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The Dynamics of Conventions: The Case of the French Social Security System

*Philippe Batifoulier, Nicolas Da Silva & Victor Duchesne**

Abstract: »Die Dynamik von Konventionen. The Fall der französischen Sozialversicherung«. The aim of this article is to analyze the French Social Security System (SSS) within the framework of the Economics of Convention (EC). From this perspective, we consider that the SSS is permeated by three competing conventions: an anticapitalist convention, a solidaristic convention, and a liberal convention. We use conventions as ideologies in order to address conflict and power in the context of EC. The French SSS is not the outcome of a consensus but of conflicts. An empirical analysis of historical documents and political debates during the sessions of the French National Assembly is mobilized in order to examine two key moments of controversy in 1949 and 1967.

Keywords: Economics of Convention, ideology, social policy, French social security system, justification.

1. Introduction

Ever since it was first set up in 1946 France's Social Security System (SSS) has been a major institution in the country's economic, social, and political life. The size of the SSS budget alone is evidence of this. For 2015 it approached €500 billion, nearly twice the budget of central government (Direction de la Sécurité Sociale 2016). Essentially the SSS organizes the production and financing of healthcare along with the payment of pensions and family allowances. Although it has a significant impact on everyday life, it is unclear what the institution is all about. Is it an insurance mechanism? A way to produce solidarity? An anticapitalist form of development? This lack of consensus about what the SSS is or is supposed to be is not a technical problem. It is part of a conflict over the institution's political standing. There is no one single definition of the SSS but a contest among several interpretative frameworks or "conventions" that make the institution what it is. Conventions provide a com-

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mon framework within which value judgments can be articulated with normative considerations in order to enable coordination.

According to the approach of Economics of Convention (in short EC), we consider that conventions are not only a specific kind of rules. They also designate a social and collective representation (Favereau 1995, 1998; Diaz-Bone and Salais 2011). Boltanski and Thévenot (2006) identify six “orders of worth” (*ordre de grandeur*), which are organized principles of evaluation and linked to political philosophies. By mobilizing EC, we will show that the SSS is not a single social order but can be viewed as a set of multiple orders. There are several orders of “worth” (*grandeur* in French), that people can justify in defending or criticizing the SSS. Following EC, we are able to take into account the plurality of possible representations and the impossibility of reducing the SSS to a universal and invariable conception.

This approach will help us to understand why the “quality” of the SSS can be based on different ways. Quality is not given but depends on conventions. For the argument developed in this paper, EC provides an attractive institutionalist approach to take into account the values that a given society holds for the common good of its members. One of the main objectives of EC is to endogenize values within coordination and to take the ethical resources of individuals seriously. Now, social security institutions and the health sector are precisely one of those domains in which values are omnipresent.

From this perspective, conventionalist approaches to health economics and social security policy provide a relevant conceptual framework by developing an alternative theory that attempts to challenge the incapacity of mainstream economics to deal with values (Batifoulier, Domin and Gadreau 2011; Batifoulier, Braddock and Latsis 2013; McMaster, Batifoulier and Domin 2015; Batifoulier and Da Silva 2014). This is the case in particular in the social security institutions because they are precisely one of those domains in which coordination, value judgments, and normative considerations are inseparable.

The aim of this article, then, is to analyze the dynamics of SSS conventions. How can the evolution of conventions be accounted for? In this context we seek to bring convention theory and history closer together.

We understand conventions as ideologies when there is more than one way the world could be (and in fact the world is constructed in different ways not just in one way). Following Boltanski and Chiapello (2005), ideologies are understood as a set of shared beliefs, inscribed in institutions, bound up with actions, and hence anchored in reality. Ideology justifies engagement in the SSS.

From this perspective, it is considered that the SSS is permeated by three competing conventions: an anticapitalist convention, a solidaristic convention, and a liberal convention. These conventions define a particular form of SSS. They act as justification for it but they are also used to criticize the other competing conventions. These conventions have changed over time and above all their relative importance has shifted. All of these three conventions (in terms of

justification and critiques) have been present ever since the institution was first formed. What has changed is the balance of power by which one form of convention prevails rather than another. The multiplicity of conventions is used here to explain the confrontation and the balance of power surrounding the SSS.

The forks in the road and the hierarchy of conventions are identified by examining two key moments of controversy. We look at the speeches made by parliamentarians voting on the legislation to understand what meaning these individuals gave to the SSS. In keeping with the approach of Economics of Convention it is considered that conventions signal their existence in language (Favereau 2008). In this way we accord particular importance to language in order to grasp the disagreements and power relations involved in the development of the SSS. Empirically our method is based on the study of political debates during the sessions of the French National Assembly. We are particularly interested in the debates of 1949 over the problems when the SSS was first set up and of 1967 just before the first great reform of the SSS (Box 1).

