1898, which stated in no uncertain terms that only recognized associations would from now on qualify for any governmental subsidies.¹¹⁶³ The cabinet tried to defend itself by saying that recognized associations were the only legitimate recipients of government subsidies. They were organized on 'the best and safest basis' and could count on the 'support and counsel of the administration and the *Commission Permanente*', whereas unrecognized associations 'do not meet the guarantees and are not at all subject to the control provided by the law; guarantees and control to which political gifts (*liberalités politiques*) should be submitted'.¹¹⁶⁴ This discourse in favour of recognized associations was also present on the local level. Catholic council members in Ghent made a proposition in 1897 to spend about BEF 5,200 on extra subsidies to recognized associations, of course in full knowledge of the fact that the popular socialist *Bond Moyson*, by far the largest association in Ghent, was not recognized.¹¹⁶⁵

¹¹⁵⁹ (1894) *Pasinomie*, 407-412; Parliamentary Documents, Chamber of Representatives, 1893-1894, n°152, 1-7 and (1896) *Pasinomie*, 439.

¹¹⁶⁰ Parliamentary Proceedings, Chamber of Representatives, 8 Mars 1912, 1042.

¹¹⁶¹ Some authors have been rather imprecise in suggesting that the 1894 law expanded or enabled the subsidies to mutual aid associations, which is not true. There was indeed an increase in state subsidies but that had more to do with the increase in associations than with specific clauses on subsidizing of those associations. Moreover, it was more remarkable that the 1894 law did *not* in fact mention subsidies and merely continued the traditional practice of issuing subsidies on the Minister's orders and his administration. See (1894) *Pasinomie*, 407-412.

¹¹⁶² (1857) *Congrès international de bienfaisance de Bruxelles: Session de 1856. Tome I*, 30.

¹¹⁶³ (1898) *Pasinomie*, 39.

¹¹⁶⁴ Circulaire in (1898) *Revue du Travail*, 665 and Parliamentary Documents, Chamber of Representatives, 1897-1898, n°12, 1.

¹¹⁶⁵ (1899) *Revue du Travail*, 1006.

In more than one way the 1898 law was a strategic move by the Catholic cabinet to target the socialist associations, which were overwhelmingly unrecognized. One of the motives behind the modifications was the observation that many recognized (socialist) associations enjoyed considerable income because they were affiliated with their big brother, the socialist cooperative movement.¹¹⁶⁶ Unlike Catholic associations which were often founded independently and on the local level, socialist insurance funds had grown in the wake of their larger labour and cooperative movements. As a result, many of the insurance funds capitalized their assets in cooperative 'popular apothecaries' which had gradually extended their services to non-members and were a lucrative little business. The socialist mutual aid associations could invest their money at a considerably higher rate of interest (5%) in their cooperatives than in government bonds (2%).¹¹⁶⁷ However, as the ministers presenting the bill remarked cleverly, the 1894 law had forbidden associations to engage in commercial practices. Thus, the Catholic cabinet put the socialist associations with shares in apothecaries on the spot: they could either renounce their legal recognition and continue their practices, or renounce their shares and retain their recognition. This was even stricter than the initial bill, in which associations in such a situation could retain their recognition exceptionally, but still not be eligible for subsidies. In practice it amounted to the same thing, namely that associations reluctant to give away their profitable position would be excluded from governmental subsidies.

Other socialist associations actually considering applying for recognition were discouraged by the fact that they were not granted a period of respite to comply with the rules for recognition.¹¹⁶⁸ The last article significantly stated that 'the present law will come into operation the day after its promulgation'.¹¹⁶⁹ This was no coincidence: as a parliamentary report stated, many of the socialist associations involved in cooperatives had made use of the transition period after the 1894 law and were still not recognized by the time the bill was being discussed.¹¹⁷⁰ The socialists attempted to fight this in parliament by amending the initial bill in favour of a transitional phase, arguing that the strict and immediate date of commencement contrasted sharply with the earlier execution of the 1894 Act, in which recognized (thus mostly Catholic) associations had earlier been given the time to comply in 1895 and again in 1896, until the end of 1897 as already mentioned above.¹¹⁷¹ Significantly, the eventual act only granted an exception in the case of livestock insurances for farmers, not coincidentally the traditional Catholic electorate.¹¹⁷² In a circular, Minister of Labour Albert Nyssens admittedly expressed his hopes that the new regulations would encourage the unrecognized

¹¹⁶⁶ Parliamentary Documents, Chamber of Representatives, 1897-1898, n°12, 1-2. See also (1897) *Revue du Travail*, 1101-1103.

¹¹⁶⁷ Parliamentary Proceedings, Chamber of Representatives, 19 April 1904, 1294.

¹¹⁶⁸ (1897) 'La Mutualité au Conseil provincial de Hainaut', 692.

¹¹⁶⁹ (1898) *Pasinomie*, 39.

¹¹⁷⁰ Parliamentary Documents, Chamber of Representatives, 1897-1898, n°38, 1-2.

¹¹⁷¹ (1895) *Pasinomie*, 420 and 1896, 439.

¹¹⁷² Parliamentary Documents, Chamber of Representatives, 1897-1898, n°54, 1.

societies to seek recognition, adding that he had taken measures to grant subsidies the moment they had done so.¹¹⁷³

Despite the strict enforcement discouraging socialist associations from applying for recognition, one could argue why they would be inclined to actually consider it. What did the socialists have to gain from recognition, if the only state subsidies at that point consisted of start-up subsidies for which they would not even qualify any longer? The answer is rather simple. By deciding that recognition was now a requirement for *any* governmental subsidies, the Catholic government was attempting to overrule liberal or socialist provinces such as Hainaut or Antwerp which were investing increasing amounts of their budgets in mutual aid associations, often supporting non-recognized socialist associations. Provincial subsidies in 1897 amounted to more than BEF 130,000 and were increasing from year to year.¹¹⁷⁴ For the socialist associations these were often welcome gifts, and it is therefore not surprising that socialist representative Louis Bertrand tried – without success – to file an amendment that replaced ‘government subsidies’ (*subside des pouvoirs publics*) with ‘state subsidies’ (*subside de l'Etat*).¹¹⁷⁵ But the Catholic government did not like the idea of being undermined by lower levels of government.

The same argument was more clearly expressed in 1912, when a report by the Senate stated that ‘it seemed essential to not let the local governments paralyze the measures of precaution and control adopted by the state by the apportionment of their subsidies.’¹¹⁷⁶ The same year, a decision to spend BEF 10,000 (partly) to unrecognized mutual aid associations by the provincial council of Antwerp was cancelled by the government.¹¹⁷⁷ Another example was a communication by the Labour Minister at the end of 1902, in the wake of the new pension law of 1900.¹¹⁷⁸ He declared that governmental subsidies in whatever form could not be counted as part of the amounts on which the ministry based its own contribution of state subsidies. In doing so, the Minister prevented associations from qualifying for state subsidies because they were heavily subsidized by provinces or municipalities. Moreover, the exclusion of subsidies would put increasing pressure on socialist associations, as subsidies for pension funds had expanded in the meantime and new subsidies for other services would be not long in coming.

PENSION FUNDS 1891-1900

Appointed by the government to draw up a preliminary sketch that would eventually result in the 1894 law, the *Commission Permanente* had also proposed extending the mutual aid associations’ responsibilities and let them handle pension

¹¹⁷³ Circulaire in (1898) *Revue du Travail*, 666. See also Barnich (1911) *Le régime clérical en Belgique*, 21.

¹¹⁷⁴ (1897) *Rapport sur la situation des sociétés mutualistes pendant les années 1891-1892-1893-1894-1895*, 33-59 and Van Meulder (1997) ‘Mutualiteiten en ziekteverzekering in België’, 108-110.

¹¹⁷⁵ Parliamentary Documents, Chamber of Representatives, 1897-1898, n°45, 1.

¹¹⁷⁶ Parliamentary Documents, Senate, 1911-1912, 16 April 1912, n° 47, 3.

¹¹⁷⁷ (1898) *Revue du Travail*, 933-934.

¹¹⁷⁸ Parliamentary Proceedings, Chamber of Representatives, 20 December 1902, 318.

funds independently. Before 1894, associations provided old-age pension schemes for their members through an account with the ASLK (General Annuity Funds) and were explicitly forbidden by statements in the 1851 law to provide pension schemes themselves. While the government adhered to the gist of the draft in both 1890 and 1894, they refused to implement this part of the bill. Just as in 1851, the government considered the provision of pension funds too heavy a burden and thus too big a risk for the mutual aid associations. With the ASLK, the mutual aid associations had a stable and trustworthy institution at their disposal to affiliate their members with. However, the cabinet at the same time admitted that the funds had not been very successful, still not being able to attract wide popularity among the labouring class.¹¹⁷⁹

Measures by the state to stimulate the pension funds followed quickly. In close agreement with the government, the direction of the ASLK decided to increase the interest rates for members of recognized mutual aid associations from 2% to a fixed 3%.¹¹⁸⁰ The government, too, thought of financial measures to stimulate mutual aid associations and their members to step up their saving efforts. It must be reminded here that the idea of granting large amounts of government funds to support people saving for pensions was quite readily accepted, because it was widely supposed that this would reduce the chances of people ending up in the poor-relief system.¹¹⁸¹ During the discussions on the next year's budget for the ministry of Finance, Woeste proposed adding a special credit to this end. The idea of offering premiums to mutual aid associations affiliating their members with the ASLK had been put forward at the third Catholic congress in Liège the same year. Thus, from 1891 on, mutual aid associations were asked to fill in forms for the members they had affiliated with the ASLK the year before, after which the necessary credits were voted and the premiums distributed among the associations.¹¹⁸² The last article of the ministerial decrees determining the specific distribution code stipulated that the premiums had to be transferred in full to the ASLK, so the associations really only acted as an intermediary between the individual member and the Funds.¹¹⁸³ While unrecognized associations or pension funds qualified as well during the first years of the credits, this changed in 1896, even before the 1898 law had made all subsidies to unrecognized associations illegal.¹¹⁸⁴ In the meantime, the provinces had started to play their part too. By the end 1899, their efforts for similar credits totalled BEF 177,500.¹¹⁸⁵ The amounts as well as the conditions and the exact modalities of the

¹¹⁷⁹ Parliamentary Documents, Chamber of Representatives, 1889-1890, n°197, 5; Parliamentary Documents, Chamber of Representatives, 1893-1894, n°152, 5-6 and (1892) *Rapport sur la situation des sociétés de secours mutuels pendant les années 1888, 1889 et 1890*, 44-48.

¹¹⁸⁰ (1891) *Pasinomie*, 213.

¹¹⁸¹ (1906) *Rapport de la Commission permanente des sociétés mutualistes*, 23ff.

¹¹⁸² (1891) *Pasinomie*, 297-298.

¹¹⁸³ (1898) *Revue du Travail*, 100-101.

¹¹⁸⁴ (1897) *Rapport sur la situation des sociétés mutualistes pendant les années 1891-1892-1893-1894-1895*, and (1899) *Revue du Travail*, 1136.

¹¹⁸⁵ Dejace (1900) 'Le loi sur les pensions de vieillesse', 232.

subsidies varied considerably.¹¹⁸⁶ Some provinces, such as Namur, used a system in which associations gained points according to the number and amount of new deposits.¹¹⁸⁷ Others more simply subsidized the associations according to the number of members affiliated or their total deposits. In the province of Hainaut, one of the most active on the matter, the provincial council even considered reserving a BEF 500,000 credit to provide every worker with a minimal pension, but the idea was discarded.¹¹⁸⁸ Hainaut by itself could not provide a solution, since if it did, it would attract poor workers from the rest of the country, so there was need for a common resolution.

The Hainaut council did not have to wait long for its resolution, as the government had launched a special commission to study the question of old-age workers' pensions in 1895 and presented a bill in the spring of 1900. In general terms, the law only sought to extend the measures that had been renewed annually since 1891. Thus, every member affiliated through a recognized association was given premiums of BEF 0.6 for each BEF 1 of deposit, up to BEF 60 a year. The law decreed two other significant additional measures. First, the mutual aid associations themselves were subsidized at a rate of BEF 2 for every savings account record, a considerable extra subsidy for these associations. Second, all workers in need would be allocated a limited annual amount of BEF 65 after the age of 65.¹¹⁸⁹ The details of the arrangement were further worked out in royal decrees in 1900, 1901 and 1903, as 'there was a need to determine in a general way the executive measures in relation to the allocation of premiums and of subsidies'.¹¹⁹⁰

Not without reason the law and its corresponding executive decrees were called the government's definitive choice for subsidized liberty: aside from the extra subsidies for associations, individuals were encouraged to affiliate through a mutual aid association because it made the same deposit much more profitable through an intermediary than through direct affiliation.¹¹⁹¹ Affiliation through recognized associations was considered, at least by Catholics, safer and less prone to corruption.¹¹⁹² Moreover, the government congratulated itself for not giving in to calls from socialists and others to set up a compulsory system comparable to that in Germany: 'To the system based on the principle of compulsion, the Belgian cabinet has preferred the system of subsidized liberty.'¹¹⁹³ Although by Catholic standards, the law seemed to be quite an achievement, socialists were rather negative. Not

¹¹⁸⁶ (1897) *Rapport sur la situation des sociétés mutualistes pendant les années 1891-1892-1893-1894-1895*, 33-59.

¹¹⁸⁷ (1897) *Revue du Travail*, 1087.

¹¹⁸⁸ (1896) *Revue du Travail*, 356; (1897) *Revue du Travail*, 519 and 692 ; (1898) *Revue du Travail*, 40 and 898.

¹¹⁸⁹ (1900) *Pasinomie*, 258-260.

¹¹⁹⁰ (1901) *Pasinomie*, 25, 101 and 207; (1902) *Pasinomie*, 355-359; (1903) *Pasinomie*, 184; (1906) *Rapport de la Commission permanente des sociétés mutualistes pour la période 1896-1905*, 4 and 24-25 and Dejace (1900) 'Le loi sur les pensions de vieillesse', 237-244.

¹¹⁹¹ Clement and Delgrange (1999) 'La protection des minorités / De bescherming van de minderheden', 392 and (1906) *Rapport de la Commission permanente des sociétés mutualistes pour la période 1896-1905*, 24.

¹¹⁹² Dejace (1900) 'Le loi sur les pensions de vieillesse', 245.

¹¹⁹³ Dejace (1900) 'Le loi sur les pensions de vieillesse', 228. See also Parliamentary Documents, Chamber of Representatives, 1899-1900, n°136, 1 and n°162.

only did they reject the system of subsidized liberty that underpinned it, they also claimed that the allocations of BEF 65 were far too low and did not stop criticizing its implementation in the years after.¹¹⁹⁴ What understandably frustrated them was that the government pulled the strings of the new provincial commissions that were set up to go over the applications for the BEF 65 pensions. While these commissions initially consisted of a government representative, a representative of the Labour Ministry and a representative of the provincial authorities, the constellation had been changed by replacing the provincial representative with a representative of the ministry of Finance.¹¹⁹⁵ In practice, the government was in control either way, not giving socialist representatives from 'hostile' provinces any chance to bend the rules.

The 1900 law of course resulted in a considerable increase in expenses for the state. The credits for the premiums had already grown steadily from BEF 13,500 for 1891 to no less than BEF 550,000 for 1899.¹¹⁹⁶ Together with the new subsidies in the 1900 law, the expenses leapt suddenly to BEF 1.5 million in 1900 and to over BEF 4 million in 1905. More or less in accordance with the most important financial measures of the 1900 law, providing state bonuses of 0.6 for each BEF 1, the state subsidies amounted to about 60% of the deposits (see figure 15). The extra subsidies for associations as well as the higher level of bonus for people over 40 years (from 1903), made this percentage climb to about 65%. And this was not counting the expenses made for paying the BEF 65 pensions. To this end, the government had established a special fund fed by annual transfers of BEF 12 million and, if necessary, extraordinary payments voted by parliament, a precaution that soon appeared justified. By 1914 the direct pension contributions by the state had already reached BEF 18 million.

¹¹⁹⁴ See for example Parliamentary Proceedings, Chamber of Representatives, 6 May 1904, 1662.

¹¹⁹⁵ (1901) *Pasinomie*, 62 and 71 and Parliamentary Proceedings, Chamber of Representatives, 12 May 1903, 1148.

¹¹⁹⁶ These are the numbers of the actual expenses for those years, which were granted retroactively, after the budget had already been voted. Thus, for example, the credits which were agreed in the budgets of 1899 were used for the expenses for the year 1898. The numbers in the budgets and those of the actual expenses differed slightly.

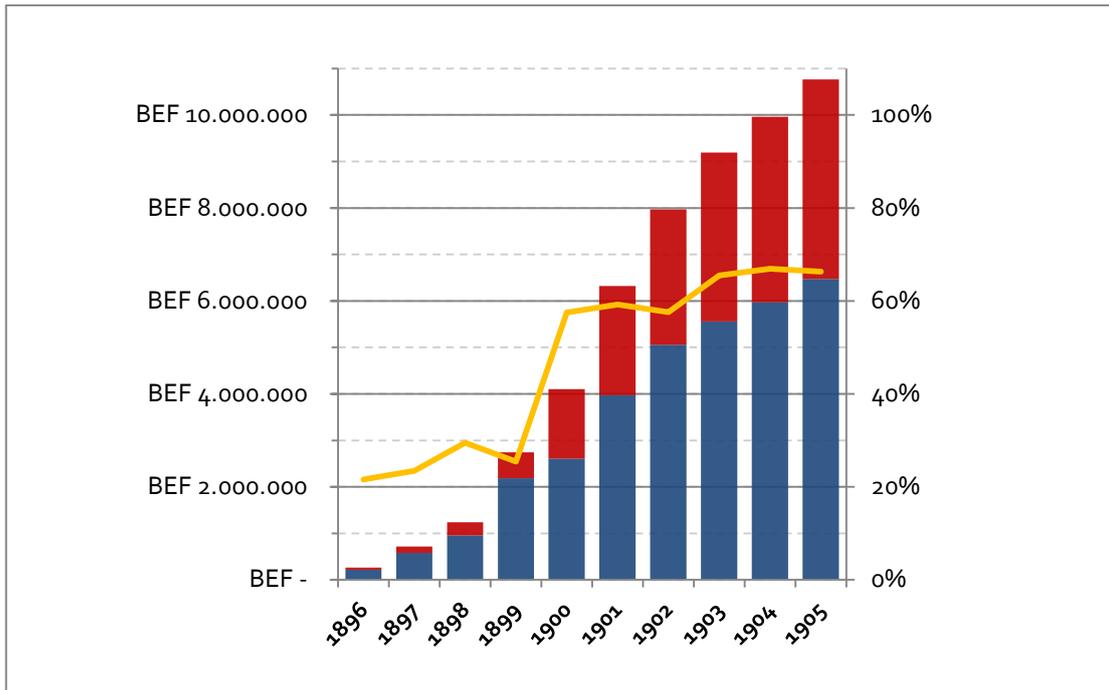


Figure 15. Deposits for pension funds by mutual aid societies (blue) and subsidies by the state (red), and the latter's relative amount compared to the deposits (shown by yellow line) from 1896 to 1905.¹¹⁹⁷

DISABILITY INSURANCE 1903-1906-1912

In the 1894 Act, the government had already stimulated the establishment of federations, which covered difficulties their affiliated societies could not solve on their own, one of the most prominent being the so-called 'reinsurance' for long-time illness and disability. Usually, mutual aid association limited the relief from their sickness funds paid out to sick members to six months, some even to three months. Long-time sickness or even disability, however, was very common and the older members struck by it could not enjoy a pension until age 65. A large number of mutual aid associations forming a federation, offering a larger financial base and a wider spread of risk, could come to aid in such cases and grant benefits beyond the usual six-month period paid by the regular fund. The same federations could also solve other looming problems of local mutual aid associations. A 'mutation' service at the federation's level made it easier for members to transfer their balance from one member association to another when they moved house, instead of losing their contributions. Furthermore, federations gradually started to offer and expand medical and pharmaceutical services which were not cost-efficient on the local basis. For these reasons, it was only obvious that federations were established on a regional basis.

¹¹⁹⁷ (1906) *Rapport de la Commission permanente des sociétés mutualistes pour la période 1896-1905*, 17 and (1898) *Revue du Travail*, 318.

Its policy on the disability insurance was in many ways characteristic for the Catholic government's power politics. In a report from 1906, by which time an official circular had followed, the *Commission Permanente* mentioned that from 1904 a special grant had been reserved for subsidizing the federations and their disability insurance.¹¹⁹⁸ However, these extra credits were issued quietly by royal decrees at the end of the year and were not published in either of the two official bulletins (*Moniteur belge* and *Pasinomie*) as was usual and mandatory, nor in the Ministry's *Revue du Travail*. The considerable level of confusion about the exact amount of the subsidies among contemporary and later authors is only testimony to the intentional vagueness of the credits. The 1906 report made mention of a credit of BEF 115,000 for 1904; a later bill that resulted in the 1912 law mentioned BEF 110,000, as did Barnich; according to Rezsóhazy, referring to Eeckhout, this was BEF 111,500.¹¹⁹⁹ The royal decrees in 1903, 1904 and 1905 to which they all refer were only ever mentioned in later accounts (that is, after 1906) and, if looking to their strangely varying accounts, seem to have made no mention altogether of the exact amount. Some authors even assumed that subsidies to federations for disability insurance only dated from 1906, with the official circular.¹²⁰⁰ Thus it is highly likely that the cabinet indeed wanted to avoid controversy, and consequently the credits were given as little publicity as possible and without precise eligibility requirements. The first royal decree (30 December 1903) was mentioned only once in parliament, after a Hainaut representative dedicated two parliamentary questions to the matter of subsidies to federations, but the Labour Minister refrained from further details saying that

*a detailed answer to all the points indicated by the honourable representative would absolutely trespass the limits of parliamentary questions; by the way, further information could only be given with the consent of the associations in question and after the verification of their accounts, being done as we speak.*¹²⁰¹

The minister emphasized that it was not a subsidy, only a 'reserve funds' for federations which wanted to expand the terms of relief for disability.¹²⁰² As the credit was used for federations reinsuring their *recognized* associations, they were likely to have used exclusively in favour of Catholic federations.