Box 1: Explanations about the Method

The study of the two historical moments that are the focus of this work rests on the examination of the corresponding parliamentary debates. We have selected excerpts from the version in .pdf format of the Official Journal of the French Republic (National Assembly – Parliamentary Debates section) digitized by the National Assembly records department. For the 1949 debate, to facilitate the reading and search for redundancy (words, proper nouns, party names, etc.) the document was reproduced in Word format without the sections of the OJ not concerning the debate studied. As the scans were of mediocre quality, corrections were made by hand. The complete Word document with the four days of debate runs to 1,061,623 characters including spaces. For the 1967 debate, given that the debates on social security are scattered among other matters, we pre-selected specific days based on the historical literature and the analytical and nominative tables of debates of the third legislature of the Fifth Republic. The digital versions of the debates can be downloaded on line for the Fourth (<<http://4e.republique.jo-an.fr/>>) and Fifth Republics (<<http://archives.assemblee-nationale.fr/3/cr/index.asp>>).

Before examining the two moments of controversy that make up Sections 3 and 4 of the paper, we present our socio-historical and theoretical framework (Section 2). The conclusion (Section 5) recapitulates the lessons from this conventionalist reading of the SSS.

2. The Social Security System and Its Conventions

The object of our study is French social protection and we begin by presenting the way it was formed through a multitude of rules. The way it is organized bears the weight of history and the socio-political struggles that reflected different ways of thinking about the institution (2.1). These different representations are competing but all claim to express the right and proper way for social protection to operate (2.2).

2.1 The Social Security System: A Major Institution Driven by a Set of Rules

The central institution underpinning social protection in France is known as *la Sécurité sociale* (SSS). It guarantees payment in the event of a potential social contingency, illness, accident at work, old age (payment of a retirement pension), and “starting a family” (payment of family allowance). It is financed through a mandatory levy on wages and income in particular. There are other organizations that pay social allowances but they act in accordance with the prerogatives and scope of the social security system. For example, for a medical consultation in France 70% is paid for by the social security system and 30% by private insurance funds and households. Private insurance funds operate only in the space left vacant by the social security system.

The contemporary form taken by social protection in France looks to be something of a ragbag: it is financed both by social levies on wages (welfare contribution) and by income tax (generalized welfare tax); it covers many risks but also leaves considerable scope for the private sector; it operates on both comprehensive and means-tested principles; it comprises not just one single fund but a whole host of funds depending on occupational status (executives, self-employed workers, farmers, local and central government employees, etc.). To understand these different overlapping rationales and their associated representations, we must go back to the institution’s inception in the aftermath of the Second World War.

Before 1946 there was a vast system of social insurance with benefits being paid out of mandatory contributions. This system too was something of a muddle because it was based on legislation that did not mesh together properly¹ and was enacted haphazardly as political majorities came and went. This legislation notwithstanding, social contingencies were still poorly covered. Accordingly,

¹ To take just a few examples we might cite the 1910 act on manual workers’ and farmers’ retirement pensions, the 1928 and 1930 acts on retirement pensions and health, the 1932 family allowance act, the 1941 retirement pensions act, and so on.

during the war the National Resistance Council² drafted its program entitled *Les jours heureux* (Happy Days) providing for the creation of a “comprehensive social security scheme” (CNR 1944). Against this background, on October 4 and 19, 1945, the Provisional Government of the French Republic defined the way the social security system would operate. The real change was not the creation of the social security system but the creation of its *Régime général*, its general scheme. As seen, the social security system, in the sense of social insurance covering welfare risks existed before 1946. The radical new feature was the creation of the general scheme that brought together all of the early provisions within a single organization that was in the hands of the workers. What was radically new about the general scheme can be seen in three highly innovative principles:

- A single fund to pay out social benefits. Unlike in earlier periods when small funds were legion, the aim was to gather within a single fund all workers (regardless of their occupation) and all welfare contingencies (illness, accident at work, occupational disease, family, old age). The advantage of a single fund was that it could provide greater financial guarantees (especially by making it possible to set risks off against each other).
- Funding via a flat-rate industry-wide social contribution. The pre-war funds levied contributions on different bases depending on the firm and the employee’s status. The advantage of a flat-rate industry-wide contribution was that it dispensed with differences in treatment among firms.
- Management of the social security system by the “interested parties,” or social democracy, that is, the contributing employees and their trade union representatives. The boards of directors of the primary funds (locally) were composed for three-quarters of union representatives and one-quarter of employers’ representatives. This arrangement conferred management of the institution on workers themselves.