The fact that subsidies to federations had drawn attention and that federations themselves increasingly knocked at the minister's door for subsidies (as, for instance, a socialist federation from Charleroi kept doing), in 1906 the minister

¹¹⁹⁸ (1906) *Rapport de la Commission permanente des sociétés mutualistes pour la période 1896-1905*, 18.

¹¹⁹⁹ Unfortunately, apart from Rezsóhazy, while the authors mentioned the royal decrees on which their conclusions were based they never mentioned their precise source, see Rezsóhazy (1957) *Geschiedenis van de Kristelijke mutualistische beweging in België*, 191; Eeckhout (1931) *Het vraagstuk der sociale verzekeringen in België*, 291; Barnich (1911) *Le régime clérical en Belgique*, 483; (1906) *Rapport de la Commission permanente des sociétés mutualistes pour la période 1896-1905*, 18 and Parliamentary Documents, Chamber of Representatives, 1908-1909, n°38, 2. See also (1912) *Pasinomie*, 195.

¹²⁰⁰ Gerard (1991) *De Christelijke arbeidersbeweging in België 1891-1991*, 77.

¹²⁰¹ Parliamentary Proceedings, Chamber of Representatives, 11 April 1905, 1228.

¹²⁰² Parliamentary Proceedings, Chamber of Representatives, 1 August 1905, 2007-2008.

decided to start subsidizing federations for their disability insurance funds 'by way of experiment' (*à titre d'essai*).¹²⁰³ The introduction of regular subsidies for federations was not contested, as federations still lagged far behind when compared to the explosion in the number of the pension funds.¹²⁰⁴ Subsidies were to be calculated according to the federation's members' own deposits, and increased according to the maximum period of relief the federation provided for its members. The minister did not fail to emphasize that the grants only applied to recognized associations and recognized federations, marking the terms in bold in his circular. Increasing demands were made however in favour of laying down the rules in a law, 'to give these dispositions the stability that should make them more effective'.¹²⁰⁵ The group of progressive Catholic representatives presenting a bill in 1908 realized that the encouragements under the existing system 'are created for only one year; in the future they will depend on the available budget of the Labour Ministry, or on the greater or lesser sympathy of the Ministers'.¹²⁰⁶ The same concerns were expressed in a more hostile way by the socialists, who summarized the government policy of administrative and ministerial action as 'leaving to the executive power represented by the Ministry of Labour the exclusive care of regulating state intervention regarding subsidies and other advantages, following the pleasure of the minister'.¹²⁰⁷

The 1912 law roughly continued the regulations regarding the criteria for subsidies for disability insurance that the Minister of Labour had drawn up in his 1906 circular.¹²⁰⁸ The subsidies, standardized to BEF 0.6 for each franc of deposits, were reserved for those federations that could provide their members with disability relief payments until the age of 65. Many federations still only granted relief for periods of 2, 3 or 5 years maximum, which was also believed to be one of the reasons for its slow development among workers.¹²⁰⁹ These federations were given 2 years to comply with these rules, during which they would continue to receive the subsidies under the old 1906 regime. Mutual aid associations with more than 2,000 members which were not strictly a federation, such as the aforementioned socialist *Bond Moyson* in Ghent, were equally eligible, as long as they complied with the requirements in an additional royal decree.¹²¹⁰ Another important addition in the law stated that the distribution codes not only applied to state subsidies but to *all* government subsidies. This statement was especially targeted to the provincial authorities, which, as shown above, used widely varying systems for the

¹²⁰³ (1907) *Revue du Travail*, 53.

¹²⁰⁴ KADOC, Archives Lammens-Verhaegen, 176 : Hanotiau, *L'Assurance intégrale en cas de maladie et d'incapacité prématurée*, Ghent, 1906, 8.

¹²⁰⁵ Parliamentary Documents, Chamber of Representatives, 1908-1909, n°38, 3. See also (1912) *Pasinomie*, 196.

¹²⁰⁶ Parliamentary Documents, Chamber of Representatives, 1908-1909, n°38, 4. See also (1912) *Pasinomie*, 196.

¹²⁰⁷ Parliamentary Proceedings, Chamber of Representatives, 7 Mars 1912, 1024.

¹²⁰⁸ (1912) *Pasinomie*, 194-195.

¹²⁰⁹ Van Straelen (1906) 'La réassurance', 30.

¹²¹⁰ (1913) *Pasinomie*, 334-335.

distribution of their subsidies, and hence substantially complicated the administration.

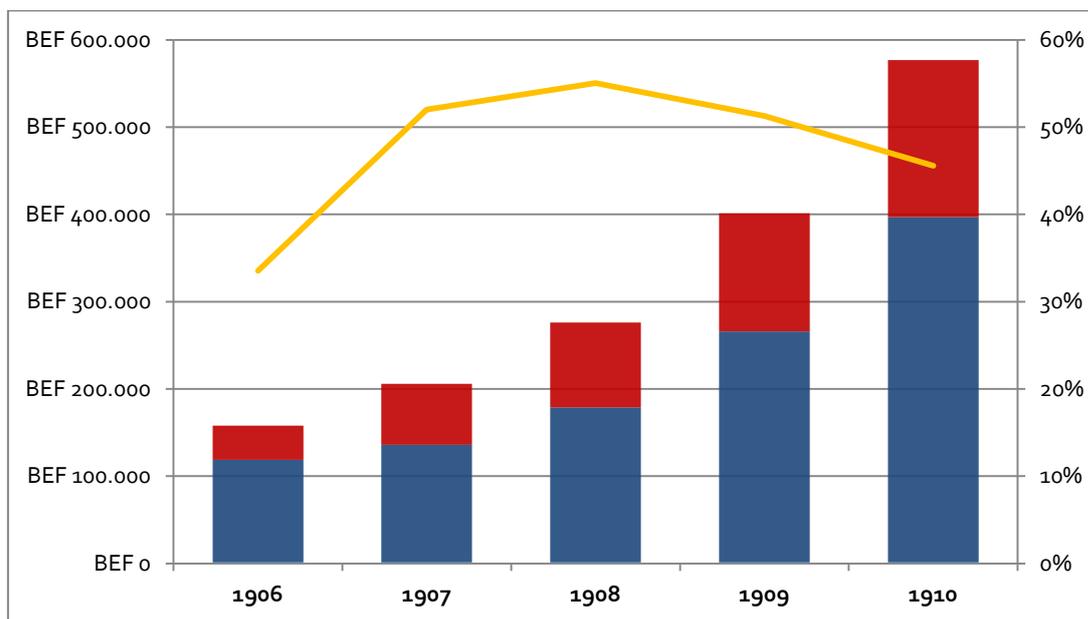


Figure 16. Disability allowances by mutual aid federations (blue) and subsidies by the state (red), and the latter's relative amount compared to the allowances (yellow line) from 1906 to 1910.¹²¹¹

Subsidies after the 1906 circular showed a steady rise from about BEF 40,000 (against BEF 117,000 of allowances) in 1906 to about BEF 180,000 (against BEF 400,000 of allowances) in 1910 (see figure 16). Initially, the relative share of the subsidies compared to the allowances granted by the federations seemed to follow the same trend, rising from 33% in 1906 to 55% in 1908, but fell back to 45% in 1910. Although we lack precise figures after 1910, it is very likely that the absolute amounts of allowances and subsidies continued their development and that the subsidies' share further increased to about 60% from 1912 onwards, because of the rules of the 1912 law.

Looking back on the three fields discussed above, it should be clear that Catholic cabinets made maximum use of their government power. Four powerful strategies shaped their policy decisions. Socialists and liberals had been raging against these 'abuses' ever since their introduction in parliament, not without reason as we have seen. Especially in the explosive debates that preceded the 1912 law on federations, including the discussions on the Labour ministry's budget, all four strategies figured very prominently.¹²¹² First, the government tailored the conditions for recognition and the qualifications for subsidies to the Catholic associations. The obvious result was that socialist or even neutral associations often did not even

¹²¹¹ Parliamentary Documents, Chamber of Representatives, 1911-1912, n°82, 4. (1912) *Pasinomie*, 198.

¹²¹² Parliamentary Proceedings, Chamber of Representatives, 6, 7, 8 and 15 Mars 1912, 1011-1013, 1021-1022, 1029-1031, 1040-1041 and 1157-1163.

qualify for recognition or subsidies, as they had a different structure, originating in a different historical development or in a larger movement as briefly mentioned before. Neutral federations, for instance, provided sickness and disability insurance for people over 65, as their members did traditionally not subscribe to pension funds. Therefore, under the terms of the 1906 circular they were excluded from subsidies for their disability insurance funds.¹²¹³ The ministry for instance refused subsidies to socialist associations because their regulations stipulated that the members had to affiliate with the socialist cooperation as well, while Catholic associations who held similar conditions were granted the same subsidies.¹²¹⁴ That recognition standards seemed to be cut out for the Catholic associations was not only because the government wanted to favour their own institutions. It must be repeated that Catholics also explicitly wanted to make the socialists play by the rules, as they were still very much wary of the latter's revolutionary rhetoric, and still considered them and their movement a danger to society and the social order. Nonetheless, this went quite far.

Secondly, the actual distribution of subsidies and other advantages were decided upon by administrative and ministerial actions long before being determined by law. This had been the case with the pension funds and their subsidies since 1891, put into law in 1900, and with the federations, since 1903 and put into law in 1912. Even start-up subsidies which had existed since 1851 were still rewarded without any mention of it in any law whatsoever. As a matter of fact, this was not so much a Catholic particularity as a political tradition that was gradually beginning to change. Testifying to the growing importance of the parliament in such matters was another statement by the Catholic representatives who had filed the bill on federations in 1908. While acknowledging that laws were not flexible enough to determine practical regulations, they stated that

*C'est au Ministre de l'Industrie et du travail qu'il appartiendra de régler les conditions et les règles suivant lesquelles les primes seront allouées. [...] mais le législateur a le droit de contrôler l'usage que le ministre fait de son droit de réglementation.*¹²¹⁵

As already mentioned, the lack of transparency meant that (socialist) allegations of arbitrary allowances and shady ministerial decisions in favour of the Catholic associations were never far away. There is a good chance that some associations did not even know that they qualified for subsidies or if they did, what they had to do to apply.¹²¹⁶

Thirdly, and in a way connected to the preceding issue, the government repeatedly withheld information on new policy decisions and did this without a doubt intentionally. The fact that things were decided by ministerial decisions or royal decrees rather than by formal laws made it easier for the government to do so. Still,

¹²¹³ (1907) *Compte-rendu du XXIIe congrès mutualiste tenu à Seraing les 19 & 20 Mai 1907*, 79-94.

¹²¹⁴ Parliamentary Proceedings, Chamber of Representatives, 8 Mars 1912, 1041.

¹²¹⁵ Parliamentary Documents, Chamber of Representatives, 1908-1909, n°38, 5. (1912) *Pasinomie*, 195.

¹²¹⁶ Parliamentary Proceedings, Chamber of Representatives, 8 Mars 1912, 1042.

quietly issuing royal decrees, as demonstrated in the case of the disability insurance from 1903, was quite an achievement. Socialists rightfully questioned the legality of these decrees. One of them directly challenged the Labour minister with regard to new royal decrees which had granted considerable amounts of money to, predominantly, Catholic politicians and notables in their function of federation presidents:¹²¹⁷

*Ces arrêtés royaux ne sont publiés nulle part. On ne peut les découvrir à la cour des comptes. Je me réserve de soulever prochainement la question de savoir jusqu'à quel point les arrêtés royaux non publiés au Moniteur sont valables. J'ai eu, à cet égard, une consultation fort intéressante d'un professeur de droit public. [...] si l'on avait rien à cacher, on aurait soin de publier les arrêtés au Moniteur. Alors que toutes les subventions de deux francs accordés pour les livrets à la Caisse de Retraite, y sont annoncées, les subsides allouées aux députés et sénateurs pour leurs fédérations ayant un caractère nettement politique, ne paraissent pas dans notre journal officiel.*¹²¹⁸

Socialists repeated their demands for explanations on the royal decrees about ten times. Instead of repudiating these claims, Catholics cleverly – and successfully – changed the subject. Briefly returning to the point some days later, a progressive Catholic thanked the socialist representatives for arguing that subsidies had to be published in the official bulletin ‘as a new form of mutualist propaganda’.¹²¹⁹

The fourth and final strategy consisted of centralizing the power over social policy by restricting the administrative autonomy of provincial and local authorities. This was of course mainly due to the ‘insubordinate’ provincial authorities under socialist and liberal rule, who threatened to make the power politics of the Catholic government ineffective with regard to the socialist associations. It demonstrated once again that the Catholics, especially those in power, could considerably stretch their general ideological repulsion of centralization and statism when this seemed necessary according to the situation. (That is not to say that centralization was a bad thing by definition. The standardization of the administrative methods for distributing subsidies is one more advantageous example.) To defend the Catholic interests, a strict administrative centralization was thus coupled with a decisive rejection of centralized state institutions or direct provision by the state as described in the so-called ‘state socialism’ advocated by the socialists.

Reorganization of the field: mutualist federations and national alliances

As the field of mutual aid associations started to boom at the end of the nineteenth century, there was a growing urge to structure the field, from above as well as from below. Local mutual aid associations, especially the newly established associations in the rural areas, needed cooperative structures in order to expand their services and acquire more members. Especially the need for reassurance, to guarantee their

¹²¹⁷ Parliamentary Proceedings, Chamber of Representatives, 7 Mars 1912, 1021-1022, 1029-1031 and 1040-1041.

¹²¹⁸ Parliamentary Proceedings, Chamber of Representatives, 7 Mars 1912, 1021-1022.

¹²¹⁹ Parliamentary Proceedings, Chamber of Representatives, 15 Mars 1912, 1161.

own operation as well as extend the terms of their allowances, often served as a trigger for local associations to seek alliances with other associations. The government could only welcome such developments and therefore permitted recognized associations to associate themselves in larger federations in the 1894 law. These federations and the national alliances in which they eventually united mostly after the turn of the century became more and more important not only in terms of their provision but also politically.

The pioneer in this regard was the movement of neutral mutual aid associations. They were a particular phenomenon. Until well after the mid-nineteenth century most of the mutual aid associations were decidedly Catholic, or at least Christian, in nature. As political tensions mounted and the emancipation of the workers advanced, the associations gradually ended up in Catholic or liberal spheres of influence. In this context, some started to affirm themselves as politically neutral and claimed they only served and wanted to spread the 'mutualist principles' of 'liberty and progress'. As far back as 1862, a 'free' federation (*Fédération libre*) had been established in Brussels, consisting of several large associations in the larger Brussels area. As already mentioned, many of them canvassed among the skilled labourers in the traditional crafts. Twenty years later, in 1885, neutral associations from throughout the country, especially from the larger cities and industrial regions, convened in Brussels for a congress organized by the Brussels federation. The federation at that point numbered 47 associations, about half of all mutual aid associations in the Brussels area. The single most important point on the agenda was the establishment of a national alliance, a proposition favoured by the leaders of the Brussels federation. They pointed out the internal advantages of such an alliance, which would for instance mediate in conflicts between member associations. But more importantly, in the demand for state subsidies, it seemed vital to many members that a national alliance should play a political role, 'making its voice be heard in governmental spheres and claiming its part of the *largesses* that were distributed there'.¹²²⁰ This could only be achieved together, because 'the number, that is the magic wand that will crumble all obstacles'. Not without reason would the slogan of the new national alliance be '*l'Union fait la force!*'.¹²²¹

It is ironic that this neutral mutualist movement – which had strong historical roots and had experienced a steady rise, which had been among the first to seek wider cooperation as well as to enhance the quality of their services and which had a strong ideological foundation in their belief in 'mutualism' – lost much of its appeal and influence over a short period of time. They ended up in an enduring struggle between two opposing ideological camps and their larger workers' movements (with the liberal movement as a much smaller third), caught in the processes of 'pillarization', democratization and social emancipation. Many neutral associations lost their neutrality, being lured to join either socialist or Catholic federations.

¹²²⁰ (1885) *Rapport du congrès national des sociétés de secours mutuels tenu à Bruxelles le 27 septembre 1885*, 16.

¹²²¹ (1906) *Compte-rendu du XXI^e Congrès mutualiste tenu à Soignies les 3 & 4 Juin 1906*, 7.

Even at the start of their congress in 1885, the young socialist leader Edward Anseele (1856-1938) made an attempt to convince the congress' audience that their federation and alliance had to ally with the newly established Belgian Workers' Party, an appeal that was denounced by the president reminding him of their political neutrality. In Ghent it was Arthur Verhaegen (1847-1917) who convinced the neutral General Union in 1891 to cooperate with a group of Catholic associations in a federation with the unmistakably clear name *Antisocialistische Werkliedenbond* (Anti-Socialist Workers' Union) and the accompanying newspaper *Het Volk. Antisocialistisch Dagblad* (The People. Anti-Socialist Newspaper).¹²²² The story of the reorganization and structuring of the mutual aid field is essentially connected to the wider story about the emerging workers' movements of socialism and Catholic antisocialism.¹²²³ This latter story has been elaborated in detail in an extensive body of literature and will hence not be engaged with here.

While the early example of the neutral mutualist movement made it clear that the organization into regional and provincial federations was justified by internal reasons and executed from the bottom up, the government did much to stimulate this development. As the 1894 law had made it possible for associations to federate themselves, it had also granted federations the same advantages as normal associations. Just like associations, federations were from then on awarded start-up subsidies and annual subsidies in return for sending the ministry their accounts, although these subsidies had never been established by law. The awarding of subsidies to federations, too, could be seen as another example of Catholic power politics. Newly recognized federations were granted between BEF 300 and 5,000, which was a far wider range than those for normal associations (between BEF 125 and BEF 250). The exact amount was said to depend on the various services provided as well as on 'the difficulties met at its establishment'.¹²²⁴ And there was more to come. Again by royal decrees which were not publicized, the ministry had appointed 'delegates' who were paid for by the ministry for assisting the federations in checking the accounts of the member associations. Their appointment was annual and their function 'temporary', but it could be tacitly prolonged, while their salaries were 'variable according to the work done'.¹²²⁵ Quietly throughout the years, the array of subsidies for federations was further expanded: start-up subsidies, annual subsidies for having their (and their associations') accounts checked, start-up subsidies for establishing a permanent secretariat, annual subsidies to cover the expenses of the secretariat, a salaried officer acting as the permanent secretary paid for by the Ministry of Labour, subsidies for their disability service, special subsidies for propaganda purposes such as congresses and newsletters, etc.¹²²⁶

¹²²² De Maeyer (1994) *Arthur Verhaegen (1847-1917)*, 234ff.

¹²²³ For the Catholic reaction to socialism during the nineteenth century, see De Maeyer and Moeys (2017) 'Attirance, rejet et réaction. Catholicisme et socialisme au cours du long XIXe siècle', forthcoming.

¹²²⁴ Parliamentary Proceedings, Chamber of Representatives, 8 Mars 1912, 1042.

¹²²⁵ Parliamentary Proceedings, Chamber of Representatives, 21 February 1905, 751.

¹²²⁶ Barnich (1911) *Le régime clérical en Belgique*, 86-89 and 121-127.

Several reasons can account for the fact that federations were in fact made the spearhead of the government's mutual aid policy. In the first place, they of course contributed a great deal to the quality control and the extension of services of their affiliated associations, for instance by checking their accounts, coordinating their efforts and organizing common services. In their struggle for influence, societies and their federations tried to extend their services, becoming more and more dependent on, and drawn to, state subsidies. This provided the national government with the opportunity to impose standards of quality such as minimum benefits and minimum benefit terms, which the societies and federations had to meet if they wanted to qualify for subsidies. But more importantly, making recognized federations the axis of the subsidy system was also in the Catholic government's tactical interests. The non-compliance of socialist associations with the regulations of the 1898 law made their federations, although some were recognized, ineligible for subsidies. Subsidies to federations therefore almost exclusively benefited Catholic federations and their associations, while at the same time it raised the pressure on socialists to comply with the law and have their local associations abandon their part in the cooperative movement and ask for recognition. Catholics probably knew well enough that socialists held heated internal discussions about whether or not to comply in order to enjoy the subsidies. Socialists in parliament were visibly frustrated with Catholic federations touching so much money from the state, while socialist associations had even been cut off from subsidies by the provinces.¹²²⁷ Socialists calculated that the national alliance of Catholic associations had been paid around BEF 60,000 that year.¹²²⁸ Catholics played this cleverly, telling them simply to comply.

By encouraging the setting up of permanent secretariats, staffed by workers paid for by the ministry, and granting subsidies for propaganda, the government obviously stimulated a process of institutionalization and centralization. The permanent secretariats became the hotspots for the propaganda and study of the mutualist movement and the question of social insurances. As the neutral federation had done years before, they started to organize congresses and publish bulletins, pamphlets and other writings. Their propaganda was of course linked to that of the political party they adhered to, although they also increasingly started to campaign for their own interests *within* those parties. Acting as the exponents of their respective mutualist movements, and in a sometimes strained relationship with the syndicalist movement as the more militant part of the growing workers' movement, they gradually gained power in politics and decision-making. As the socialist representatives had noted, the boundaries between politics and mutual aid had blurred considerably.¹²²⁹ Catholic politicians were the presidents and leaders of some of the most powerful federations. Catholics could in turn respond that, for instance, the socialist representative Anseele was the leader of the influential

¹²²⁷ Parliamentary Proceedings, Chamber of Representatives, 19 April 1904, 1294.

¹²²⁸ Parliamentary Proceedings, Chamber of Representatives, 8 Mars 1912, 1042.

¹²²⁹ Gerard (1991) *De christelijke arbeidersbeweging in België (1891-1991)*.

socialist cooperative movement *Vooruit* in Ghent.¹²³⁰ Conversely, Labour ministers, high officials within the administration and mayors attended, were applauded and were appointed honorary members at national congresses.¹²³¹

The consequences of this increasing intertwinement between the political and the mutual aid sectors were more far-reaching than that of their presidents alone, and especially were reflected in the recognition of the national alliances. Not surprisingly being the first, the national alliance of the Catholic mutual aid associations obtained legal recognition in 1906 and received BEF 30,000 by way of start-up subsidies.¹²³² The neutral, socialist, liberal and factory-related mutual aid associations followed in 1908, 1913, 1914 and 1920, respectively. Most of all through their national representatives and secretariats, gaining influence and prominence as the spearheads and hotspots of the respective mutual aid alliances, they were gradually becoming structurally involved in the policy-making process. This was exactly what the Catholic government intended to do:

*Par la réunion de ces œuvres en fédérations régionales et en groupements nationaux, elle a créé une organisation raisonnée, à laquelle le Gouvernement a donné un appui efficace et qu'il a associé à sa mission administrative.*¹²³³

The whole edifice of mutual aid was becoming part of the government's administrative mission as 'public services'. While the federations and alliances benefited from their links with politicians to lobby for subsidies and propositions for new policies, the political establishment was glad to see how a large part of the workers' force could be drawn in.¹²³⁴ This was part of the larger image that had always existed of the mutual aid association as a place where the worker could be 'neutralized' and pacified and made part of society instead of adhering to class struggle. In a sense this was the ultimate accomplishment of a wish that had been expressed by a Catholic representative in 1862: that the mutual aid associations would be 'called in' to take part in 'the public order'.¹²³⁵ The recognition of the national alliance of the socialists in 1913 could be seen as the ultimate victory for the Catholic policy. The same development was visible in the case of trade unions. Even when they were traditionally seen and experienced as much more aggressive toward the social order, their national alliances became part of the same structure. The national secretariat of Christian trade unions received about BEF 66,000 between 1907 and 1910, from about BEF 400 in 1907 to BEF 22,000 in 1910.¹²³⁶

¹²³⁰ Parliamentary Proceedings, Chamber of Representatives, 7 Mars 1912, 1021-1023.

¹²³¹ See for instance (1910) *Compte-rendu du XXVe congrès mutualiste tenu à Bruxelles les 15 & 16 Mai 1910*, 3 and 46-47.

¹²³² Barnich (1911) *Le régime clérical en Belgique*, 488.

¹²³³ Parliamentary Documents, Chamber of Representatives, 1912-1913, n°7, 1.

¹²³⁴ See for instance the conclusions of (1911) *Alliance nationale des Fédérations Mutualistes Chrétiennes de Belgique. Compte-rendu du 5me congrès de l'Alliance*, 9.

¹²³⁵ Cited by Parliamentary Documents, Chamber of Representatives, 1889-1890, n°197, 3.

¹²³⁶ Parliamentary Proceedings, Chamber of Representatives, 6 Mars 1912, 1012.

Maintaining subsidized liberty in the inevitable compulsory social insurance system

As Jo Deforme has noted, Catholics had long sworn to be the protectors of liberty.¹²³⁷ Subsidized liberty in this context meant: the free choice to decide whether or not to insure yourself, which, if you did insure yourself, was subsidized or supported by the government.¹²³⁸ Even socially-minded Catholics found compulsion hard to accept, as it would thwart the spontaneous action and association which so fundamentally underpinned the whole edifice of mutual aid. Only if it could be demonstrated that individual initiative would not bring the necessary result, there was reason to believe some sort of compulsion from above could be justified:

*J'aimerais [...] à éviter au pays [...] l'assurance obligatoire. [...] Il se peut que si la mutualité échoue, que si les initiatives particulières tardent trop à remplir leur devoir social, que si le patronat se dérobe au concours qu'on attend de lui [...] mais nous le regretterons en songeant à tout ce que nos classes ouvrières perdront ainsi en volonté, en énergie, en développement moral.*¹²³⁹

Arthur Verhaegen, for example, would never come to live with the idea of compulsion. This was arguably one of the Social Catholics' biggest differences with real Christian Democrats, who had always been far more open to the possibility of compulsion and had even advocated it in their own party themselves. Of course, the opposition to compulsion also lay in the fact that it would necessarily bring the establishment of some sort of public service for workers who were not members of a mutual aid association. Catholic politicians, especially in government and mutual aid circles, were clever enough to hold off compulsion as long as possible, to make sure that the Catholic associations were strong enough to cope with the consequences.

However, more and more compulsion was felt in Catholic circles as something inevitable in the long term, as was very much the same in the case of education. The subsidies to mutual aid associations and the system of subsidized liberty as a whole were under increasing scrutiny from liberals and socialists, and Catholics realized that compulsion might serve as the 'change' to safeguard their edifice. In this context the meaning of subsidized liberty in their discourse gradually altered. One of the Social Catholics perfectly expressed the reigning reluctance coupled with a tentative attempt to justify compulsion:

Nous fécondons le principe de la liberté subsidiée [...] Il n'est pas inconciliable avec l'idée de l'obligation. Je vais même plus loin : le principe de la liberté subsidiée peut faciliter la voie à l'obligatoire, que, d'ailleurs, je ne désire pas. Si nous parvenons, grâce aux

¹²³⁷ Deforme (2016) 'The Influence of Catholic Socio-Political Theory on the Foundations of the Belgian Welfare State', 89-104 and Deforme (2007) *Uit de ketens van de vrijheid*.

¹²³⁸ See for example the debates on the 1900 old-age pensions law: Parliamentary Documents, Chamber of Representatives, 1899-1900, n°162, 1.

¹²³⁹ Dejace (1900) 'Le loi sur les pensions de vieillesse', 246.

*subsidés, à généraliser la mutualité, tout le monde sera assuré; et si une loi venait dans la suite consacrer ce principe de l'assurance obligatoire, elle ferait que consacrer une situation acquise.*¹²⁴⁰

Most important was of course that compulsion was not any longer seen as incompatible with subsidized liberty. In contrast with its earlier meaning, subsidized liberty started to mean: the liberty, in spite of compulsion, to choose freely from a range of 'pillarized' providers which were subsidized by the government. Social Catholics and Christian Democrats who favoured compulsion, as opposed to conservatives and some Social Catholics like Verhaegen, often cited a famous quote from Lacordaire, the liberal-Catholic ally of Lamennais mentioned in chapter one: 'In social matters, it is freedom which oppresses and the law which liberates'.¹²⁴¹ Doing so was characteristic of the changed discourse.¹²⁴²

The Catholic national alliance organized an interesting survey in this regard in 1911. Its member associations were asked (1) if they preferred the existing system of subsidized liberty (2) 'or' if they favoured compulsion; (3) if they wanted to keep the free choice of providing association (4) 'or' if they wanted to let the employer choose one for their workers. The phrasing of the question alone seemed to suggest that 'subsidized liberty' was still seen as something opposite to compulsion. Two thirds therefore indicated they preferred liberty, and only one third compulsion. However, if we study the details of their answers further, it became clear that a large majority of the associations had also admitted that liberty alone would not be enough. Furthermore, all associations except for one favoured the free choice of provider. The outcome, therefore, might have been different if the choice between question 1 and 2 had not been a mutually exclusive one. The enquiry had, however, taken this into account, as the fifth question asked if they supported the English system, which in fact combined compulsion with free choice of provider. Almost 75% answered positively. The secretary-general writing the report enthusiastically observed that

*Un très grande nombre de Sociétés le déclarent explicitement: [...] elles s'y rallieraient à condition d'adopter un système semblable au système anglais: la liberté dans l'obligation!*¹²⁴³

The conclusions adopted by the Catholic national alliance's congress not surprisingly rallied for a new law for old-age pensions, with compulsion and free choice of provider. Similarly, the annual congress of the neutral national alliance in 1913 convened around the question 'What essential dispositions should be contained in a law on social insurance, based on compulsion, combined with the freedom of choice of intermediary organism?'.¹²⁴⁴ They, too, were fundamental

¹²⁴⁰ Parliamentary Proceedings, Chamber of Representatives, 15 Mars 1912, 1158.

¹²⁴¹ For one example, see Parliamentary Proceedings, Chamber of Representatives, 30 April 1914.

¹²⁴² This kind of discourse figures very importantly in Deferme (2007) *Uit de ketens van de vrijheid*.

¹²⁴³ Eeckhout (1911) 'Rapport sur le Referendum au sujet des Assurances sociales', 12-14.

¹²⁴⁴ (1913) *Compte-rendu du XXVIIIe congrès mutualiste tenu à Gand les 11 & 12 Mai 1913*, 8.

believers in the subsidized liberty system including compulsion, and they too had already advocated it during a congress in 1911.

In short, when compulsion had become inevitable in the early 1910s and a comprehensive reform of social insurances was tabled, it did not by any means imply a break with the system of subsidized liberty. On the contrary, as the Social Catholics (excluding Verhaegen) had remarked, compulsion was about to reinforce the system of subsidized liberty. Significantly in that regard, the government's bill was drafted by the head of the national alliance of Christian mutual aid associations, to the frustration of socialist and liberal politicians who saw their chance to present their own bills (as seen in section 6.3). During the preceding years, many countries had issued legislation on social insurances (Italy 1908; France 1910; England 1911) and in many countries, the involvement of existing voluntary funds such as mutual aid associations had been one of the discussion points.¹²⁴⁵ Naïve hopes by socialists that mutual aid associations would now be crowded out of the compulsory social insurance schemes, were firmly fielded by the bill's explanatory remarks:

*L'évolution vers une obligation ainsi entendue de la part des associations qui ont bénéficié du régime de la liberté subsidiée et qui en ont été les instruments, n'implique donc aucunement l'abandon des formes d'organisations qu'elles ont pratiquées jusqu'ici. [...] Vis-à-vis des mutualistes, l'obligation ne doit avoir qu'un rôle auxiliaire et subsidiaire.*¹²⁴⁶

As conservative cabinets had done so many times before, the government explained that the bill did not aim to change or transform things, but rather to confirm and reinforce the existing situation. For the same reason, because the bill 'has roots so deep in the existing institutions', it was not needed to elaborate for its justification on 'grand theories of individualism, compulsory insurance or national solidarity'.¹²⁴⁷

The 1914 law said in its first article that all workers with annual wages of under BEF 2,400 were obliged to insure themselves, if not with the existing mutual aid associations or their national alliances, then with the regional public services which would be established to that end.¹²⁴⁸ Mutual aid association members who had always paid their own contributions could still do so and obtain a receipt to show to their employers, otherwise part of the worker's wages was automatically deducted by the employer. If the outbreak of the First World War had not thrown a spanner in the works, Belgium might have had its law on compulsory social insurance in 1914.¹²⁴⁹ After lengthy debates with socialists presenting their own proposal, the government passed a bill by large majority of votes in the Chamber of Representatives in the spring of 1914 which only needed to be confirmed by the –

¹²⁴⁵ Parliamentary Proceedings, Chamber of Representatives, 24 April 1914, 1818.

¹²⁴⁶ Parliamentary Documents, Chamber of Representatives, 1912-1913, n°7, 1-2. See also Parliamentary Proceedings, Chamber of Representatives, 24 April 1914, 1818.

¹²⁴⁷ Parliamentary Documents, Chamber of Representatives, 1912-1913, n°7, 2.

¹²⁴⁸ Parliamentary Documents, Senate, 1913-1914, n°90, 1-4.

¹²⁴⁹ Companje et al. (2009) *Two centuries of solidarity*, 94-95.

reluctant – Senate. The compulsory social insurance did not come into being until after the Second World War.

On the eve of the First World War, social provision had undergone a major transformation. The Belgian supporters of subsidized liberty exclaimed that their system was now followed all over Europe. This was of course bending the truth considerably, but it said much about the triumphant state of mind of many Catholics. The budgets devoted to this system had also expanded enormously, even without the new law coming into operation. Almost half a million workers were affiliated with about 4,000 mutual aid associations.¹²⁵⁰ In 1911 the Catholic national alliance alone counted almost 700,000 members, 67 federations and almost 4,500 associations of which the biggest part were pension funds.¹²⁵¹ Even the most progressive social reformers in 1886 would not have believed the measure of state intervention 25 years later. By 1914, the Ministry of Labour budgeted almost BEF 1 million for subsidies to mutual aid associations and federations, and BEF 1.6 million for subsidies to societies responsible for old-age pensions.¹²⁵² But the direct pension contributions of the state, established since the 1900 Pension Act, at BEF 17.8 billion represented the biggest slice of the budget by far. Together these items made up no less than 75 % of the Ministry's entire budget.

6.5 Subsidized liberty on the local level? The Ghent system of unemployment insurance (1900-1914)

From the early nineteenth century on, some mutual aid associations considered introducing unemployment insurance, but the prevailing bourgeois discourse on individual responsibility was not a welcoming one. In the industrial context, providing cheap labour and full employment was one of the primary concerns early on. Unemployment, so it was maintained, was due to the unwillingness and laziness of the worker rather than economic and social factors outside his reach. Yet, some mutual aid associations reasoned that if they already protected their members against misfortune of which income loss was the consequence, why not insure their members against involuntary income loss in itself as a consequence of misfortune? Indeed, sickness and unemployment were the two true enemies of the worker; every association aiming to reduce the problems which served as 'stumbling blocks for the modern society' had to be cheered.¹²⁵³ Radical supporters of mutual aid could not conceive of a reason to exclude unemployment from the tasks of mutual aid associations:

¹²⁵⁰ Companje et al. (2009) *Two centuries of solidarity*, 92.

¹²⁵¹ (1911) *Alliance nationale des Fédérations Mutualistes Chrétiennes de Belgique. Compte-rendu du 5me congrès de l'Alliance*, 3.

¹²⁵² Parliamentary Documents, Chamber of Representatives, 1913-1914, n° 4, 32-33 and 42-43.

¹²⁵³ Dauby (1872) 'Des caisses de chômage', 45.

*la mutualité a fait des merveilles dans tous les ordres de choses où elle a été sagement appliqué, pourquoi y aurait-il une exception à cette règle pour le cas de chômage ?*¹²⁵⁴

Already in 1848, a Brussels association of highly-skilled typographers had set up a 'fund destined to parry (*parer*) the inconveniences of unemployment', which had reasonable success. Although the fund was at least partly set up to cover the fact that the association mainly served as a trade union rather than a full-blooded mutual aid association, this did not prevent it from (or arguably – as will be explained presently – even caused it) enjoying some reasonable successes as one of the first of its types.¹²⁵⁵

Mutual aid associations did have their motives for organizing unemployment insurance themselves. Affiliated workers who became involuntarily unemployed and lost their wages could often no longer pay their contributions to the sickness funds, which was equally disadvantageous for the mutual aid associations. Yet, several reasons ensured that unemployment insurance as a type of mutual aid insurance did not come off the ground. The general development of mutual aid associations, as section 6.2 showed, was slow, for many reasons, one of which was that workers did not have money to spare for subscription fees. For the very same reason, workers could not afford to affiliate with unemployment funds. Besides these more general reasons, the truth was that there was indeed a reason why unemployment could be an exception to the rule of mutual aid. It had to do with the very nature of unemployment itself, a risk that was highly dependent on the type of work rather than just on misfortune. In some sectors such as the construction industry, the risk of temporary unemployment was higher and more volatile because its interdependency with the general state of economy than in other, more stable sectors. Expressed as a percentage, the level of unemployment could easily vary between 2% and 20%, as the Ministry of Industry and Labour calculated at the end of the nineteenth century.¹²⁵⁶ For mutual aid associations which were arguably not particularly specialized in assessing risks in a scientific way until the end of the century, it was extremely difficult to insure their members against unemployment, let alone to differentiate between the various risk categories of their members. Even if they had wanted to, their membership was often too diverse to start calculating the risks for all of them.

Trade unions, which by definition comprised members from the same industry, therefore constituted a more natural provider of unemployment insurance than local mutual aid associations. Trade unions had already started providing this, but initially with little success. They had little to offer unemployed workers – a loaf of bread a week and a limited benefit – and thus few workers affiliated with the funds.¹²⁵⁷ But their luck turned around the turn of the century, because of the

¹²⁵⁴ De Corswarem (1872) 'Des caisses de chômage', 104.

¹²⁵⁵ Dauby (1872) 'Des caisses de chômage', 43.

¹²⁵⁶ (1906) *Revue du Travail*, 84–89.

¹²⁵⁷ Nath (2013) *Brood willen we hebben!*, 28–29.

favourable economic climate, because of increased political interest in the topic of unemployment following the violent protest marches in the 1890s and, not least importantly, because municipal authorities had decided to step in to subsidize unemployment insurance.

The Liège system vs. the Ghent system: workers, trade unions and municipal subsidies

After the coalition ban had been abolished in 1866, many trade unions had been set up, not infrequently with a socialist background. Trade unions and local labour associations were the backbone of the BWP, the Belgian socialist party founded in 1885. By the end of the century, trade unions ended up in the same whirlwind of democratization, social unrest, expanding labour movements in general, and of course 'pillarization'. Although initially far less powerful than the socialists', Christian trade unions emerged as part of the progressive Catholics' answer to the rise of their socialist counterparts. Not in the least in Ghent, the 'cradle' of both movements where affiliation with trade unions had traditionally been high among workers, the competition between the Christian labour movement and the socialist movement was an important factor in the first initiatives as regards unemployment insurance with support from local authorities.¹²⁵⁸ Christian trade unions and their leaders were eager to set up viable unemployment insurance schemes, because they could create a 'suction' effect for their movement, against the powerful socialist movement, even more so because they knew that socialists were not undivided on the question of unemployment insurance. Some were bitterly opposed to it, as they feared it would undermine the workers' willingness to strike as well as the effect of their strikes.¹²⁵⁹ In Belgium too some workers and their socialist leaders preferred direct strike compensation rather than the more 'conservative' unemployment insurance. The socialist leader Emile Vandervelde was quoted in parliament speaking at a socialist congress about the 'unfavourable symptom' that 'certain syndicats tend to transform into professional mutual aid associations, deprived of all combativity'.¹²⁶⁰ Christian Democrats and social Catholics in Ghent tried to play this to their own advantage.¹²⁶¹

Three Christian Democrats, among them the right-hand man of Arthur Verhaegen in the *Antisocialistische Werkliedenbond* (Antisocialist Workers' League), laid down a proposal in 1896 at the Ghent municipal council to vote a credit of BEF 25,000 to subsidize trade unions which provided unemployment insurance and to set up a new fund for non-affiliates. Their repeated calls were initially brushed aside, but in 1898 the municipal council decided to study the question, put under pressure by new

¹²⁵⁸ Pasture (2005) 'Building the Social Security State', 259. See also Strikwerda (1997) *A House Divided*, 42ff and De Maeyer (1994) *Arthur Verhaegen (1847-1917)*, 243ff.

¹²⁵⁹ Van Daele (2002) *Van Gent tot Genève: Louis Varlez, een biografie*, 68. See also Van Daele (2007) 'Louis Varlez en de sociale kwestie. De liberale burgerij uitgedaagd', 265-288.

¹²⁶⁰ Parliamentary Proceedings, Chamber of Representatives, 19 May 1905, 1410.

¹²⁶¹ Vanthemsche (1985) 'De oorsprong van de werkloosheidsverzekering in België: vakbondskassen en gemeentelijke fondsen (1890-1914)', 132.

protest marches. To that end, a commission was founded which would enter into consultation with trade unions while police would test the waters with the population.¹²⁶² The young liberal lawyer Louis Varlez presided as the commission's secretary. As mentioned in chapter two, Varlez had quickly gained fame in the liberal circles of the *Société liberale d'études sociale et politiques* as a diligent worker with ample knowledge of the social legislation and situation both in Belgium and abroad, and especially with his intention to draw up a comprehensive analysis of the social situation in Ghent in his *Plan Social*.¹²⁶³ He was an independent mind who often caused controversy in the *Société libérale*. For instance he opposed the proposed establishment of a liberal social housing corporation because enough Catholic associations of that kind existed, and because creating more of the same kind just to battle the Catholic ones was superfluous and inefficient.¹²⁶⁴

It was Varlez who put his mark on the system of subsidized unemployment insurance that would become known as the Ghent system. Although a progressive and anti-paternalist one, Varlez was an individualist who did not so much like the idea of pillarized and politicized mutual aid associations and trade unions, even less so as they were becoming an increasing part of the political sparring.¹²⁶⁵ But he was also a pragmatist; he fully realized that a solution with regard to unemployment insurance would only be viable with the help of the trade unions, who would have to address their own supporters. He had seen experiments abroad, with municipal funds which failed to attract workers and who could not differentiate between the different categories of workers and their risks.¹²⁶⁶ He showed the same pragmatism towards state intervention. He opposed state intervention in the form of the German state insurance, because its expenses and administration were out of control.¹²⁶⁷ In a discussion in the *Société libérale* he had observed that

*l'Etat a le devoir d'intervenir pour remédier aux maux existants. Le système de la liberté en vigueur depuis toujours n'a produit pour ainsi dire aucun résultat et ne pourrai en produire en matière d'assurance.*¹²⁶⁸

Indeed, he realized, again by experience from international cases, that the support of public authorities was of the utmost importance if the experiment of unemployment insurances was to succeed.