These rules were embodied by mechanisms such as the creation of social security primary funds, that is counters where, for example, the ill could have their healthcare payments refunded or the retired draw out their pensions. Family allowance was the largest item of expenditure for the general scheme. For many families it doubled their income. The democratic aspect was materialized by the organization of elections (the first of which were in April 1947). After the suffering of wartime, the social security system and its general scheme made far-reaching changes to the lives of French people, which explains why they are still deeply attached to it today.

² The *Conseil national de la Résistance* was an organization bringing together all political tendencies to prepare for the period after the *Libération*.

As might be expected the advent of the social security system was no easy matter and was the subject of intense struggles. The French social security system is not the outcome of consensus but of conflict. It is the product of the domination at a given point in time of one idea of what social protection should be over another. The founding rules bear the mark of that domination.

Entrusting the management of the social security system to workers and unions (in point of fact the General Confederation of Labor [*Confédération générale du travail*, CGT], which was close to the communist party) meant keeping both central government (the social security system was not part of its remit) and the employers at bay. This distancing can be explained by some major historical developments: parliamentarians had voted full powers to Pétain and the Vichy regime had collaborated with the Nazi occupier. In 1946 parliamentary democracy was discredited. Employers had all been compromised with the occupation forces whereas workers had been more widely involved in the resistance movement. Moreover, the pre-war social insurance arrangements had not proved effective probably because they were directed for the most part by local leaders and escaped the control of the contributors (both social insurance schemes and mutual funds).

The balance of power in 1946 was less unfavorable to the workers movement and especially the communist party. This explains how they won control over the social security system's budget, which soon exceeded the budget of central government. It also explains why it was the communist minister Ambroise Croizat who was to build the social security system step-by-step and to organize it concretely. It was not enough to decree that healthcare was to be refunded and benefits paid to families. Organizations to which the insured could turn had to be set up. The money they needed had to be paid out and so had to be collected beforehand.

The social security system was born of a balance of power that was to be overturned with time. There is little left of the founding rules (employers have become involved in its management and central government has progressively taken control, social contributions finance social contingencies to a diminishing extent, etc.). Although the social security system as an institution is still with us, the prevailing representation of it has changed enormously over time.

2.2 Providing for the Social Security System: Competing Conventions

We propose a reading of the conflict-ridden history of the social security system based on three competing conventions.

The association between convention and conflict is quite unusual. The conventionalist tradition has tended to focus on the consensus by highlighting the existing shared representations. At the same time, critics of the Economics of Convention limit it to a theory of consensus to better disqualify it. It goes with-

out saying that an approach that ignores conflict and power relationships shows the world as a ‘fairy tale.’ In addition, if people agree on everything, there is nothing left to say about coordination between agents.

The insistence on the notion of consensus (that would be intrinsically linked to conventions) can easily be criticized. On the contrary, we think that the notion of convention can dispense with the reference to consensus. The notion of convention draws its substance from the existence of disagreements. Boltanski and Thévenot (1991) built their theory on the observation of ordinary disputes. The existence of a disagreement and how it is justified by the actors provides arguments that are then classified both according to their degree of generality and their reference to a type of common good (called “cities”).

In this sense, the construction of disagreements on a principle of legitimacy and admissibility of arguments is the lifeblood of the conventionalist analysis. Conventionalist area does not cover the cases of perfect harmony that Boltanski (1990) has referred to as “*justesse*” (“validity” according to a social norm of justice) or “Agape.” In the first case, people are tacitly equal and criticism is not activated. “Agape” refers to a form of love based on free gift without expectation of a counter-gift. The disagreement sought by the conventionalist analysis must also give rise to peaceful justifications, which excludes the cases where violence is used to defend a point of view.

Disagreement is not a lifestyle but a situation activated at certain times. For the conventionalist analysis, the actors can argue (justify or criticize) on the basis of several resources of legitimacy: conventions. The study of the construction of disagreements proposed by the conventionalist approach is therefore inevitably pluralist, which also pushes the notion of consensus away and opposes the Economics of Convention to other approaches of conventions, in particular in mainstream economics. According to the mainstream approach of conventions, which formalizes a social interaction in the form of a coordination game, the existence of more than one convention is an anomaly because it is necessary to look for a unique and stable equilibrium (Batifoulier 2001; Larquier and Batifoulier 2005). The research objective of the modeler is then to select a convention (a balance of the game) because the plurality is (in this approach) the marker of the imperfection.