These views combined meant that Varlez' system involved municipal subsidies without simply choosing to subsidize trade unions.¹²⁶⁹ His plan was almost

¹²⁶² (1897) *Revue du Travail*, 701 and Parliamentary Proceedings, Chamber of Representatives, 19 May 1905, 1411.

¹²⁶³ Varlez (1892-1893) 'Le plan social de Gand', 23-24 and (1894-1895) 'Le Plan Social de Gand', 9-18.

¹²⁶⁴ (1892-1893) 'La question des logements ouvriers à Gand', 10-11.

¹²⁶⁵ *Société libérale pour l'étude des sciences et des œuvres sociales. Bulletin 2* (1892-1893) 4, 7-8.

¹²⁶⁶ Narcisse (1909) 'L'Assurance contre le Chômage', 38-39 and Vanthemsche (2011) 'La Ville de Gand et l'aide aux chômeurs (1900-1914)', 894-895.

¹²⁶⁷ Varlez (1892) 'Les pensions de retraite ouvrières. (Clôture de la discussion.)', 37-38.

¹²⁶⁸ (1892) 'Les pensions de retraite ouvrières', 29-30.

¹²⁶⁹ Topalov (1985) *Aux origines de l'assurance chômage: l'état et les secours de chômage syndicaux en France, en Grande Bretagne et aux Etats Unis. Première approche*, 51.

unanimously accepted in the municipal council and put into operation as of 1901.¹²⁷⁰ The system provided in a municipal *Werkloosheidsfonds* (unemployment fund), administered by a committee consisting of unions' representatives and chaired by Varlez himself. This municipal fund supplemented unemployment benefits paid by trade unions to their affiliated workers with an additional amount of between 50 and 100% of the benefit, with a maximum of BEF 1 a day for 50 consecutive days. But it was the trade union itself which organized the unemployment insurance, which checked that its members were still willing to work, and which paid them their benefits. When an unemployed worker came to claim his benefit, the trade union paid him their benefit as well as the anticipated additional subsidy from the municipal fund. Only afterwards could the trade union reclaim this anticipated additional amount with the municipal fund by sending a receipt of the transaction. The specific way in which the payments were done was revealing of the way the trade unions functioned as an intermediary. He seemed to implicitly refer to the Liège system when he said about the trade unions' role that

*les syndicats reçoivent leur part, leur large part, non parce qu'ils sont des syndicats, mais parce qu'ils réalisent d'une manière effective un service public.*¹²⁷¹

Varlez had also secured, not without initial protest from the trade unions involved, the same subsidies for workers not affiliated with trade unions. If they registered at the town hall and paid regular contributions, they were given the same additional amounts upon claiming their own savings in times of unemployment.

What Varlez wanted to avoid had actually been put into operation by the province of Liège. Back in 1897, a member of the provincial executive board had proposed a credit to financially support those trade unions in the province that provided unemployment benefits for their members. Subsidies were calculated partly on the basis of the benefits the trade unions granted and partly on the basis of the subscription fees members had to pay, and were paid annually. The trade unions could more or less use the subsidies as they liked. It was clear that the system was being used to strengthen the trade unions rather than to provoke unemployment insurance itself, as it tended to favour the larger trade unions and was calculated regardless of the economic climate and the actual expenses for unemployment benefits incurred by the trade unions.¹²⁷² But the Liège system soon had to acknowledge its Ghent counterpart's superiority. Also because of the less favourable circumstances in the southern part of the country, the system neither reached the same amount of people nor invested the same amount of money. In the year of its launch, 1901, the Ghent system distributed unemployment benefits to 13,000 workers, while the Liège system by then, after four years, only subsidized 3 unions and their 300 members.¹²⁷³ The socialist labour movement held absolute

¹²⁷⁰ Vanthemsche (1990) 'Unemployment insurance in interwar Belgium', 352-353.

¹²⁷¹ Varlez (1910) *L'assurance-chômage en Belgique*, 263 cited by Vanthemsche (1985) 'De oorsprong van de werkloosheidsverzekering in België', 135.

¹²⁷² Vanthemsche (1990) 'Unemployment insurance in interwar Belgium', 353.

¹²⁷³ Vanthemsche (1985) 'De oorsprong van de werkloosheidsverzekering in België', 138-146.

sway in the industrial regions in the southern part of the country, lacking the competition of Christian trade unions, and the trade-union traditions were deeper and more radical, which made the trade unions less inclined to organize unemployment insurances. While the Ghent system was soon copied by other cities in Belgium, the Liège system only remained in place in Liège itself, both on the provincial and municipal levels. Alternatives to organizing unemployment insurance, such as a persistent call to include unemployment insurance as a possible activity of mutual aid associations under the 1894 law and hence make it eligible for subsidies, also failed to materialize.

The Ghent system as a whole bore remarkable resemblances to the system of old-age pensions, in which members of mutual aid associations were subsidized through the associations for individual deposits with the state fund. In that sense it was certainly a local system of subsidized liberty: one that encouraged individual efforts of self-help through public subsidies granted through the intermediary function of voluntary associations. One difference was that in the case of the old-age pensions, the national Catholic government had also provided additional subsidies to the mutual aid associations themselves for every affiliation of an individual member. The national system of old-age pensions thus encouraged both the individual effort and the intermediary structure of mutual aid associations. Significantly, although Varlez had explicitly intended to not encourage trade unions as such, the Ghent system ended up doing just that. Initially some trade unions might have favoured the Liège system and might have dreaded the alternative option of the individual worker being able to enjoy the same subsidies without the agency of the unions. However, they soon found out that the unemployment insurance made them thrive, because it attracted more members, which in turn enabled them to improve the benefits and expand their service. The Ghent system seemed to be the start of a cycle resulting in steady growth for the trade-union movement, even though at the dawn of the First World War only 10% of the workers (mostly the high-skilled workers) were unionized and few others had individually registered for the municipal unemployment schemes.¹²⁷⁴ Thus even though it had proven quite a success, the Ghent system still only brought unemployment insurance to a fraction of the workers. Perhaps the national government could step in?

Reluctant reaction on the national level

The Catholic government had, not without controversy, enacted a law in 1898 offering *unions professionnelles* (both mixed employer-employee associations and trade unions), like mutual aid associations the possibility to obtain official recognition and limited legal rights.¹²⁷⁵ However, this law had met with serious opposition from conservatives, who considered trade unions vehicles of class struggle and social unrest as opposed to the mixed employee-employer corporations which were

¹²⁷⁴ Vanthemsche (1990) 'Unemployment insurance in interwar Belgium', 354 and Van Daele (2002) *Van Gent tot Genève: Louis Varlez: een biografie*, 72.

¹²⁷⁵ (1898) *Revue du Travail*, 436-443.

examples of ‘concord and conciliation’.¹²⁷⁶ Mixed corporations had still powerful support among conservatives, although progressive social Catholics and Christian Democrats had increasingly rejected this idea as unrealistic and unproductive in the struggle of the Christian labour movement against the socialists. The Catholic government, too, was generally far less eager to financially support trade unions, which they saw as propagators of the class struggle compared to the more conservative mutual benefit societies that brought common people the virtues of savings and private property.¹²⁷⁷

After the introduction of the Ghent system, socialist members of parliament tried to provoke the Catholic government into supporting the municipal unemployment funds with subsidies, but with little success.¹²⁷⁸ A socialist draft in 1902 to nationalize the unemployment insurance system was rejected, as were repeated demands for subsidies in 1901 and 1903. Although Social Catholics and Christian Democrats supported these demands, they seemed to make little impression on the rather conservative Catholic Minister of Industry and Labour, Gustave Francotte (1852-1925). He declared that his administration already supported the trade unions and their unemployment service indirectly and was prepared to double that effort by giving subsidies to the *Bourses du Travail* (Labour Fairs).¹²⁷⁹ But the credits he was speaking about, at BEF 5,000 each per year, were extremely meagre. Verhaegen and his Social Catholic allies did not give in and repeated their demands during the next years, by cleverly trumpeting forth the praise of the Ghent system, not only because it was yet another instance of Belgium taking the lead on social policy innovations but also because it was another success of the Catholic system of subsidized liberty:

*C'est une honneur pour la Belgique d'avoir introduit une forme nouvelle de prévoyance et certes ce n'est pas la première fois [...] Aujourd'hui on est unanime à reconnaître, en France comme en Allemagne, que la meilleure forme de l'assurance contre le chômage est celle que nous avons adoptée en Belgique et qui est connue sous le nom de système de Gand. L'œuvre rentre dans la logique de la politique économie catholique, qui consiste à promouvoir l'initiative privée. [...] c'est pourquoi nous avons cru devoir insister auprès de M. le ministère pour qu'il propose à la Chambre un subside pour les caisses de chômage et indirectement pour les unions professionnelles.*¹²⁸⁰

At first, Francotte hid himself behind a new proposal to expand the 1894 law on mutual aid associations to allow recognized mutual aid associations to provide unemployment insurance. While this had been rejected at the time the 1894 law was drafted, conservatives in both the Liberal and Catholic Parties still hoped to give the responsibility over unemployment insurance to mutual aid associations

¹²⁷⁶ De Vergnies (1895) ‘Les Unions Professionnelles. Examen du projet de loi belge’, 97.

¹²⁷⁷ Lis and Vanthemsche (1995) ‘Sociale zekerheid in perspectief’, 58-59.

¹²⁷⁸ Van Daele (2002) *Van Gent tot Genève: Louis Varlez: een biografie*, 69.

¹²⁷⁹ Francotte in Parliamentary Proceedings, Chamber of Representatives, 29 April 1904, 1534.

¹²⁸⁰ Tibbaut in Parliamentary Proceedings, Chamber of Representatives, 19 May 1905, 1412.

rather than trade unions. But the *Commission Permanente* again clearly dismissed the idea and the bill was not taken into consideration.¹²⁸¹

Francotte eventually agreed to subsidizing the unemployment insurance fund in 1907. Meanwhile he had learned that the administration of the municipal fund occurred peacefully and that there was a good understanding between trade unions' representatives and the municipal authorities.¹²⁸² But the subsidies were still only worth BEF 10,000 in 1907 and BEF 40,000 before the First World War. Moreover, the government's distrust did not seem entirely to be gone. In addition to supporting some municipal funds, the subsidies again seemed to favour *recognized* (Catholic) mixed employee-employer associations of the more well-off craftsmen's trades rather than those of the unrecognized (socialist) trade unions consisting of the less-fortunate industrial labourers, which was in keeping with their policy on mutual aid associations. The gradual increase of subsidies since 1905 was again an occasion for the socialists to let their opposition to the system of subsidized liberty and the Catholic policy of favouring their own associations be heard. They complained once again that the conditions for legal recognition in itself were favouring Catholic associations, as they were tailored to their structure and nature:

*Nous avons déjà la liberté subsidiée pour les soi-disant ligues de tempérance, pour les ligues des paysans, pour les écoles ménagères, pour les écoles industrielles, pour les mutualités, pour toutes les œuvres que l'ingéniosité catholique crée et qui sont toujours organisées de telle sorte que la reconnaissance légale ne peut profiter qu'à elles seules, et qu'elle ne profite pas aux associations similaires; et voici maintenant qu'on ajoute les subsides pour les unions professionnelles.*¹²⁸³

Persistent progressive pressure led in 1911 to the establishment of a national commission which had to study the question of state intervention in unemployment insurance. While before the First World War the Ghent system had already been implemented at national level (but still on a voluntary basis) in Denmark, Norway and the Netherlands, Belgium only followed in 1920.¹²⁸⁴ Other countries meanwhile developed in the direction of compulsory unemployment schemes.

Conclusion

Responsible and thrifty workers insuring themselves against all sorts of misfortunes, by uniting in mutual aid associations according to the principles of self-help and mutual aid, not surprisingly became supported by the first legislation as part of an essentially conservative and bourgeois answer to the social and economic crises of the mid-nineteenth century. According to the prevalent

¹²⁸¹ (1906) *Rapport de la Commission permanente des sociétés mutualistes*, 38ff.

¹²⁸² Vanthemsche (1985) 'De oorsprong van de werkloosheidsverzekering in België', 147-148.

¹²⁸³ Vandervelde in Parliamentary Proceedings, Chamber of Representatives, 26 May 1905, 1486.

¹²⁸⁴ Vanthemsche (1990) 'Unemployment insurance in interwar Belgium', 355.

discourse of a subsidiary state, the liberal cabinets of the time drew up a regulatory framework, created a state pension fund (ASLK) and provided some limited financial advantages for mutual aid associations. By the 1880s, after another height of the social crisis, it had appeared that little progress had been made. As they became involved in the whirlwind of democratization and pillarization which spurred competition between its two main contenders (the socialist and Christian labour movements) mutual aid associations also became the linchpin in the Catholic policy after 1884. They were increasingly coordinated by larger federations and eventually by national unions, led by figures from national politics. With the expanding field of subsidies of all sorts as well as a growing body of regulations, the field of mutual aid became more and more politicized and mutual aid associations transformed into intermediary public services.

Indeed, Catholics were determined to build, expand and favour their own network of Catholic associations, as they feared losing government power to socialists. Therefore, they carefully charted the course for subsidized liberty in the field of social insurance – as well as in many other fields, not least importantly education – avoiding alternative pathways from abroad or home. They used their power actively by tailoring legislation, regulations and conditions with regard to subsidies to the Catholic institutions, which eventually forced socialist associations into participation in their model of subsidized liberty. By the time compulsion had become inevitable, partly because Belgium lagged behind abroad, Catholics cleverly used it as a to confirm and strengthen rather than transform or abolish their system of subsidized liberty. The First World War abruptly prevented the 1914 law from coming into practice, and it was only after the Second World War that compulsory social insurances would materialize – once again largely confirming subsidized liberty. In the meantime, a similar system had been built on the local level with regard to the unemployment insurance offered by trade unions. The Ghent system conceived by the liberal Varlez and the cooperation between municipal authorities and local trade unions gave a boost to the development of both unemployment insurance and trade unions, even though it had been specifically designed not to favour their agency. Clearly, this local system perfectly fit the Belgian context of private/public and subsidiary social provision, and the system was taken over on the national level in the early 1920s.

CONCLUSION

SUBSIDIARY SOCIAL PROVISION BEFORE THE WELFARE STATE BETWEEN TRADITION AND MODERNITY

On 6 May 2014, the new Forensic Psychiatry Centre in Ghent was officially inaugurated. However, the festive opening of this brand-new facility for prisoners with mental illness had been preceded by some intense controversy. It was widely expected that the management contract for the facility would be awarded to a non-profit group including the OCMW (the local public welfare centre) of Ghent and run by the religious institute of the Brothers of Charity (*Broeders van Liefde*), traditionally one of the providers of psychiatric care in Belgium. The voices of academic medical experts, as well as politicians and policy experts, were joined in their criticism when the government instead gave the contract to the only other candidate, a consortium of several commercial companies.¹²⁸⁵ Apart from demonstrating a growing inclination to outsource social provision to private commercial providers, the controversy was also revealing in another way. It showed not only that the incorporation of non-profit providers like the Brothers of Charity in the public system as well as their close collaboration with local public welfare centres exist to this day, but also that such collaborations are still considered to be self-evident in the present-day landscape of Belgian social provision. As this book has shown, they are part of a long-standing tradition and preference for ‘subsidiary social provision’ in Belgian social policy.

Indeed, if Belgium with its system of ‘subsidized liberty’ today serves as a solid welfare state with accents of non-state provision by private voluntary providers, this can be traced back to the nineteenth-century developments in social policy and political theory. Nineteenth-century Belgium saw the conception and establishment of a system of ‘subsidiary social provision’. Mixed private/public constructions in key domains of social policy, over which the state had assumed the official responsibility and supervision at some point during the eighteenth or nineteenth centuries, had maintained much of the traditional structures and were largely followed and formalized in new agreements and legislation on the local and national level. Local and national elites, many of which passively favoured or actively spurred a transnational discourse of social conservative reformism as an answer to revolutionary sentiments, supported the idea of reliance on the Church and voluntary associations collaborating closely with local, provincial and – more

¹²⁸⁵ *Exploitant voor het FPC Gent vandaag goedgekeurd* | *Federale Overheidsdienst Justitie*, published 4 April 2014, last accessed 24 August 2016 (http://justitie.belgium.be/nl/nieuws/persberichten/news_pers_2014-04-04.jsp?referer=tcm:265-245709-64).

controversially – national governments. In so doing, they not only legitimized their positions of power in such agreements but also ideologically underpinned and further encouraged similar ‘subsidiary’ agreements with references to tradition, loyalty, proximity, expertise, morality, voluntarism and spontaneous initiative. As I have shown throughout this book time and again, this system of subsidiary social provision both in policy and in theory was essentially the answer to an underlying conflict between tradition and modernity. It was a conflict that was a fundamental feature of the long nineteenth century, a century that bridged the remnants of a mainly agricultural and dominantly religious Ancien Régime hugely transformed by revolution (in ideas as much as in practice) and a ‘modern’ world of (imperfect) democracy, industrialization and a modern state. The eventually definitive settlement of this system of subsidiary social provision, its continuation and reinforcement and survival into the twentieth century was a complex development, which involved both long-term processes and two more formative periods (around the mid-nineteenth century and around the turn of the century). By the time the twentieth century was well into its third decade, it had become a system of which the fundamental foundations were now firmly established and which would lend the Belgian welfare state its specific form.

Therefore, taking into account the nineteenth-century story and seeing it as a long-term development of which the underlying principles continued to be this kind of subsidiary social provision can contribute to the ‘explanatory integration’ of why the modern welfare state in Belgium has taken its specific shape.¹²⁸⁶ This was one of the starting points on which my research is based. Now, to fully bring home my main points that (1) a system of subsidiary social provision emerged in both idea and policy, (2) that this was, again both in idea and in policy, an essential product of the nineteenth-century context and (3) that this nineteenth-century system and its development were vital for the long-term evolution of our welfare state today, this conclusion will first run through the system’s most important stages of development, then look back to the nineteenth century as a whole and finally relate this to the Belgian welfare state today.

The early-nineteenth-century establishment of subsidiary social provision

Like other European countries, Belgium had its own ‘mixed economy of social welfare’ in the nineteenth century, a result mainly of the intense mixed private/public entanglement and cooperation between religious/voluntary associations and the government. It is the way in which this intertwinement took shape as a general policy system that made the Belgian ‘mixed economy’ what I have called a system of ‘subsidiary social provision’: a specific configuration within

¹²⁸⁶ Hacker (2005) ‘Bringing the Welfare State Back In’, 128.

the many possible ‘mixed economies’ in which social provision was organized (and legitimized) in a ‘subsidiary’ way. Within the legal boundaries and in close cooperation (whether informal or formal) with local authorities, individuals and their voluntary associations provided social services such as institutional or in-home care as part of the public poor relief system, primary education as part of the public school system and insurances of all kinds as part of the mutual aid sector. Put differently, while it was widely accepted that there was a “public” responsibility for the disadvantaged’, putting this public responsibility into practice was done mostly ‘through a wide variety of agencies which typically involved close cooperation and interaction between the “voluntary” and “statutory” sectors, between the public and the private spheres’.¹²⁸⁷ In that sense, this ‘subsidiary’ configuration of the ‘mixed economy of social welfare’ was more than just a ‘dual system’ of private and public spheres, as in other countries; it was essentially an intertwinement of both in diverse, complex and systematic ways.¹²⁸⁸ Basically, what the public authorities did was to rely on religious institutes and voluntary associations to manage schools, mutual aid associations, hospitals and home care, supporting them in all sorts of ways, both financially and materially. The social provision for which they were responsible as public authorities, therefore, was ‘subsidiary’.

Far from being a nineteenth-century ‘invention’ or a policy introduced by the new Belgian regime in 1830, subsidiary social provision continued traditional agreements that existed long before the French Revolution and Belgium’s existence. At the start of the nineteenth century, a subsidiary way to organize social policy in practice and an underlying ‘subsidiary’ discourse in theory seemed the best way to align much of the remaining traditional social structure with the increasingly important prerogatives of the government as guardian of social policy. The French Revolution had firmly established poor relief as a governmental task, even if its attempts to ground it on a centralized and universal base had not succeeded. The same was true for popular education. The Belgian constitution declared the freedom of education, but the responsibility over education had been assigned to the municipal authorities and confirmed in the municipal law of 1836 and primary education law of 1842. Much of the financial base of both fields, all kinds of charitable foundations, legacies, institutions, estates, funds and their returns, etc. had either been brought under governmental responsibility through the confiscation and nationalization of those assets, or, in order to protect them from such confiscation, been bought by private actors. In the post-revolutionary years and under the cautious normalization of Napoleonic rule, many of the local actors (religious institutes, local clergy, voluntary associations) who had been deprived of their assets returned to their old positions, often by mutual agreement with the local authorities. Thus, long-existing institutions for the care of the poor run by religious institutes as well as by philanthropic associations continued their operations, even if they were incorporated in the public poor relief system and

¹²⁸⁷ Katz and Sachsse (1996) ‘Introduction’, 18.

¹²⁸⁸ Van Molle (2017) ‘Comparing Religious Perspectives in Social Reform’, forthcoming.

under its supervision. The many mixed private/public constructions in primary education, varying from a municipal teacher belonging to a religious institute with which the local council had an agreement to an existing local teacher being 'adopted' under the supervision of the parish priest, stemmed from the traditional community schools initiated and run collectively by the local church and nobility under the Ancien Régime. Some of the early mutual aid organizations providing insurances also had their roots in the early-modern guilds or in long-standing informal savings traditions in local pubs and related societies.

The subsidiary system was also a way of compensating for the loss of local actors, especially the Church and its social network. It continued the same local arrangements for poor relief or popular education and returned to them the power over their former activities and finances, albeit under the official supervision of the local authorities and within the framework of national legislation. Doing so included a discourse in which local actors were pictured as morally superior because of their voluntary commitment, a vocation that had to be nurtured, protected and supported. Their efforts were indeed deemed indispensable for the preservation of the social system. What the system of subsidiary social provision thus essentially guaranteed was not only the preservation but also the reinforcement of traditional local structures and practices of social policy, by bringing these structures into conformity with the enhanced governmental prerogatives and moreover using those prerogatives to reinforce the agency of the voluntary actors in the local systems.

Undoubtedly one of the most important features of the system was its local character. The associations or religious institutes involved often emerged locally, often as a result of the active counselling or mediation of parish priests, local nobility or the local council itself. Religious institutes working in care and education recruited among local working-class girls, and the schools and institutions they set up were small local branches which employed about three religious at most. In an era of very limited democracy, this proximity, visibility, familiarity and participation instilled confidence and legitimacy. It is in this sphere of local accountability and mutual trust that agreements were made between the local actors. And of course, even if the local agreements continued older traditions, new legislation had now made them officially part of the public framework. Especially in Belgium, where local autonomy was traditionally strong and confirmed by legislation, municipal authorities had been given responsibility over poor relief and education. An essential characteristic of the subsidiary agreements was thus that they hovered between the regulatory boundaries set by the state and the official municipal prerogatives on the one hand, and the constitutional liberties and the invitation, incorporation and autonomy within the public framework on the other. Moreover, even if towards the end of the nineteenth century the fields of education and mutual aid underwent a process of centralization and were managed increasingly by overarching structures, the local character remained a basic

feature.¹²⁸⁹ Local mutual aid associations continued to be the main providers of social insurances and the locus of socialization of their members, while primary schools and the local school committees by which they were managed retained their local character. As a matter of fact, their local character was arguably even enhanced by their ongoing democratization, such as the management of school committees and mutual aid associations involving lay volunteers and workers rather than local nobility and clergy.

One aspect of the local character of the system was that the boundary between private and public was blurred in many respects. Public institutions such as the Welfare Offices and the Commissions of Civil Hospices, which funded the local public poor relief, largely drew on funds and estates that had belonged to local charities before being confiscated during the French Revolution. On the other hand, schools, care institutions and mutual aid associations enjoyed subscriptions by honorary members among the local elite. Some had even been erected thanks to their donations or bequests. In the cities, philanthropic associations emerged that often consisted of, were presided over by or at least maintained close connections with prominent politicians of the municipal council. Of course, the single most important consequence of this blurring of boundaries – and this was by no means a Belgian exceptionality, looking at the shared transnational discourse at the international congresses throughout the nineteenth century – was that ‘In many cities and countries charities, guilds, and religious organizations were legally incorporated in one form or another into public arrangements for the poor.’¹²⁹⁰

The state’s role, which was such a hot topic for most part of the nineteenth century, perfectly fit in this system of subsidiary social provision. The nineteenth-century state was first and foremost a regulatory state. National legislation on education, charity, poor relief and other social matters implied widespread, if not general, agreement that providing a framework for these fields of policy was a legitimate task of the state as the highest political authority. State regulation in the system of subsidiary social provision not only set the boundaries for the voluntary actors within that system, but also directed the lower levels of government. A municipality’s decision to adopt a local private school on its territory was under yearly review by the Ministry, counselled by the provincial governor and inspector. Religious institutes working in public hospitals and wanting to enjoy the limited legal rights under the 1809 decree had to be recognized as eligible by the Ministry. Private donations and bequests offered to religious institutes or philanthropic associations for the establishment or management of a care institution through the Welfare Offices or Commission of Civil Hospices had to be accepted by the Ministry, as were similar donations of goods to mutual aid associations. The state imposed minimum levels for the financial contributions for popular education by

¹²⁸⁹ For more on the relationship between local provision and centralization and increasing state intervention see Harris (2004) *Origins of the British welfare state*, 10–11.

¹²⁹⁰ Harris (2002) ‘From poor law to welfare state’, 420–421. Harris did note however that the UK in this respect constituted an exception, see page 422.

provincial and municipal authorities. Municipal governments were obliged to make up the deficits of the Welfare Offices and the Commission of Civil Hospices. To sum up, national *legislation* laid the responsibility for providing education or poor relief with the local authorities (local government or local public institutions such as the Welfare Offices and the Commission for Civil Hospices) and allowed them to engage in mixed private/public local agreements with voluntary actors. The *interpretation* of legislation regulated the extent and the consequences of such mixed private/public local agreements for instance in the politically controversial case of charitable donations and bequests. The authority and autonomy of key figures in the state *administration* (for example, heads of administration such as Edouard Ducpétiaux and Adolphe Prins, provincial governors and district commissioners, provincial and cantonal inspectors, or the *Commission Permanente*) steered the administrative process to which these local agreements were subjected. This was all part of the state's regulatory part in shaping social policy.

Beyond regulation the state also intervened financially in a subsidiary way. Even from the beginning of the century, the state was held responsible for the financial support of some categories of disadvantaged people on poor relief, such as the blind and deaf-mute, and abandoned children. Likewise, the state contributed to renovation and building expenses for municipal schools as well as in their normal operational costs, provided that the municipal and provincial authorities had done their part. But its subsidiary role went even further. On a less structural level, the state also made use of subsidies to provoke, stimulate and foster the voluntary social initiatives from below. Such subsidies were initially quite dissimilar from the subsidies that became the standard in the twentieth century. They were generally not at all large sums and were only rarely – if at all – maintained over longer periods of time. Moreover, they were hardly ever officially written into laws but instead were part of the administrative decision-making. Very much in keeping with the prevailing ideas on what a state should and should not do, which were an important part of the developing subsidiarity ideas in the networks discussed in chapter two and among the subsidiarity thinkers discussed in chapter three, the political elite hoped that small subsidies could serve as an incentive and a temporary support. Thus, they could achieve a certain policy goal without getting the state structurally or organizationally involved, and would provide an example to others who might be considering similar initiatives in the same field.

During the first years of Belgian independence, the subsidiary system perfectly matched the unionist agreements. Young liberals and Catholic lower clergy had found each other in the protest movement against the Dutch king, eventually also acquiring the support of the higher echelons of the Church. In the early years of Belgian independence they had together ousted the democratic part of the revolutionary movement and established a more conservative agreement of unionism. Unionism rallied around the different constitutional liberties, confirmed municipal autonomy in defiance of a strong centralist movement and actively

favoured an 'empire by invitation' in the broad domain of social policy.¹²⁹¹ This coincided with a remarkable religious revival during the first decades of Belgian independence, most visible in the surge of new religious institutes active in education and poor relief. It was a revival that was by no means orchestrated by Catholics alone. Liberals, too, indulged in inviting religious institutes in local institutions under their rule. The manifold mixed private/public types of collaboration between local public authorities and (predominantly) religious institutes were the result. The best example of unionism actively supporting this system was that the unionist cabinets not only interpreted and applied legislation in the most favourable way and allowed local authorities more latitude, but that they also put this into practice themselves in those fields of national responsibility. The national government introduced religious institutes in prisons and in military hospitals and provided national subsidies to institutions for the blind and the deaf-mute as well as to Catholic (and to a lesser extent also Jewish and Protestant) model schools.

During this early period, characterized by limited democracy and a political unionist agreement, the preference for the already existing local mixed private/public arrangements within a regulatory public framework coincided with the conservative consensus on Catholicism as the dominant culture. Within that consensus Catholics tried to restore the influence they had had over the local agreements in the Ancien Régime, with local clergy as well as with religious institutes. Fervent Catholics did not oppose the existence or even the *official* primacy of a public framework in itself, as long as they could keep pulling the strings of the internal management of the agreements within this public framework. By doing so, they were confident that the social order and the people in it could be thoroughly (re-)Christianized so that everyone, practicing and non-practicing alike, believed in this dominant Catholic culture and thus accepted the subsidiary interpretation they imposed on this public framework. Enlightened liberals who were happy with the *de jure* public responsibility over social policy at first fully agreed to give Catholics this opportunity, as they mostly still accepted Catholicism as an important and even necessary 'provider' for the moral interpretation of poor relief and education. What started to frustrate liberals more and more, however, was that increasingly ultramontane Catholics were using the opportunity not only to let religion play its role as a moral force but to rebuild the entire apparatus of the Church and restore its powers. This fundamental distinction between Catholicism as religion and the Church as its institutional and political expression would later be at the basis of the culture wars. In the early establishment of subsidiary social provision, however, this juxtaposition remained hidden under the cloak of the common project of conservative unionism.

This subsidiary system at first glance seemed nothing more than the mere pragmatism of a post-revolutionary conservative compromise applied to local social

¹²⁹¹ Viaene (2001) *Belgium and the Holy See from Gregory XVI to Pius IX (1831-1859)*, 177.

policy. What was extremely important for its survival, however, was not only that during the 1840s parts of this system were officially laid down in regulations and legislation (the best example being the primary education law in 1842) but also that thinkers and networks legitimized and even promoted this mixed private/public system as an ideal answer to the problems their society faced. People not too deeply involved in the growing ideological struggles, typically intellectuals and high officials moving swiftly through the transnational space of social reform, did in fact realize and highlight the results and rewards of this co-existence and intertwinement. These thinkers busily disseminated the discursive foundations of the system through their different networks and thus also made these ideas commonly accepted as self-evident in lower ranks of society, which was not unimportant in an era of growing democratization. What they shared was not so much the urge to reform in itself, abolitionist as some revolutionaries were, but rather the urge to reform with respect for the existing traditions and practices, autonomy for the actors and institutions active in those traditions and practices, and, if it thereafter proved necessary, a more active role for governments involved. These core principles of an essentially conservative social reformism were their widely-shared answer to the lingering democratic and revolutionary sentiments, for example as expressed in the 1848 revolutions.

Subsidiary ideas perfectly fitted these concerns and practices: they underpinned the importance of having due attention and respect for organically-grown, 'bottom-up' traditions and associations and initiatives, with local governments as the active and officially responsible guardians of the mixed private/public agreements. The foundational idea of an organic social order in which association, a natural right of every human, played a decisive role was meant to show the people of the lower classes that they had a rightful place in this order but also had to learn to live with it. On the other hand, the organic social order was also an image intended to counterbalance the power of an all-encompassing state. Freedom of association was portrayed as a weapon that individuals could use against the state as well as against the isolation and weakness that liberal atomism had inflicted on them. The calls for the state's duty and 'subsidiary right' to manage society for the common good finished off the typical line of reasoning: whilst having due consideration for the initiatives from lower levels of association or lower levels of government, such calls were aimed at binding individuals and associations to the state and imprinting them with respect for the social order. This subsidiary state filled the gaps in this system of social provision and regulation, with a regulatory framework that, for instance, imposed the establishment of public schools wherever private initiative had not sufficiently provided.

Notwithstanding a wide transnational consensus during the late 1840s and 1850s, this subsidiary discourse was diffuse and varied according to the perspective of its user, far from already existing as a fixed and coherent set of ideas. The best evidence for this is that the most prominent defenders of subsidiary ideas throughout the nineteenth century, not only Ducpétiaux and Visschers but also

Prins and to a lesser extent also Brants and Pottier, were neither hard-core anticlerical liberals nor devout political Catholics, but simply adhered to a rather conservative and bourgeois project of social reform. Whether or not they philosophically underpinned their views, they indeed advocated some of the 'grand principles' of subsidiarity, but with a genuine urge to put such views into practice and with a pragmatic and moderate approach to the (often local) realities and customs. Conservatives came in many different ideological colours and, as the analysis of Huet demonstrated, even progressive liberals or utopian socialists could easily adhere to or even advocate parts of the subsidiary discourse. Some were only concerned with the idea of association and did not care too much about more state intervention while others were especially prone to enhancing the state's role; many different shades and interpretations applied. The Catholic preference for the mixed private/public local agreements in the early nineteenth century was of course based on the general ideas then held by most Catholics: (1) the desire to re-establish the traditional place of the Church (and elites) in the social order (as compared to its influence during the Ancien Régime) and hence (2) to protect their own precious network in social matters, and (3) the conservative and related ideas that the state was not an organic community in itself, or at least did not hold the moral authority of the Church. At the same time, (some) liberals projected to the same local arrangements their preference for individualism, voluntary initiative and local self-help, within the public framework or under the strict guidance of a secular, modern state. Progressive liberals such as Huet and his followers, and to a certain extent doctrinal liberals such as Rogier took part in this kind of discourse, even if their *motives* for believing in such ideals differed widely and even if they often clashed on the political *application* of such ideas. The policies of Rogier against abuses by religious in mixed private/public schools provide a fine example in this regard.

One of the most powerful rhetorical devices of which many of these different figures and networks availed themselves in their subsidiary discourse was the story of the 'middle way'. The basics of the system of subsidiary social provision, in particular the peaceful co-existence and even deep private/public intertwinement, were considered by people like Ducpétiaux as a compromise between, on the one hand, maintaining and continuing traditional arrangements, institutions and practices within the legitimate responsibilities and the regulatory framework of the modern state and the municipal autonomy; and on the other hand, allowing for the modern state to assume some of its newly established responsibilities, such as imposing certain standards, establishing and supporting model institutions in the best 'subsidiary' way applicable. It was an essentially centrist discourse based on the idea of individual responsibility, the belief in the strength of communities and associations, and a subsidiary state stepping in if needed. Historian Günther Frankenberg rightly observed that what both conservatives and liberals had in common, in spite of their sometimes very different views on state and society, was that 'the individual is and should remain responsible for his/her life conditions.

Insofar as the individual is incapable of self-reliance, the communities step in as the *subsidiary care-takers*.¹²⁹²

This middle-way metaphor found many different expressions. Its social expression was a balance between leaving everything as it used to be and abolitionist reform following modern principles not in accordance with the *Zeitgeist*. Its economical expression was between a non-interventionism abandoning individuals to their own fate and an interventionism leaving no room for individual expression and initiative. Politically, it compromised between a liberalism celebrating individuals detached from their social context and their natural social rights and a socialism pressing individuals into a collectivist and violent straitjacket without any individual responsibility. Historically, it lay between the exaggerated authority of the absolutist monarchies and the exaggerated freedom that had followed absolutism. Philosophically, it was between an atomist individualism underestimating the individual's natural right of and need for association, failing to acknowledge the need to direct individuals towards the cause of the common good, and a collectivism equally failing to serve the common good because not acknowledging that only the common effort of individuals and social units can guarantee the completion of the common good. The middle way was essentially subsidiarity: it had not only the advantage of enabling its user to paint the subsidiary option as the moderate and reasonable one, it could also be adapted to any situation.

Thus both in theory and in practice, the system of subsidiary social provision was the post-revolutionary preservation of 'traditional' local agreements, which were built in and incorporated in the public framework of social policy officially held by the state. Some authors, when referring to these mixed private/public agreements, have called this the 'delegating' of governmental tasks to private actors.¹²⁹³ Although this may seem a petty detail, I disagree with this specific choice of words, because it misses the entire point on the origins of the system of subsidiary social provision. Although it is true that the notion was already widely accepted that government had the ultimate responsibility over social policy, calling it 'delegation' denies the fact that the subsidiary social provision was first and foremost a *continuation* of older, traditional, existing arrangements. What delegation in fact suggests is that government not only had the responsibility but also executed this responsibility and then decided to transfer or delegate that executive power to private actors, while it was actually a responsibility that the government decided not to take up in practice but *leave* to those actors who had always done just that. In fact, the same idea was also visible in the corresponding theoretical principle that the subsidiary state should only assume responsibilities if private provision proved insufficient. That idea was already prominent in the mid-nineteenth century and in the writings of, for instance, Ducpétiaux. That the state decided to leave activities to private voluntary actors in the social sphere is therefore definitely a formulation

¹²⁹² Frankenberg (1996) 'Shifting Boundaries: the Private, the Public, and the Welfare State', 77-78.

¹²⁹³ See for instance Deferme (2016) 'The influence of Catholic socio-political theory', 92 and Billiet (1988) *Tussen bescherming en verovering*, 107.

that better relates to the origins of subsidiarity.¹²⁹⁴ There is the same slight but meaningful difference with the concept of ‘delegated governance’ which authors have recently used to characterize the American welfare state.¹²⁹⁵ As the name of the concept indicates, ‘delegated governance’ is often about government creating a certain responsibility, task or field of action but then delegating it to non-state providers in order to make it more defensible to public opinion and vested interests. Historically, however, private voluntary initiatives *preceded* government action. What the state did, in conformity with its enhanced role, was rather to frame, regulate and rationalize this private initiative, only taking action in terms of direct provision in the event of demonstrated insufficiency.

Subsidiary social provision under pressure

The first formative period with its peak around the 1840s and early 1850s, during which the system of subsidiary social provision was explicitly established in practice as well as in ideas, was essential for the survival of the subsidiary system in the long term. By the time that the processes which have come to be known under the term ‘modernization’ were starting to have an impact on social policy and its ideological underpinnings, the ‘subsidiary’ system had rooted enough to remain installed. Ironically, these processes put pressure on the system of subsidiary social provision while they originated in the same tension between tradition and modernity that so greatly characterized the nineteenth century. For it was in nineteenth-century Europe that major tensions existed between the developing modern state (and its adherents) and the centuries-old traditional institutions (and their advocates), among them the Church. While the latter refused to give up the almost organically grown power balance that had existed long before in such areas as popular education and poor relief, the former claimed not only that these attributions now belonged to the state as a natural right but also that the state had sole custody over what to do with this responsibility. The struggle, which maintained a grip on different areas of society during the course of an extended period, flared up now and then, symbolizing the growing pains of a profoundly changing and gradually modernizing society. This affected the field of social policy as much as other areas of government policy, and it continued to do so. Eventually, however, it could not prevent the modern state administration from gradually expanding its action radius and taking more responsibility in organizing society, spurred by secularist liberals who were increasingly disappointed in the post-revolutionary compromise with the Church. More specifically, this area of tension kindled three major long-term processes: the ‘culture wars’, the process of state formation (including related developments such as centralization and bureaucratization) and, more specifically, the transformation and formalization of social policy itself.

¹²⁹⁴ See for instance Lamberts (2006) ‘Belgium since 1830’, 334.

¹²⁹⁵ Morgan and Campbell (2011) *The Delegated Welfare State: Medicare, Markets, and the Governance of Social Policy*.

Culture wars

The 'culture wars' were a European expression of the same fundamental struggle. The privileged positions which churches all over Europe still held or which they had been able to regain after the revolutions were being contested. Their direct political influence strongly diminished, they were now also seeing their precious social influence threatened, a difficult realization which until then had been unimaginable. The successive conflicts the 'culture wars' engendered in Belgium, most notably the crisis on the 'monastic law' in 1857 and the 'school war' between 1879 and 1884, always clearly revolved around the same basic dilemma. It was a dilemma that mostly did not even question the official supervision of the state: was the involvement in the public system and the existence of a separate network of private actors *secondary* to the public institutions, or was it the other way round, that the public institutions acted *subsidiary* to the initiatives of the private field? The 'monastic law' the unionist Catholic cabinet presented would in fact have given legal rights to the Catholic forms of private charity, albeit under rather close state supervision. However, liberals were outraged because they realized that despite the law's control mechanisms (a concession from the Catholic side) it would (1) only end up reinforcing the Catholic hold on the field of charity and poor relief and (2) could make public institutions superficial since it allowed a separate funding network of private charity. Catholics, on the other hand, reacted furiously when liberals laicized and modernized public education, because they had always considered public schools either as a *complement* to their private schools, or as schools where their involvement and influence were undisputed. The conflicts clarified the ideological positions: the liberals advocated an edifice of independent civil authorities, in which the modern state could ascertain and also put into practice its legitimately claimed tasks; the Church defended an essentially traditionalist view, rejecting the increasing interference of this 'modern state' in the social provision that it had traditionally controlled.

In Belgium, cracks in the unionist compromise between conservative Catholics and liberals appeared as soon as the early 1840s, by which time the country had acquired a definite international status and politics hence started to focus on internal issues. Gradually, liberals were starting to regret they had given the Catholics so much leeway that it was a near-monopoly. As Catholics had readily seized the opportunities in the form of the freedom of association and education, they had not only created private Catholic institutions but also manifested themselves within what liberals increasingly wanted to be entirely and independently public institutions. Catholics had thus retained much of their traditional power and social influence. The fundamental conflict surfaced particularly when liberals used their government power to reassert the 'independence of the civil authorities', by toughening the until-then lenient, unionist interpretation of legislation. Catholics grudgingly remarked that public institutions had only built on *their* charitable legacy and that they hence had the right to pull the strings, frustrated as they were at being excluded from the local agreements

which they had always favoured. Both sides grew more intransigent, not least because the Holy See steered Catholicism in more uncompromising and anti-liberal direction, eventually leading to open conflicts.