For the Economics of Convention, on the contrary, the uniqueness of a convention would be an anomaly and would, in fact, have no meaning. Because of the plurality of conventions, coordination is not reducible to consensus. A convention is not universal even though it may have a high degree of generality. Actors can defend and criticize several SSS concepts on the basis of different conventions that bind members of a collective at a given moment. Because they are the product of political communities, conventions have a social nature that goes beyond the framework of individual strategies (Gilbert 1992). Conventions make sense only in collectives.

In order to integrate the notion of conflict into collective representations within a conventionalist framework, we use the notion of ideology. Looking at conventions as ideologies emphasizes their ability to provide resources for engagement based on shared values and beliefs.

By associating conventions and ideologies, we want to emphasize the dual characteristic of the conventions that support the SSS: conventions are resources for general justifications (in terms of the common good) and individual justifications (in terms of personal reasons for engaging) (Boltanski and Chiapello 2005).³ Ideologies are ideal-typical forms of justification of the SSS, attached to a normative representation of the world as defined by Joan Robinson (1962, 9): “A society cannot exist unless its members have common feelings about what is the proper way of conducting its affairs, and these common feelings are expressed in ideology.”⁴

So, conventions understood in this paper as ideologies express a normative image of the social security system. They define a set of individual and general beliefs that justify the SSS and legitimize it. While there may be a prevailing ideology at any given time, there is no one single possible world view. To describe the ideological changes that have accompanied transformations in the SSS, we distinguish among:

- an anticapitalist convention in which the social security system is thought of as an alternative to capitalism through the creation of a sector that escapes from the market;
- a solidaristic convention in which the social security system is meant to redistribute wealth from the rich to the poor so as to ensure the cohesion of society;
- a liberal convention in which social security system is reserved primarily to those who cannot exercise their own free will and individual responsibility.

The remainder of this paper will show how these three conventions have been expressed over time and come into competition in thinking about the social security system and providing for it through various mechanisms. Readers will have guessed that the story is one of a progressive shift from the anticapitalist convention of the social security system in 1945 towards a liberal convention that compromises with a solidaristic convention.

³ In Boltanski and Chiapello (2005), the notion of ideology is associated with the spirit (of capitalism) and has two theoretical roots: “Weber’s works stressed capitalism’s need to furnish individual reasons, whereas Hirschman’s emphasize justifications in terms of the common good. For our part, we shall employ both dimensions, construing the term ‘justification’ in a sense that makes it possible to encompass both individual justifications (wherein) and general justifications (whereby engagement in capitalist enterprise serves the common good)” (ibid., 10, general introduction).

⁴ This point was emphasized by Biencourt, Chaserant and Rebérioux (2001, 209) and developed by Carnoye (2016) in the case of a conventionalist approach to ecology.

The conventions so defined are not “*cités*” within the meaning of Boltanski and Thévenot (2006) no more than they seek to fit into a more ordinary normativity (in the sense of the second pluralism presented in Eymard-Duvernay et al. 2005). From the model of cities, we take the fact that there are not as many normative references to bear up the social security system as there are persons, otherwise we would fall back into the world of preferences of neoclassical economic theory (Latsis, Larquier and Bessis 2010). There are a small number of shared references that can be called conventions and these conventions are collective representations of the collective organization that the social security system forms. One of the gains made by the Economics of Convention is to have highlighted a diversity of representations.

Our conventions diverge from “cities” because they do not seek to satisfy the axiomatic system of several orders of “worth” (*grandeur* in French) and the very stringent constraint of legitimacy. The conventions so defined do have something to do with justice and can represent an ideal of justice but they make no claim to be universal even if they may be likened to political philosophies. They do, however, provide a normative representation of acceptable working of the social security system, which implies a specific vision of justice or the common good.

Each convention conveys its own understanding of common good, which is reflected in the resources it provides for justification, denunciation, and critiques. Accordingly, the anticapitalist convention denounces the exploitation of workers. It is not poverty and the vagaries of life (accident at work, illness, etc.) that are highlighted to justify the social security system but the mode of capitalist production, which is an impediment to living well. The SSS is justified in the name of a democratic political construction promoting self-government and based on the participation of all in developing the rules that govern them, against a form of power of the state or of private interests.

The solidaristic convention carries the ambition of social progress and denounces the false liberty granted to citizens (with the 1789 French Revolution). People cannot be free when there is no security and they are constantly threatened by the chance events of everyday life. Solidarity must create a society to which everyone belongs. The social security system aims to produce collective harmony. By emancipating individuals through solidarity, the SSS is the foundation of a fair society. It gives life to the fact that people are interdependent and that everyone has obligations to others.