Both sides sometimes tended to forget how much their institutions owed to the other side. Liberals did not seem to realize that the public system was only functional because of this additional private network easing the pressure on the public poor relief system by caring for the 'undeserving' and organizing complementary forms of care, and the voluntary (or at least cheap) commitment and expertise of private associations and religious institutions in the public institutions. Catholics on the other hand underestimated how much their influence was due to the leniency of the public system, how they were able to steer the public system with the involvement of local clergy and elites in public schools and public institutions, and how much their private institutions gained financially through their agreements with the public system. However, the win-win situation and the private/public intertwinement did not always correspond with the discourse in national debates, which 'continued to assume the existence of a relatively sharp, easily identifiable line separating them from one another.'¹²⁹⁶ Catholics applauded the wide diffusion and the importance of Catholic charity in providing education and poor relief, both then and in more distant history; they claimed that the task of public authorities was first and foremost to let this 'organically grown' and 'traditional' field flourish. Sometimes they outright diabolized the public institutions or municipal schools. Liberals on the other hand cheered the (alleged) rationality and transparency of the public system over the arbitrary and moralistic private charity and its proselytism; they pointed to the abuses of the Catholic monopoly and exploited the spectre of mortmain by religious institutes.

Contemporary sources as well as present-day historians have often remarked that these discursive battles in the context of the 'culture wars' were in a way only sham battles. Both parties, especially their local party members, realized the convenience and comfort of the subsidiary system and its local arrangements: religious institutes and their care and education business thrived because of their incorporation in the public poor relief system, which supplied a steady stream of poor patients paid for by public funds, while the local authorities and the state could permit themselves a limited financial responsibility and little involvement in organization because they relied on the voluntary field. In the end, most moderates knew that peaceful coexistence, successful interaction or even positive support accomplished more than struggle, distrust and hostility. Attempts by the more radical liberal cabinets throughout the nineteenth century to curb the Catholic charitable economy and the religious institutes' involvement in popular education only led to increasingly clandestine practices in the field of donations and bequests or, in the case of the 1879-1884 school war, to a grassroots movement hostile to the public network. By the way, the same was true in the case of the mutual aid associations, which were

¹²⁹⁶ Katz and Sachsse (1996) 'Introduction', 16.

(initially) not involved in the ‘culture wars’: the distrust and the resulting control mechanisms which characterized the mutual aid legislation not only in Belgium but in several European countries only resulted in impeded development for the recognized associations, a vast number of clandestine or unrecognized associations and, in a more indirect way, less lightening of the burden on the public poor relief system than hoped for by the political elites.

Thus, the local mixed private/public arrangements continued to be the backbone of the system of subsidiary social provision. Even if tensions mounted in national politics from the late 1840s onwards over specific areas such as private charity and popular education, this did not affect the existing agreements to any considerable extent. This study and other recent research have only confirmed this by ascertaining that for a long time ideological differences were not so prominent on the local level, and political colour did not prevent liberal councils from successfully working together with religious institutes to ensure there were local schools or poor relief institutions. If the agreements proved so enduring, it was largely because the parties and actors involved needed each other.

State formation

While the local system survived, the modern state was gradually asserting more and more influence, hence keeping up the pressure on the subsidiary system in myriad ways. The first was undeniably the expanding state intervention in terms of financial spending and responsibility, ‘still the most important single feature of the history of welfare provision between 1800 and 1945 [and] a central feature of the experience of the vast majority of advanced industrial countries’.¹²⁹⁷ Even before the state engaged in the type of direct social spending associated with increased state intervention and the welfare state such as paying pension allowances, its financial involvement was on the rise in domains such as education and poor relief.

Closely connected but nevertheless distinct from the growth of state intervention was the increasing centralization of decision making in social policy; centralization not so much in the sense of literally transferring services from their locally-based origins to central institutions, but rather as the process in which the state as the central government gradually took over responsibility for decisions that until then had been part of the local or provincial autonomy. It was most remarkable in education and in social insurances. The Catholic cabinets before the First World War tightened the rules for local and provincial authorities to subsidize mutual aid associations and their federations, and ruled out such subsidies altogether in some instances. The subsidizing of private schools had a similar experience: whereas local authorities had always been the public actor making agreements with private schools in the form of ‘adopted’ schools, the state launched state subsidies for eligible private ‘adoptable’ schools and later also started to assume key expenses of

¹²⁹⁷ Harris (2004) *The Origins of the British Welfare State*, 14. For an interesting take on the rise of public expenditure in relation to the development of the Belgian welfare state, see Clement (1995) *De Belgische overheidsfinanciën en het ontstaan van een sociale welvaartsstaat*.

the adopted schools. Thus, centralization ultimately led to local authorities being gradually replaced by the state as a key actor and negotiator with the voluntary actors in the subsidiary social provision, although, significantly, it did not lead to the state assuming either the right or the duty to organize social insurances itself. On the other hand, the voluntary sector also became more centralized as attempts to better coordinate local and regional efforts led to national federations and networks. Much of the provision itself (poor relief, mutual aid associations and schools) remained local. But linked to the growing state intervention and formalization the negotiations with public authorities were becoming increasingly managed from a more centralized level.¹²⁹⁸

Also linked to the more assertive modern state was the pressure for compulsion, both in popular education and in social insurance. Compulsory education had been a discussion point throughout the nineteenth century, as progressive liberals such as François Huet and his allies considered it the cornerstone of a democratized system. Political pressure in favour of obliging families to subscribe to social insurances or to send their children to school mounted towards the end of the nineteenth century. Liberals and socialists felt supported by similar developments abroad and rallied for a more rational and efficient public system. Influenced by the reigning liberal political culture and liberal economic principles, Catholics as well as conservative liberals long opposed compulsion in any form. Some Social Catholics, such as Verhaegen, shared this objection. However, the Catholic objections after 1884 were also informed by strategic reasoning. Prominent Catholics feared that compulsion would imply the establishment of neutral public services in social insurance, which would be another competitor in addition to the socialist movement, and which they feared would develop to eclipse their own private Catholic associations as had happened in education. Social Catholics and Christian Democrats, even if some were still genuinely uncomfortable with the idea of compulsion, persuaded their conservative colleagues that this would not necessarily imply the end of the subsidiary arrangements and could even strengthen the Catholic organizations and schools in such a system. Moreover, as shown in chapter three, the liberal Adolphe Prins made the same claim.¹²⁹⁹ By 1914 compulsion had become inevitable. At that point the Catholic networks had been given enough chances to flourish so that they could better cope with the consequences of compulsion, while the conservatives also realized that compulsion could be a fair exchange in return for additional public funding and further reinforcement for the subsidiary system. Even compulsion could not stop the further establishment of the system of subsidiary social provision.

Historiography offers many different explanations for the impressive growth of state capacity and intervention, among them collectivization, industrialization, modernization, capitalism, professionalization, feminization, war and international

¹²⁹⁸ Van Damme (1991) 'De verzorgingsstaat: over collectivisering, elites en free-riders', 446-447.

¹²⁹⁹ See pages 181, fn 618.

relations.¹³⁰⁰ There is still much to learn about the causes and the effects of this long-term development, which was a gradual one and stretched out over several centuries:

*This shift of the point of reference from the medieval church to the early modern state demonstrates that this “state” did not appear 1 day ready-made and took on certain tasks. Rather, we are dealing with a process – nearly imperceptible to contemporaries – by which responsibilities, competencies, and material means were transferred. What is called the “state” from about the middle of the seventeenth century (Weinacht 1968) is a political entity that took shape gradually in response to the shortcomings of competing powers (church, nobility, estates), and which created its ways of acting by doing.*¹³⁰¹

Indeed, the fact that the voluntary field and traditional actors such as the Church were not themselves able to meet the population’s needs and expectations, and therefore required the state to come to their aid, at least partly accounted for the growing power of the state. Influenced partly by the development of socialism as a movement, the ‘social question’ gained in political importance. With the pressure from gradual democratization, people started to expect more from the state than ever before in terms of social policy. In this context, the results of the subsidiary system were increasingly felt as being insufficient. The very limited start-up subsidies for new mutual aid associations from 1850 onwards, for example, were not enough to persuade many of these associations apply for recognition, or to maintain, let alone expand, their activities. By the end of the century, reality had dawned on many people in government as well as in the voluntary sector that the voluntary initiative both in education (the private Catholic schools) and in social insurances (mutual aid associations and their federations) lacked the financial means to structurally extend their services. Even the most convinced supporters of individual saving strategies and mutual aid had to admit that social insurances, especially old-age pensions, were simply unsustainable without considerable public financial support. From the nineteenth-century point of view, then, considering the dominant ideas about the subsidiary state only taking action if necessary, the increasingly visible insufficiency of existing social policies was definitely part of the explanation of this growing state involvement.

Ironically, the state’s responsibility was also much affected by the mounting ideological tensions in the context of the ‘culture wars’. In contrast to the unionist governments of the 1830s and 1840s, state power was in the hands of one-party governments, for instance the liberal cabinets between 1857 and 1870 and the Catholic cabinets after 1884. These one-party governments were inclined to use the state power to push for certain reforms or interpretations, even against the will of the opposition. Almost without exception, they did so first by administrative measures and only later, if at all, by official legislation. Administrative measures

¹³⁰⁰ For a critical review of the main argument of these explanatory accounts, see the entire introduction to the same Harris (2004) *The Origins of the British Welfare State*.

¹³⁰¹ Stolleis (2013) *Origins of the German Welfare State*, 32. See also Van Damme (1990) *Armenzorg en de staat*, 298.

were a handy tool for the government: they were far less politically sensitive as they did not have to be debated and accepted by the parliament, they could be much more tailored to the specific situation and could even serve as tentative experiments aimed at assessing the expected impact of provisions before laying them down in law. For example, the liberal cabinet of Rogier avoided political controversy by implementing their interpretation shift concerning adopted schools administratively and not legally. They did the same with the question on charitable foundations, donations and bequests before partly addressing them with a law in 1864. Introducing new subsidies through royal decrees before enshrining them in law became one of the characteristics of the Catholic cabinets' edifice of 'subsidized liberty' from 1890 onwards: subsidies to pension funds administratively introduced in 1890 appeared in the 1900 pension law, subsidies to disability insurances by mutual aid federations introduced in 1903 became law in 1912. Many of the additional subsidies never even officially appeared in laws. This was as much a sign of the governments' inclination towards power politics as it was a part of the dominant political culture. It was widely accepted that, for example, the parliament voted on budgets with only a rough description of their aim, while the minister and his administration translated the budgets into specific policy actions. As the frustration over such power politics grew, there was a more and more questioning and condemnation of the culture of decision-making through secret, administrative actions rather than through overt, debatable parliamentary consent.

Whatever the reasons behind the increased state intervention, centralization and compulsion, the core principles of the system of subsidiary social provision did not change. Although it could not be prevented that the gradually modernizing, democratizing, expanding and bureaucratizing government would take the lead more and more in the public framework of social provision and regulation, many core features of the system of subsidiary social provision remained firmly in place. At the moment that more and more was being asked of and expected from the state in terms of regulation as well as financial involvement, it had become far more difficult to completely brush aside the mixed private/public arrangements and the positions of power they represented and instead install a decidedly scientific, rational and public system of social policy. Although the state may have raised its financial engagement, the provision itself was still 'subsidiary provision' – not state provision. The centralization on this level only reinforced the subsidiary system, as the national coordinating structures and their leaders became a powerful force lobbying to protect the interests and participation of voluntary providers in the public system. More systematic financial intervention by the state followed the spirit of subsidiary social provision in the form of subsidies. Building on the same idea that they had to stimulate and encourage, state subsidies developed into a structural sort of funding with the difference that the subsidies were never supposed to *replace* the 'ordinary' funds, but only to *support* them subsidiarily in order for them to be sufficient and successful. In the meantime, ideas on state intervention had of course also developed. The underlying idea had not changed much; it was still one of many legitimate ways of supporting voluntary initiative *in*

need, and the extent of the support had to be measured against the extent of the 'need'. The difference lay in the fact that subsidies were now, given the situation, accepted as being a structural part of the financial basis of social policy.

Innovation and formalization of social policy

A third major challenge to the system of subsidiary social provision was the innovation and formalization of social policy. By far the most far-reaching innovation in social policy during the period under scrutiny here was the shift towards a system of social insurance. While social policy as a public responsibility had long focused on poor relief and popular education, industrialization and growing wage labour together with 'traditions of mutual-aid, pressure on poor law provision and fear of social upheaval' meant that social insurance gained importance as an area of social policy.¹³⁰² Indeed, the emergence of social insurance legislation was a political answer to problems in the poor relief system and it was clear that both systems were closely connected. As seen in chapters 4 and 6, social insurance was seen by contemporaries as a badly needed 'innovation' of the way in which individuals were offered social protection.¹³⁰³ In Belgium and many other European countries, the shift towards social insurance came in two phases: the first occurred around the mid-nineteenth century, with the poor relief crisis after the economic and social crises of the late 1840s, and the second towards the end of the century, characterized by new legislation and increasing financial intervention by the state.

Part of the attraction of social insurance legislation, as opposed to the poor relief system, lay in its allegedly promising capacity to integrate a large amount of the working class and tie them to the state and the social order. The mutual aid associations providing social insurance were also centres for disciplining the working class and making them part of the social system. As early as 1850, the Belgian liberal prime minister Rogier was already convinced that 'with each thrifty and far-sighted labourer society counts an extra supporter of the consolidation of social peace and the public institutions'.¹³⁰⁴ By the end of the century, societies were considered to be 'schools of order', in which workers learned to exercise the virtues of perseverance, regularity and temperance. Whereas the poor relief system allowed people to live in the margins if not completely outside of the economy and society, mutual aid and individual insurance were believed to incorporate their members into society and 'force the poor into active and prudent participatory citizenship'.¹³⁰⁵ Workers who had something to lose would be less inclined to act hostile towards the establishment. Poor relief also completely ignored the liberal and bourgeois *idée fixe* of individual responsibility: since poor people's bad habits and immoral conduct lay at the heart of their misery, the poor themselves were responsible for coping with the consequences. Mutual aid, on the other hand, by providing individual

¹³⁰² Van der Valk (1998) 'Public policy and Private interests', 111.

¹³⁰³ Lis, Soly and Van Damme (1985) *Op vrije voeten*, 182.

¹³⁰⁴ (1849) *Sociétés de secours mutuels*, 1-2.

¹³⁰⁵ Harris (1996) 'Political Thought and Social Policy: The Public and Private Spheres', 65. See also Harris (1992) 'Political thought and the welfare state', 132.

insurances based on a regularly paid contribution, was built on individual engagement to compensate for the hardships of life, and also better fit the prevailing focus on full employment. Participation and integration of the working class were achieved not only on the micro level through these individual engagements, but also on the macro level, with Christian Democrats favouring a societal pluralism with strong coexisting intermediary movements. Christian Democratic pressure within the broader and more conservative Catholic movements meant that both the Christian and socialist labour movements were in the long run integrated in the European states and their social policies.¹³⁰⁶

It is true that some reformers were genuinely sympathetic towards workers, urging for social insurance and state intervention because it was the lower classes who were always the first victims of social unrest.¹³⁰⁷ Still, the social insurances, especially the state support, were 'not only a means of redressing the imbalances created by a free market capitalist society, but also a means of reinforcing the inequalities associated with that society'.¹³⁰⁸ As Michel Foucault famously stated, the history of social reform was also a history of social control.¹³⁰⁹ To a large extent, replacing the 'passive' poor relief system with the 'active' system of social insurance constituted the conservative answer to the Marxist prediction that capitalism was digging its own grave and that within the capitalist system, there was no good way for the public authorities to protect the individual welfare of citizens. Government support for mutual aid associations or state-run insurances, like the Bismarckian schemes in Germany, were therefore a clever conservative answer that could save capitalism and modern society from its own consequences and strengthen its urgently needed legitimacy among workers.¹³¹⁰

Without doubt it was the process of modern state formation combined with this shift towards social insurance that also caused the gradual formalization of social policy. The formalization first and foremost applied to social policy in general, and included its legalization, rationalization and bureaucratization. Realities and practices which had developed on the ground were increasingly laid down in laws (legalization). This was the case with the 'placement' procedure in the poor relief system, in which patients could be placed in a private institution at the expense of the Welfare Office or Commission of Civil Hospices. This was a practice which had existed from the beginning of the nineteenth century (and arguably in pre-modern times) and was legalized in new regulations in 1891. At the same time, rules and regulations which were at the heart of the system of subsidiary social provision, for example regarding the criteria for subsidies, also became organized and legitimized on a more rational basis (here understood as rationalization). Part of this rationalization lay in a more scientific approach towards government

¹³⁰⁶ Van Kersbergen (2011) 'From charity to social justice', 95.

¹³⁰⁷ Adams (2007) 'The Mixed Moral Economy of Welfare', 47.

¹³⁰⁸ Frankenberg (1996) 'Shifting Boundaries: the Private, the Public, and the Welfare State', 80-81.

¹³⁰⁹ Harris (2004) *Origins of the British Welfare State*, 3-4.

¹³¹⁰ Lis, Soly and Van Damme (1985) *Op vrije voeten?*, 183.

administration and accounting, thus implementing ideas from the emergent social and political sciences. Shady procedures and arbitrary rules were abandoned in favour of more transparent and clear rules of governance. Whereas the mixed private/public arrangements had long been characterized by proximity, trust, informality, loyalty and a 'like-knows-like' mentality, the increasingly formalized mixed private/public structures that were part of the subsidiary social provision were based on and defended by referring to efficiency, transparency and good governance. The shift from local to higher levels of decision-making created more distance and anonymity and thus required more formal regulations and procedures. Coupled with the legalization of long-existing customs this necessarily resulted in an expanding administrative structure and bureaucracy (bureaucratization). Indeed, social reformers had specifically called for and turned to more state intervention and centralization in order to achieve more rational and formal decision-making process in social policy.¹³¹¹

Neither the innovation nor the formalization of social policy led to the destruction of the subsidiary system, however. The shift towards social insurance coincided with the definitive option for mutual aid associations as private providers of insurance involved in the subsidiary system. In this respect, formalization had a long-lasting impact on the relationship between the government and the private providers. It changed the nature both of the state administration and of the voluntary associations increasingly involved in it:

*By the end of the 19th century, the language of systematic, rational and scientific administration increasingly dominated the organisation of statutory and voluntary health care and welfare. Whatever the shape of the mixed economy of welfare, its administration was now legitimated as a science of social amelioration.*¹³¹²

The impact of this formalization process was most visible in the case of the voluntary sector. The private/public entanglement which had been more local and less formal during the nineteenth century thus developed into a structural and more rationally and scientifically legitimized incorporation in public policy, with 'private organisations and institutions, notably the centralized voluntary welfare associations, [...] [as] instruments of public social policy'.¹³¹³ That voluntary associations functioned as 'service providers for governments' worked in both ways: while growing subsidies and tasks increased their stability, their operations were being more stringently described and supervised, and they were gradually losing part of their autonomy.¹³¹⁴ Also, the formal incorporation in public policy only contributed to the politicization of the voluntary sector. In the preceding chapters, it was already demonstrated how the voluntary sector, represented by its national federations and leaders, became increasingly politicized and how the boundaries blurred between the political circles of administration and government on the one

¹³¹¹ Van Damme (1991) 'De verzorgingsstaat: over collectivisering, elites en free-riders', 447.

¹³¹² Porter (2002) 'Health Care and the Construction of Citizenship', 27.

¹³¹³ Frankenberg (1996) 'Shifting Boundaries: the Private, the Public, and the Welfare State', 88.

¹³¹⁴ Katz and Sachsse (1996) 'Introduction', 21-22.

hand and the voluntary providers and their representatives on the other. Scholars have characterized this blurred relationship as a 'gradual osmosis' or 'a symbiotic relationship' in which the non-profit or voluntary 'subcontractors' or 'intermediary agencies' behaved as 'shareholders in the state business'.¹³¹⁵ The fact that, in later years and to this date, the mutual aid federations are widely considered to be 'semi-governmental agencies' or that the national secretary-general for Catholic education is sometimes referred to as the 'shadow minister of Education' are symptomatic of this (gradual) development.

In sum, where the mid-nineteenth-century mixed private/public institutions of social policy were often the product of the lenient interpretation of old legislation and jurisdiction and were based on largely informal, local commitments, by 1914 social policy had been laid down in new legislation, issued by royal decrees in detailed regulations and complex channels of subsidies, and implemented by the bureaucratic machinery of the modern state administration. The structuring, politicization and bureaucratization of the voluntary providers in that system was all more evidence of this change. The long-term significance of the process of formalization and its related consequences was that in a sense it had created a system that was difficult to reverse: preparing rationalizing measures or advocating a public system now implied going against the grain of an entire popular movement.

Subsidiary social provision continued and reinforced: the Catholic system of subsidized liberty

While constituting major challenges for the system of subsidiary social provision, the three developments discussed above never undermined the system's underlying principles. Just as social insurance as an innovation of social policy took over the core features of subsidiary social provision from the existing poor relief system (largely because they were built on the same ideas), the same features that characterized the existing private/public arrangements remained at the heart of the system even after being challenged by the expansion of state intervention and the increasing centralization, compulsion and formalization. Of course, this is neither to say that these developments were somehow *predetermined* to continue or strengthen the subsidiary system, nor that such developments and the continuation of the subsidiary system occurred without any human agency. On the contrary, it is arguably only because of thirty years of power politics by the Catholic cabinets between 1884 and the First World War that the subsidiary system could be further developed and transformed into long-lasting formalized agreements. The Catholic government power during this second formative period was decisive in continuing, reinforcing and formalizing subsidiary social provision. In the wake of a difficult

¹³¹⁵ Huyse (1987) *De verzuiling voorbij*, 79 and Leisinger (2013) 'Nation State and Social Policy: An Ideational and Political History', 18.

process of democratization, continuous social unrest and the increasing 'pillarization' of the social sphere, Catholics used the explosive growth of state involvement to fully implement what they called a system of 'subsidized liberty'.

By the time two ideological culture wars, one concerning the 'monastic law' in 1857 and one concerning the 'school war', had been fought, Catholics were cured of their idea that they could continue playing first fiddle within the public framework undisturbed and following what they saw as the dominant Catholic culture. The context had dramatically changed. Young liberals had cast the liberal adherence to the unionist cause overboard, and had regained the liberal belief in the ideals of the Enlightenment, a laicized and modern education and a secular modern state. After the shocks of the 'school war' and the 1886 turmoil and under the influence of the increasing, internal pressure of Christian Democrats, it dawned on Catholics that even a thorough campaign of re-Christianization could not save their ideal of a dominant culture and, moreover, that in the wake of an exploding socialist movement (sparking a *peur du rouge*) and inevitable process of democratization this dominant culture was to be replaced by social pluralism.¹³¹⁶ Confronted with that reality, they changed course and, with the help of their government power, started to put their eggs in the basket of 'subsidized liberty', favouring their own private network of associations and institutions. In order to maintain the strength of the Church and Catholicism as a social force and in order to anticipate and respond to a potential loss of the precious state power to the so-despised antagonist socialists and their completely different vision on state and society, they would have to strengthen the subsidiary system. The same change of heart was visible in the Netherlands, where 'Both Roman Catholics and Calvinists disliked the idea of state interference. Thus when they did change their minds it was in favour of a system which delegated the implementation of state policy to societal organisations bearing the appropriate denominational stamp.'¹³¹⁷

As a result, the deeply rooted opposition of Catholics to state intervention gradually faded as they started to get accustomed to the favours that came with cleverly used government power, both in favouring their own private networks and in forcing others to comply with Catholic rules. Catholic social doctrine since Leo XIII, especially *Rerum Novarum*, certainly played a part in the Catholics increasingly abandoning their ideological rejection of the state. Catholic cabinets steered the increasing inclination towards state intervention slowly but steadily in the direction of strengthening the subsidiary way of organizing social policy. They took centralizing measures to outplay dissident provincial and municipal authorities and even went against the grain of the Belgian episcopate or dissident groups within the Catholic Party in some instances. Subsidized liberty, with Catholic government power as an integral part, had the additional advantage that 'throughout the

¹³¹⁶ Van Kersbergen has noted the importance of Christian Democracy in this regard. See van Kersbergen (2011) 'From charity to social justice', 95-96.

¹³¹⁷ Van der Valk (1998) 'Public policy and Private interests', 127.

Western World social policy became a successful project of inclusion'.¹³¹⁸ Both the clever use of social policy and the implicit acceptance of pluralism could be used to bring or force the 'hostile' workers' movement (most importantly the socialist movement, but certainly also the Christian workers' movement, which was equally distrusted by conservative Catholics) into peaceful participation, even creating a bond between them and the state and profoundly transforming their initial aims as vehicles of a larger class struggle. That their respective movements' participation in the system, even if reluctant, provoked internal discussion in socialist and liberal circles was the best proof that the Catholic strategy was succeeding. Thus, the system proved a success in terms of giving Belgian society a firm pluralist foundation and successfully integrating workers (as well as farmers and small entrepreneurs etc) and their movements in society during the long struggle of democratization.

The first crucial aspect in understanding the discursive and policy impact of what came to be known as 'subsidized liberty' was the fact that it was a deliberate policy choice by the Catholic cabinets starting from 1884 to (1) guarantee the freedom for a private Catholic network of associations and schools to flourish and (2) to see to the financial support of this Catholic network in particular. As already noted in chapter five, Jules Malou had even stated literally in 1879 that, once the Catholics assumed government power, they would abolish the 1879 education law and would install 'subsidized liberty' following the English system. They did so in education and in social insurance by cautiously but sturdily favouring and implementing their policy of 'subsidized liberty', in spite of (1) their fear of losing government power to increasingly united forces of socialists and liberals and (2) the opposition within their own party, both from those who wanted them to go even further (e.g. teachers' associations in the case of education) and from those who wanted them not to push it too far (e.g. Woeste).

Subsidized liberty therefore cannot be seen as anything but an essentially Catholic strategy, as a form of legitimization for the power politics the Catholic cabinets used to obtain the best results for their own network, in the context of the growing competition of a pluralist and pillarized social sphere, in the 'battle for the worker' and the 'battle for the child'. Invoking 'subsidized liberty' was essentially a continuous balancing act, hovering between consistently advocating public subsidies for private initiative as a principle and tacitly permitting inconsistencies in that principle to prevent others from enjoying the same rights. Probably the best example of this is that Catholics understood and used subsidized liberty differently in education and in social insurance. In education, Catholics had grudgingly accepted the existence of a *de facto* laicized public network of schools (if only in the large cities). Subsidized liberty meant the growing inclination to ask for equal subsidies between public and (all categories of) private schools, *but* with due

¹³¹⁸ Leonards and Randeraad (2015) 'Building a Transnational Network of Social Reform in the Nineteenth Century', 112-113.

consideration for not giving socialists any reason to build their own school network. Catholics carefully avoided discussions of subsidies for such structural expenses as building or renovation expenses, only because they wanted to rule out the possibility that socialists might also enjoy the fruits of this system. As for social insurance, on the other hand, their strategy of subsidized liberty was officially equally applicable to all associations, although, as chapter six has sufficiently established, Catholics maintained different ways of excluding socialist associations from public support, not all of them intentionally. In addition, Catholic lawmakers always carefully avoided setting up neutral, public services for social insurances, something closely connected to the issue of compulsion.

Historian Jo Deforme has rightly argued that the Catholic issue against compulsion in social insurance determined much of the meaning of subsidized liberty in its early expressions. This is not surprising, as all of the alternative proposals to organize social insurance, both within and outside the Catholic party, had been based on a form of compulsory social insurance. The answer of the Catholic cabinets, therefore, was not only to reject compulsion but also to continue on the same path of subsidizing voluntary insurances by mutual aid associations. Their repeated rejection of compulsion in social insurance was partly because in their opinion, it would undermine the 'spirit of voluntary association' and the educational and disciplinary mission underpinning mutual aid associations. But it was at least partly also inspired by their fear that the private Catholic network would not be strong enough to cope with the consequences of compulsion. For, as they knew fully well, compulsion would also have to bring some sort of solution for those who were *not* members of a mutual aid association, most probably in the form of some sort of (auxiliary) public service funds. Indeed, socialists were already loudly advocating the establishment of a fully public system. Bearing in mind that Catholics openly regretted that they had ever accepted the establishment of a network of public schools, it was unsurprising that they did not want to end up in a similar scenario, with public services gradually replacing the existing mutual aid associations as providers of social insurance. In fact, Catholics had enough reason to believe this could happen, given the fact that many systems abroad included these public services. In England, to name just one country, during preparations of the 1911 law on national health insurance, the debate had even focused on whether or not to incorporate the existing 'friendly societies'. Mutual aid associations being replaced by neutral public services would have meant Catholics losing a considerable part of their remaining social influence, as they realized that mutual aid associations would never be able to continue providing social insurances without considerable public support. By 1914, they had agreed to compulsion only because the bill they presented was built around the mutual aid associations, and because by that time compulsion was believed to reinforce rather than damage the system of subsidized liberty.

In short, subsidized liberty seemed to be flexible enough to put different emphases, depending on the field and the situation of the Catholic network in that field. Most

of all, subsidized liberty seemed to serve as a rhetorical device to protect the Catholic interests in supporting their private networks and thus guarantee their social influence. From that point of view, the meaning of subsidized liberty might have been more consistent throughout the period between 1884 and 1914 than what Deferme has recently reasserted as ‘an evolution from *subsidized liberty*, a liberal interpretation involving the support of individual and voluntary action, into *subsidiarity*, a more Catholic interpretation (focusing on the organizations and thereby structuring the social midfield)’.¹³¹⁹ If comparing the use of subsidized liberty in both education and social insurance, the Catholic actions in 1884 were as much in conformity with subsidiarity as the actions in 1914. Only – and this may begin to sound repetitive – it was the application of the principles that varied, according to the situation in both fields and over time. By arguing that subsidized liberty looked more ‘subsidiarity-like’ (which Deferme seems to equate with ‘the Catholic plea for strong social organizations’¹³²⁰) in 1914 than before, Deferme seems to have seriously underestimated the fact that the introduction of subsidized liberty in social policy was from the start intended by Catholic cabinets to strengthen their social organizations and that subsidized liberty was also – perhaps even first and foremost – a strategic device and a rhetorical tool for Catholics to guarantee and underpin the power politics which they would practice for thirty years. By the First World War, liberals and socialists were confronted with the *fait accompli* of subsidized liberty after thirty years of Catholic government power. Even in the age of coalition governments following the age of the Catholic power monopoly, the system would remain in place and largely be accepted by other parties.

Subsidized liberty in its historical context therefore was in its very essence a Catholic design, an essentially instrumental and rhetorical use of subsidiary ideas applied to a Catholic socio-political strategy, underpinning a deliberate Catholic policy choice, though in conformity with the reigning liberal political culture. If we take into account the ways in which Catholics used subsidized liberty to their advantage, as well as the profound scepticism and complaints from socialists and liberals alike against the myriad forms of Catholic power politics involved in subsidized liberty, the argument of subsidized liberty as merely an extension of the liberal theory of self-help cannot reasonably be sustained. Of course, subsidized liberty implied self-help, but rather because the idea of self-help (and mutual aid!) was by no means an ideological monopoly of liberalism but rather a classical feature of the prevalent liberal political culture and bourgeois discourse also shared by Catholics. Moreover, this was about more than only self-help; it was also, and earlier than Deferme has admitted, about the associations behind this self-help. The 1900 law on old-age pensions, indeed seen by contemporaries as a perfect example of subsidized liberty, not only subsidized *individual* deposits, but also gave more

¹³¹⁹ Deferme (2016) ‘The influence of Catholic socio-political theory on the foundations of the Belgian welfare state’, 97.

¹³²⁰ Deferme (2016) ‘The influence of Catholic socio-political theory on the foundations of the Belgian welfare state’, 101.

subsidies to individual deposits *through mutual aid associations* and gave considerable extra subsidies to the mutual aid associations. Without any mention of subsidies, the Catholic cabinet had already introduced the recognition of mutual aid federations in the 1894 law and had been awarding large amounts of subsidy ever since, amounts that were far higher than the subsidies to the normal mutual aid associations (starting around 1850).

On the other hand, subsidized liberty was more than only a strategic invention of discourse to underpin a favourable policy option; it was also an application or translation of the subsidiarity ideas (or rather, one of many possible applications or translations!) into policy. Catholics using subsidized liberty still genuinely believed in the principles that had always underpinned the system of subsidiary social provision. In that sense, Deferme of course had a fundamental point when he linked subsidized liberty to subsidiarity, as others have done (far more sketchily) before him. The policies that the Catholic cabinets were pursuing were always pursued not only to protect the social influence of Catholic interests, but also because doing so was a step towards achieving their centrist, organic society; a society in which individuals were part of natural communities, in which associations served as intermediary institutions between those individuals and the state, and in which the state played a subsidiary role in constant dialogue with the intermediary structures, respecting and nurturing their social commitment. Putting this vision of society into practice no longer corresponded to rescuing the dominant Catholic culture, and it had arguably grown further and further away from the mixed private/public local arrangements which the Church had continued after the end of the Ancien Régime, but it was at least their own Catholic answer to a profoundly changed society. Catholics had enjoyed the privilege of having held government power for so long, and in anticipation of losing power, had built and strengthened a fully 'pillarized' Catholic network. Again this showed how flexible, subjective and susceptible to strategy and power the ideas of subsidiarity actually were; how a philosophical principle, or at least an increasingly consistent set of ideas about state and society, could begin from inspiring words of guidance but end up in thick layers of political consideration and strategic reasoning.

Influenced by the increasingly bitter struggle against socialism, the inclination of the official Church doctrine under Leo XIII to give more voice to the people and the Social Catholic project of social reform, the subsidiary ideas developed into one more consistent vision of state and society.¹³²¹ Whereas around the first formative phase of subsidiary social provision, during the 1840s and 1850s, subsidiary ideas existed in manifold expressions of which many different aspects could be highlighted depending on their differing users, they had grown into a rather consistent set of three assumptions by the end of the century: (1) that society was supposed to be a multi-layered structure of organic components in a hierarchical

¹³²¹ A more broad description of the gradual development of these ideas is also to be found in Lamberts (2016) *The Struggle with Leviathan*.

order, (2) that the free association of individuals in various forms was essential to any organic society, and (3) that the state and other levels of government should respect the autonomy, the liberty of choice and the spontaneous initiative of its individuals and associations, only intervening if there was a demonstrated need to stimulate, provoke or encourage such initiatives and only establishing its own (auxiliary) initiatives as a last-resort scenario. Moreover, by the end of the nineteenth century this idea of subsidiarity *avant-la-lettre* became increasingly informed by notions and concepts that better suited the more formalized and rational implementation of social policy. The formalization of social policy had transformed the system of subsidiary social provision not only in its practical applications, but also in the expression of its ideas. While at first older notions of mutual solidarity, voluntarism and proximity were still used to underpin the choice for 'subsidized liberty' and resist more rational and progressive alternatives of social insurance, these notions would gradually fade in favour of efficiency, transparency and effectiveness. This dynamic had been visible much earlier on the local level, where despite their rationalizing policy, liberal city administrations had used the latter notions to fend off more radical criticism of the continued incorporation of religious institutes and voluntary associations in the public poor relief system. It foreshadowed the way in which the subsidiary social provision was to be defended in the twentieth century: as an efficient system in which government steered, regulated and controlled private voluntary providers. As a sort of semi-governmental agencies, these providers were accountable to their supervisory governments, but retained their autonomy because they had the means, the expertise, the grass-roots support and the accountability to their members which a government could never fully attain.

Part of the successful continuity of the subsidiary system was of course thanks to the prevalence of this idea of subsidiarity among politicians, policy-makers and social reformers, which made them opt for subsidiary rather than 'statutory' solutions. The fact that the ideas underlying the system of subsidiary social provision had grown increasingly coherent and were underpinned by more rational notions that better suited the formalized context made them more effective and simple to use. This was a huge advantage in an era of mass politics in which the battle for the popular strata was also the battle for the voter. Besides the thinkers discussed in chapter three, many other politicians, policy experts, and leaders of social movements were vital in distributing the idea of subsidiarity through a wide array of networks and organizations. In both the more elitist intellectual networks and the many popular societies which were part of the more democratized context, subsidiarity was proposed as a self-evident way to organize society. By using this subsidiary discourse, they underpinned and hence legitimized and facilitated the most important transformations of social policy throughout the nineteenth century without losing its subsidiary form: from the traditional mixed private/public arrangements to the more formalized and structural incorporation of voluntary providers in public social policy, from a regulatory and subsidiary state with limited

financial responsibility to a subsidiary ‘welfare state’, or from non-binding voluntary ‘subsidized liberty’ to binding compulsory ‘subsidized liberty’.

The invoking of these ideas gave the subsidiary system a touch of universalism throughout the dramatically modernizing context of the nineteenth century, with basic principles that changed little or nothing underlying the subsidiary system. The English historian Thomas M. Adams made this point earlier, stating that

*For a history of a “mixed moral economy of welfare”, the significance of the concept of subsidiarity lies in the continuities it evokes – in its reworking of a complex array of old traditions into a search for effective ways to coordinate levels of governance and enable citizen participation.*¹³²²

Clearly, Adams here also touched on the paradox that while subsidiarity implied continuity, in doing so it in fact helped the discourse to shed its traditional layers and be ‘reworked’ into modern justifications such as efficiency, effectiveness and ‘participation’. To clarify this, take the example of the subsidiarity thinkers discussed in chapter three. By the end of the century, Brants, Prints and Pottier still more or less defended a ‘moderate’ state intervention that was tailored to the circumstances and met a need of some kind, as Ducpétiaux and Huet had done before. Basically they shared the same core *principle* that the state should only intervene when and if necessary. However, their *justification* of that principle differed, not only according to the context but also according to personal political or ideological preference (e.g. the difference between Brants and Pottier). Moreover, their calls may have *resulted* in more or different forms of state intervention in the end, which Ducpétiaux or Huet never would have approved of. This could equally well be applied to examples other than that of state intervention. The basic ‘subsidiary’ features remained the same, while its justifications, connotations and – not least – consequences varied according to the context and situation. Not the subsidiarity ideas themselves but the *expression* and *consequences* of those ideas would gradually develop, as the context changed. As emphasized in chapter one, it was the interpretation and instrumental use of the idea of subsidiarity which essentially formed its consequences. The subsidiarity ideas themselves changed little if at all; it was the context and the situations to which they applied and in which they were instrumentally used, as well as the people who used them, which produced different outcomes in different situations.

Looking back: the nineteenth-century origins of the welfare state

Today it is widely agreed that the origins of the modern welfare state are to be found not only in the social insurance legislation with which they are mostly and

¹³²² Adams (2007) ‘The Mixed Moral Economy of Welfare’, 58.

traditionally associated, but at least as much in the systems of poor relief that existed long before it. To achieve a proper understanding of social policies in the past and their development into modern welfare states, the study of the recent origins of the social insurance schemes must be combined with that of poor relief systems and their ‘continuing legacy’.¹³²³ Even in the case of Germany, most famous for its Bismarckian social insurance legislation in the 1880s as the example par excellence of the ‘early’ welfare state, Stolleis convincingly argued that ‘older forms of safety merged into this new system, and not only as relics, but possibly also as the potential for future social policy.’¹³²⁴ This book has contributed to this idea by more specifically demonstrating how the long nineteenth century was vital in shaping *the way in which* social policy was organized and in influencing the form of the welfare states as we know them today. It was a period spanning more than a century, in which society profoundly changed from a revolutionary (or post-revolutionary) and traditionalist society into what is now considered to be a ‘modern’, industrialized society. It was a century during which local mixed private/public systems of public poor relief and education transformed into the social-insurance-based system typically seen as the origins of the welfare state, but without losing its subsidiary way of organization. It was also a century in which ideas originating in different ideological traditions and in different political, economic and philosophical disciplines buttressed these transformations; ideas about an organic and multi-layered society fundamentally built on the natural rights of individuals and association in all its forms, directed towards the common good by a moderately measured intervention of an equally indispensable political authority.

Part of the ‘welfare consensus’ that prevailed after the Second World War, as briefly addressed in the introduction, was that historians of state welfare focused merely on the introduction of social insurance legislation and social services by the state, neglecting earlier systems of public poor relief. Even those works in which the author did include an analysis of the public systems of poor relief and health care often tended to study both fields separately, implying a firm cleavage between ‘a tale of the Poor Law which breaks off somewhere in the late nineteenth century, and the “rise of the Welfare State” from the 1870s on in which the emergence of State institutions is traced without reference to the Poor Law past’.¹³²⁵ Historians of social welfare – often the same ones that also established or at least contributed to the then new concept of the ‘mixed economy of social welfare’ – have fiercely battled such assumptions since the 1980s, explaining that they were the result of a fanatical belief in the ‘modernization’ theory.

¹³²³ See for example Lis and Vanthemsche (1995) ‘Sociale zekerheid in historisch perspectief’, 55 and Katz and Sachsse (1996) ‘Introduction’, 17.

¹³²⁴ Stolleis (2013) *Origins of the German Welfare State*, 25. See also Lis, Soly and Van Damme (1985) *Op vrije voeten?*, 184–185 and Van Damme (1990) *Armenzorg en de staat*, 42.

¹³²⁵ Thomson (1986) ‘Welfare and the Historians’, 373.

To reconstruct the progress to the present, after all, the past must be characterized as a polar opposite of the present. 'Modern' is in opposition to 'traditional', modern social provisions are seen in contrast to poverty, misery and paternalistic charitable work. Next, a dividing line has to be drawn, usually in the transition to late-nineteenth-century social-insurance legislation. In this way the beginning of the history of the modern welfare state is situated only in a very recent past, while everything that occurred before it is characterized as 'the prehistory of the modern welfare state'.¹³²⁶

By looking from this angle to the interplay between European systems of poor relief and social insurance, historians have exposed another simplistic truth that was part of the preceding 'welfare consensus'. For a long time, the focus on state welfare and social insurance seemed to convince scholars that social welfare had moved steadily from the 'traditional', pre-modern providers of welfare (individual, family, neighbours) to the 'modern', formal provision by the community and the public authorities representing the community. Such a teleological presentation of the historical development as a linear evolution from 'individualistic' provision and repressive poor relief to 'universal' and collective social insurance, 'as one of inexorable movement from "individualism" to "collectivism"'¹³²⁷ was sharply criticized:

The collectivizing process or the progress of society towards socialization and solidarity is inherent, unstoppable, inevitable. In the retrospective vision of these scholars, what stands out are not the deviations from this highroad to the present but the relentless, inexorable, on-time, freight train of historical progress whose scheduled arrival seemingly nothing can stop.¹³²⁸

First of all, these critical historians argued, the image of the supposedly 'traditional' and pre-modern forms of social provision was inherently flawed. The British social historian David Thomson claimed that the poor in pre-modern times were far less dependent on family networks and that by contrast, community-based benefits for the elderly were far more extensive than earlier assumed. Second, they also questioned the traditional image of the transition to social insurances as a linear progress towards community-based forms of social provision. On the contrary, one could argue, the innovation of social insurances was one that abandoned the quite extensive, universalist poor relief system and its 'remarkably effective mechanisms of income redistribution' in favour of the essentially individualist engagement of 'self-help', even if it occurred in the margins of mutual aid organizations. Indeed, contemporary reformers in favour of mutual aid were in fact eager to create social policy based more on a truly individual engagement, initially even without any recourse to the state. The British historian Paul Johnson has beautifully described this for nineteenth-century Britain:

¹³²⁶ Originally in Dutch, see Van Damme (1991) 'De verzorgingsstaat: over collectivisering, elites en free-riders', 435-436.

¹³²⁷ Harris (1996) 'Political Thought and Social Policy: The Public and Private Spheres', 51.

¹³²⁸ Baldwin (1992) 'The Welfare State for Historians. A review article', 700.

*The Victorian poor law, for all its faults, was based on the idea of a comprehensive risk pool, of a solidaristic rather than a contractual system of entitlement, and on a substantial interpersonal redistribution. [...] the Edwardian development of national insurance was a move towards an exclusive risk pool, towards contractual entitlement, and towards a self-financing system of intra-personal redistribution. Viewed from this perspective, the neat lineages of welfare development from the poor law to Beveridge are seen to be an erroneous historical construct.*¹³²⁹

This was as true in Belgium as it was in other European states.¹³³⁰ Of course, the impact of the transition differed between the various countries, depending on the specific features of their poor relief system and social insurance legislation. Abandoning the extensive Poor Law in favour of compulsory social insurance in England had an arguably more abrupt effect than the developments in Germany, where a less comprehensive and more locally dependent poor relief was complemented by state-run social insurance.¹³³¹

As much as there was no straight line from individualism to collectivism or from private to public solutions, even certain developments within the larger picture were rather more ambiguous. For instance, it is true that part of the discourse evolved from the typical nineteenth-century view of 'individual culpability of the pauper' for his or her misery to that of a 'societal risk'.¹³³² Paradoxically, however, the individual culpability of the pauper corresponded with a poor relief system with a *public* responsibility, while the 'societal risk' corresponded with *individual* insurances. Put differently, the increased *discursive* socialization of risk was not reflected by an *actual* socialization of risk in the organisation of social provision. Even at the end of the century, when public expenses for social insurances started to rise, it was maintained that public subsidies were only a reinforcement of certain actions or an incentive for initiatives and never to be used as 'ordinary expenses' in the operational insurance budgets. The ambiguity here is that the social insurance system, conceived as an individualist/family-based alternative for an extensive tax-based public poor relief system at a moment when the elite declined public accountability for such a system, only survived in the long term by the grace of public intervention, through stimulating, reinforcing and rationalizing measures and considerable financial support. In that sense, the social insurance system that has so often been depicted as the origins of the modern welfare state was initially not so much a *public* or *collectivist* solution as an *individualist* one partly supported by the public authorities, only gradually developing and expanding into the more public modern welfare state.

If an improved understanding of the nineteenth century as a key period in the formation of the current welfare state prevents us from accepting either a belief in

¹³²⁹ Johnson (1996) 'Risk, Redistribution and Social Welfare in Britain from the Poor Law to Beveridge', 183 cited by van Leeuwen (2002) 'Histories of Risk and Welfare in Europe', 62, footnote 14.

¹³³⁰ Van Damme (1990) *Armenzorg en de staat*, 46.

¹³³¹ Van Damme (1990) *Armenzorg en de staat*, 45.

¹³³² Alber (1987) *Vom Armenhaus zum Wohlfahrtsstaat*, 27.

an exaggerated discontinuity between poor relief systems and social insurance systems, or in a too-linear evolution from 'traditional' to 'modern' systems of social policy, it will logically also defy any caricatural and unhistorical image of that same nineteenth century as 'backwards' or its state as a mere 'night watchman'. This particular metaphor of the state as 'a night watchman whose functions consist solely in preventing robbery and burglary' was first coined by German socialist leader Ferdinand Lasalle in his demands for state intervention but has been persistent in the general image of the nineteenth century as well as in the literature to date.¹³³³ Many critical authors have sought to establish that, even when the term itself is not always used, the underlying assumptions are seriously flawed. Katz and Sachsse claimed that

*The emergence [in the late eighteenth and early nineteenth century] of a public sphere and private freedoms, however, did not lead to a passive state. In the same period that governments shed their mercantilist regime of the economy, they began to assume new responsibilities in areas such as education, mental illness, public health, and crime.*¹³³⁴

Dirk Van Damme added that, in spite of the tendency to see nineteenth-century policy as mere *laissez faire*, the nineteenth century was 'a period in which the state developed an enormous administrative capacity regarding the management and regulation of social phenomena'.¹³³⁵ In many ways, this study has shown that the role of the state in the nineteenth-century social policies was not only more important than some have argued, but also that it always corresponded neatly to the discourse and the spirit of the time.

The ultimate point is of course that the tendency of authors today to depict nineteenth-century policy as that of a 'night watchman' is 'largely because such [nineteenth-century] interventionism took rather different political and bureaucratic forms from those that they were familiar with a hundred years later'.¹³³⁶ Marcel van der Linden, who distinguished between the 'passive behaviour' of the state in the nineteenth century and its 'much more active' behaviour from the end of that century onwards, defined that 'passive behaviour' as follows: 'the state did not wish to organize social insurance itself and therefore left this responsibility to other institutions and provided supervisory guidance at most'.¹³³⁷ This understanding of the state's responsibility is clearly informed by a modern perspective of the state and measured by the modern standard of the state organizing social insurance itself. However, if measured using the contemporary context, the state's role was arguably much less passive than van der Linden assumed. As argued above, the state was quite active in regulating the policy fields by legislation and administration, setting up bureaucratic structures and

¹³³³ Sawyer (2003) *The Ethical State? Social Liberalism in Australia*, 87 and Van Dijck (2008) *De wetenschap van de wetgever*, 82. Recent examples in the literature still using the term, in a Belgian context, are Nath (2013) *Brood willen we hebben!*, 22 and Jan Art (2004) 'Social control in Belgium: The Catholic Factor', 113.

¹³³⁴ Katz and Schasse (1996) 'Introduction', 15.

¹³³⁵ Van Damme (1991) 'De verzorgingsstaat: over collectivisering, elites en free-riders', 449.

¹³³⁶ Harris (1996) 'Political Thought and Social Policy: The Public and Private Spheres', 52.

¹³³⁷ Van der Linden (1996) 'Introduction', 34.

stimulating and supporting the mixed private/public arrangements between voluntary providers and local authorities. But what is more is that even in the period of the allegedly 'much more active' state, social policy retained much of the 'passive behaviour', in that social insurance was still not organized by the state itself and instead left to other institutions.

The point is not to deny the unmistakably increased role of state welfare in one form or another from the end of the nineteenth century onwards – people in the twentieth century *did* indeed expect more from the state than ever before and the state to a large extent *did* meet such expectations.¹³³⁸ The point is that seeing historical developments in social policy – as in other fields of history, as shown in chapter one – as a linear line of progress, in whatever direction, is always a fundamentally unhistorical conclusion. Rather than a linear evolution between two clear-cut points and policies, 'the development of the early welfare state must be seen as a slow, often changeable evolution on the mid-long-term, as a process of trial and error'.¹³³⁹ Therefore, to argue against a linear evolution from individualist to collectivist solutions to the social question is not to argue in favour of an opposite evolution, from a public poor relief system to a private social insurance system. To argue that the system of subsidiary social provision was essentially the fusion of tradition and modernity just as the nineteenth century was the bridge between tradition and modernity, is neither to draw a caricature of tradition or modernity nor to suggest a linear evolution or a definitive cleavage between the two. On the contrary, it emphasizes continuity, downplays the clear-cut distinction, and shows how what we call 'modernity' bore the marks of 'tradition' and indeed effectuated a long-lasting continuity. Of course, there was a difference between the context of the early-nineteenth-century local, mixed private/public system of poor relief and the context of the early-twentieth-century establishment of a national, mixed private/public system of social insurance and education in the form of 'subsidized liberty'. But in that gradual and non-linear evolution, the system of subsidiary social provision even survived into the more formalized social policy of the twentieth century, in spite of being challenged not only by ideological tensions and political conflict discussed above but also by a profoundly changing society. In this sense, this book supports unequivocal claims in the international literature that it is wrong to make a sharp distinction between the 'traditional' forms of Church-related *caritas* and local poor relief on the one hand and the 'modern' more formalized forms of social policy, as the latter were in many ways only continued, completed and built on the former.¹³⁴⁰ Instead, the developments in social policy should be seen as 'a series of shifts to and fro between two loci of responsibility' from the one locus of individual and family responsibility to the other locus of communal responsibility on the 'family-community welfare spectrum', or even more accurately, in my opinion, as shifts and combinations within the 'Bermuda Triangle

¹³³⁸ Harris (1996) 'Political Thought and Social Policy: The Public and Private Spheres', 51.

¹³³⁹ Van Praet (2015) *Liberale hommes-orchestres*, 20.

¹³⁴⁰ Van Damme (1990) *Armenzorg en de staat*, 294. See also Thomson (1986) 'Welfare and the Historians', 358 and 374.

of welfare, constituted by the collective (society or state), intermediary organizations (communities, voluntary associations, self-help groups), and the individual'.¹³⁴¹

Subsidiary social provision and the Belgian welfare state today

To this day, the remnants of the system of subsidiary social provision remain visible in the Belgian welfare state. Private hospitals, often part of a national Christian alliance, still make up a large part of the health-care system, four times as many students attend schools of the Catholic education network as those attending public schools, and trade unions and mutual aid associations are still responsible for the provision of unemployment, sickness and disability insurances. However, this continuity is neither static nor black-and-white. When learning about the current structure and edifice of the welfare state, it is remarkably true that

*the modern, complex “system” of social protection is an “evolved” one and can be best understood by knowing how it came into being. It has layers of historical growth and is a far cry from the kind of rigor one expects of “systems” in the scientific or philosophical sense.*¹³⁴²

Years of historical development, including different social contexts, new challenges and changing conceptions of what social protection should consist of, have affected the features and practices related to this system. The growing tangle of regulations and the far-reaching cooperation with the government have indeed made the private voluntary providers more into ‘providers’ in the narrow sense of the term in that they, in a way, function as semi-governmental administrative agencies. If they were once powerful social movements, their ideological profile has somewhat faded away. Younger generations do not seem to have a clue of their historical importance and some indeed question their relevance compared to governmental administration or the market.

The challenges with which they are struggling are ambiguous, and the lower profile of the private providers as social organizations is no different in that regard. While few patients today are able to distinguish Catholic hospitals from public hospitals, some Catholic hospitals do get (negative) press attention when they assert their ideological profile in refusing to execute (legal) demands for euthanasia. The same is true with regard to the private Catholic school network. Criticism of the private Catholic education network has long included questioning the relevance of their distinctly religious profile in a secularized society. Why not agree to one uniform public education system, if the only reason that parents seem to send their children to a Catholic school are its proximity or its allegedly higher-class profile? However,

¹³⁴¹ For the ‘family-community welfare spectrum’, see Thomson (1986) ‘Welfare and the Historians’, 365. For the Bermuda Triangle of welfare, see Frankenberg (1996) ‘Shifting Boundaries: the Private, the Public, and the Welfare State’, 77.

¹³⁴² Stolleis (2013) *Origins of the German Welfare State*, 23.

only recently the head of the Catholic education network became mired in controversy when he suggested Catholic schools should transform into ‘schools of dialogue’ better adapted to the social reality of ethnic and religious diversity, working from a Christian religious point of view. Conservative right-wing parties saw this as a move solely to better accommodate Muslim students and were quick in their judgment that this was a low point of ‘Catholic’ education. The same right-wing parties (liberal on the economic issues) once in a while criticize trade unions and mutual aid associations for administering social insurances, arguing that transferring the allegedly inefficient administration to the state (or the market!) might give the government the opportunity to further their cuts in social security. Strangely, they share part of this argument with some left-wing politicians bitterly opposed to the whole structure of ‘pillars’ in the social sphere because, they say, mutual aid associations are no better than commercial companies since both are driven by profit maximisation, gaining profits on the state’s and the patient’s expenses.¹³⁴³

In such challenging times, where contemporary political debates on the involvement of these actors in the welfare state structure are rarely enriched by a historical approach, it is therefore an undeniable truth that ‘a look back at history can be useful [...] in that it can provide today’s actors clues to how much of the past is preserved in the various structures that exist today’.¹³⁴⁴ But this brings us to the difficult and delicate position of historians in such a debate. This book has contributed to the now-established idea that nineteenth-century social policy consisted of ‘subsidiary social provision’ as one example of the ‘mixed economy of social welfare’, underpinned by a subsidiary discourse favourable to such a social policy solution. But historicism is not nostalgia. One should be able to say that policies which now seem unorthodox were actually conventional in their own age, that these policies fitted the particular context because they reflected the then prevailing views on what social policy was and how it had to be put into practice, and that it is fundamentally unhistorical to weigh nineteenth-century social policy against the welfare state of today and call the nineteenth-century state ‘reluctant’, or its policy ‘backward’; without necessarily seeming to imply or unwillingly give credit to the glorification of those systems, inspired by political motivations. Does making the argument that all states have resorted to some kind of social policy and that this will always involve some kind of ‘mixed economy of social welfare’ give credit to persons wishing to turn away from programs of redistribution and state welfare?²

There may indeed be some kind of danger in just that. If discussions on the welfare state seldom indulge in its past, when they do it is often not only to establish that there is a viable alternative to state welfare but also to suggest implicitly or

¹³⁴³ The most notable example is the former head of the Green party Mieke Vogels, see ‘Vlaanderen wordt nog altijd bezet door de zuilen’, *De Morgen*, published 4 June 2016, last accessed 24 August 2016 (<http://www.demorgen.be/plus/-vlaanderen-wordt-nog-altijd-bezet-door-de-zuilen-b-1464998407582/>).

¹³⁴⁴ Stolleis (2013) *Origins of the German Welfare State*, 23.

explicitly that history has proven that such systems might work. Public opinion and many political parties, not exclusively right-wing ones, have shifted away from the welfare-state consensus and are debating alternatives with the revealing names of the ‘participation society’ (*participatiesamenleving*, a term coined by the Dutch liberal minister-president Mark Rutte), ‘socialization of care’ (*vermaatschappelijking van de zorg*, used by a Christian Democrat minister and the Flemish government) and the ‘repressive welfare state’ (*repressieve verzorgingsstaat*, also a Dutch term used by critics of such trends), reflecting the turn towards more individual responsibility.¹³⁴⁵ In England this included the New Labour government, which ‘promoted the concept of “an enabling state founded on the liberation of individual potential”, in which “a bigger role for the voluntary sector in framing and delivering local services is central to our vision”’.¹³⁴⁶ Sometimes such calls are accompanied by historical claims. Without explicitly referring to such discussions, the head of a major Belgian conservative party (himself a historian) underpinned the launch of the party’s campaign for more interpersonal solidarity by family, kin or associational networks by referring to Alexis de Tocqueville.¹³⁴⁷

Indeed, as Günther Frankenberg has observed, some conservative authors

*call for a return to the more or less imaginary communities of pre-modern times, in particular the family, the neighbourhood, and the church. [...] Thus they romanticize communities that may never have existed or could not exist under present circumstances.*¹³⁴⁸

The bottom line for the consistent historian must therefore be that history can make us understand the development of our welfare state, and can make us appreciate the non-linear, complex and essentially contextual coming about of this development. But that is not where it ends. The same historian should also add that history is not a cookery book where one can search for a particular recipe that corresponds best to one’s favourite ingredients. Indeed, emphasizing that a certain kind of social policy fitted a certain historical context – in the nineteenth-century instance, that of a limited democracy in which a small leading class of the bourgeoisie partly conceived social policy as a whole of disciplinary and paternalistic measures and in which one-party governments could then put these ideas into practice – is the best way of denying the possibility of the same policy being readily applicable to our time. I therefore hope that this study has not in any way suggested counterevidence to the historical and contextualist truth that ‘it may

¹³⁴⁵ For critical accounts on what is called the ‘repressive welfare state’, see Gijsbert Vonk (2014) ‘Repressieve verzorgingsstaat’, 80-102 and Rutger Bregman, ‘Hoe solidariteit iets werd waar je op tv om moet bedelen’, *De Correspondent*, published 26 January 2015, last accessed 24 August 2016 (<https://decorrespondent.nl/2366/Hoe-solidariteit-iets-werd-waar-je-op-tv-om-moet-bedelen/288467239060-3e13cbdc>).

¹³⁴⁶ Harris (2004) *Origins of the British Welfare State*, 1.

¹³⁴⁷ Jan Herregods, ‘N-VA lanceert #Helfie: “Ja dit is een goede investering van overheidssubsidies” (Bart De Wever)’, *Knack.be*, first published 21 April 2016, last modified 22 April 2016, last accessed 24 August 2016 (<http://www.knack.be/nieuws/belgie/n-va-lanceert-helfie-ja-dit-is-een-goede-investering-van-overheidssubsidies-bart-de-wever/article-normal-563909.html>).

¹³⁴⁸ Frankenberg (1996) ‘Shifting Boundaries: the Private, the Public, and the Welfare State’, 77-78.

be dangerously premature to suggest that the mutual organizations of the late-nineteenth and early twentieth centuries offer a realistic model for the reform of welfare services in the twenty-first century'.¹³⁴⁹

Fortunately there is quite some uncharted territory left to explore for the historian before being drawn away by the present-day echoes of his subject. In my opinion, one of the major deficiencies of this book is its not having been able to explore other points of view in looking at the history of social policy, such as gender or the recipients' experiences. A particular interest in nineteenth-century discourse might also be used to study the individuals participating in, experiencing and actively shaping the systems, although it should be acknowledged that voices from these classes might be far more difficult to find than the discourse of self-centred bourgeois men in power. Another point which could have enriched this study and which will hopefully be taken up by other historians in due course, is that of a more specific comparative framework in which Belgium could figure. Collections comparing different national cases have already been published, but good historical accounts that make an attempt at including several countries in one analysis are still rare. Introductions to such collections, offering to some extent a cross-country analysis of the contributions in their collection, are often the most interesting parts of the books. The specific angle of this study, the intertwinement of private and public social policies and the political discourse and theory underpinning them, is only one among other possible approaches which could be a good starting point for such an analysis. Mixed private/public entanglement in social policies were never confined to the case of Belgium alone. Indeed, as already mentioned in the introduction, social policy historians have agreed that 'European countries "have always [...] had a mixed economy of welfare"', some of them dating its emergence back to the 1500s.¹³⁵⁰ If the constellation of the 'mixed economies of welfare' varied according to the national specificities, other European countries shared to a greater or lesser extent a similar joining of private and public in social policy, as they were influenced by the same wider context of industrialization, capitalism, urbanization and emergence of labour movements, as evidenced by the shared transnational discourse.

Bearing in mind the reflections on current issues in the preceding paragraphs and looking back on the chronological span of this study (roughly between 1800 and 1920), I would make a final point for future research to indulge without diffidence in long-term analyses. Having had the luxury to devote four years to historical research in the interesting domain of social policy and the welfare state, having had much time to think about historical writing and the pros and cons of today's academic research, having read innumerable inspiring texts of all sorts, I would

¹³⁴⁹ Harris (2012) 'Introduction', 7.

¹³⁵⁰ Jane Lewis cited by Harris and Bridgen (2007) 'Introduction', 2.

applaud some compelling recent calls for more long-term history.¹³⁵¹ Such calls, of which the *History Manifesto* by Jo Guldi and David Armitage is arguably the most important, have convincingly argued that historical research has led to multipronged efforts in all sorts of directions but that it has also led to overspecialization and an inclination towards extremely specific detail research more involved with detail and fact than with overarching analysis or inspiring interpretation of those facts.¹³⁵² The way in which the world of academia is working today only seems to reinforce such tendencies: researchers need time to search for new grants and are less able to devote time to research and writing; if grants are awarded at all, a quick return-on-investment is expected; output is measured in quantity rather than quality, and the focus on journal articles with rigid systems of peer review tends to stimulate short articles and detail studies in stringent conformity with the traditions of a certain discipline or field rather than polemic or thought-provoking essays shaking up entire disciplines and inviting debates. In such a context it is difficult to concentrate on thinking through long-term developments. When a Belgian historian was nominated for a prominent history literature prize for the magnum opus he wrote after he retired (one of the most compelling accounts on the nineteenth and twentieth century I have read so far),¹³⁵³ he significantly declared (and regretted) that writing such a book had required him to retire first, as he could not have written it while being an active professor.¹³⁵⁴ I do hope that many such readable long-term analyses will follow, and I do hope that historians will be given the time to do what they do (or should do) best – deeply contemplating the world we live in and the complex historical developments that brought us here. The world seems to have a need for it.

¹³⁵¹ Samuel Moyn reviewed three books on the issue in an interesting review article. See Samuel Moyn, 'Bonfire of the Humanities. Historians are losing their audience, and searching for the next trend won't win it back', *The Nation*, published 21 January 2015, last accessed on 24 August 2016 (<https://www.thenation.com/article/bonfire-humanities/>).

¹³⁵² Jo Guldi and David Armitage, *The History Manifesto*, first published 3 October 2014, last modified 5 February 2015, last accessed 24 August 2016 (<http://historymanifesto.cambridge.org/>). See also Armitage (2012) 'What's The Big Idea? intellectual history and the Longue Durée', 493-507.

¹³⁵³ Lamberts (2011) *Het gevecht met Leviathan*. It has recently been translated into English, see Lamberts (2016) *The struggle with Leviathan*.

¹³⁵⁴ *Historicus Emiel Lamberts enige Belg op shortlist Libris Geschiedenisprijs | Nieuws*, last accessed 24 August 2016 (<http://nieuws.kuleuven.be/node/10117>).

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KUL, Archives KU Leuven, Leuven.

- Archives Victor Brants

OCMW Ghent, Archives Commission of Civil Hospices, Ghent.

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RAG, National State Archives, Ghent.

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