On the contrary, the liberal convention praises individual foresight. In a well-ordered society, individuals must rely solely on their resources or property to be able to meet their needs. Autonomy is at the same time the condition of self-realization and collective harmony. Society would be threatened if individuals could shift the burden of adverse events onto others. So, the liberal convention denounces free riders and the fraud and abuse that are supposedly consubstantial with it. It feeds on disgruntlement. The social security system

cannot erase individual responsibility and should therefore be residual and reserved to those who, because they are too poor or too ill, cannot exercise their own free will.

These three conventions are mobilized to make the world better than it is but with opposing normative registers: different values underpin the arguments. For the liberal convention it is individual sovereignty, for the solidaristic convention true equality, and for the anticapitalist convention emancipation of the workers.

These three conventions are legitimate in this sense. Because they have the “intrinsic property to be publicly recognized as legitimate,” the three identified conventions have “semantic content” as [Diaz-Bone \(2016\)](#) puts it, in contradistinction to rules-conventions that have no semantic content. The former are not arbitrary, unlike the latter.⁵ They have a high degree of coherence in the sense that they can integrate different discourses and arguments moving in the same direction.⁶

Notwithstanding the critiques raised against them, the SSS conventions are difficult to destabilize, not because they are arbitrary, but because they are legitimate in that they can be justified by an objective of common good.

As these aims of the common good are in competition, the area of the SSS conventions is a conflictual area where arguments to support a normative vision of the SSS oppose arguments to challenge it. The conventions are in competition because they stem from opposing normative conceptions carried by antagonistic political communities.

Competition between conventions does not prevent domination or legitimacy. If the conventions are equal in the normative world, they are not equal in the political world. In fact, a convention’s dominant position is not a matter of legitimacy but of the balance of power. A convention does not prevail because it is supposedly more legitimate but because of the state the conflict has reached. Having more than one convention does not preclude domination; it provides an understanding of it.

The dominance of an agreement rests on a power that Eymard-Duvernay (2016) has named “the power of valorization.” In a world of power relationships, not everyone has the same power of decision. Some hold a valuation power that others do not have. The dominant convention, as the dominant ideology, distinguishes what is – and is not – admissible to define as the essence of the SSS”. Conflict does not prevent the agreement but here this agreement is forced. Those who wield power impose their agreement as long as it is seen as

⁵ This idea of the arbitrariness of conventions is at the heart of the analysis by Lewis (1969) which is of a very different register to that of the Economics of Conventions (Batifoulie 2001; Favereau 2008).

⁶ [Diaz-Bone \(2016, 57\)](#) points out the kinship between the concept of conventions in the Economics of Convention and Foucault’s concept of episteme.

legitimate. From 1949 to 1967, the power of the anticapitalist convention declined, that of the solidaristic convention remained stable, and that of the third one (liberal) grew. At the same time, the balance of power was rearranged.

These different ways of thinking of and judging the social security system are eminently political. The trajectory of the social security system is the consequence of confrontation between them, which is identified and analyzed here at two prominent moments in its history: in 1949 and in 1967. These two dates are important moments of dispute over the social security system and we follow through the various speeches the thread of the different conventions but also the changes in their relative hierarchical positions.

We take into consideration the arguments voiced by the actors about what the social security system should be. In this way, we give credit to their capacity for judgment and to their argumentative rationality. We study speeches of French parliamentarians in charge of defending or challenging bills. The arguments exchanged are public and most of them are prepared / well-thought-out. The exercise of justification or criticism aims to convince. It is expressed by arguments detached from personal situations, claiming a move from the particular to the general (“*montée en généralité*”).

Our analysis of the *verbatim* records seeks to give an account of the justification, denunciations, and critiques and to classify them on the basis of three separate representations.

3. The 1945-1949 Moment

We return to the context of the creation of the social security system. Far from any generally accepted consensus, we emphasize the opposition between the communist movement and the other political and social forces in constructing the principles of the general scheme (3.1). This framing enables us to go back to the 1949 debate in the National Assembly, which was the first to raise the question of the institution’s relevance especially given the costs associated with it. The debate etches out the existence of three conventions about what the social security system is or ought to be (3.2).

3.1 The Context 1945-1949: Strength and Isolation of the Communist Movement

Contrary to the commonly held idea that the immediate postwar period was one of political consensus, it saw the resurgence of a classical conflicting situation between the “revolutionary” forces and the others, which progressively led to the isolation of the French Communist Party (*Parti communiste français*, PCF)

and the General Confederation of Labor (*Confédération générale du travail*, CGT), which were the most openly anticapitalist forces⁷ (Da Silva 2017; Lacroix-Riz 2006, 2015). The role of the French Section of the Workers International (*Section Française de l'Internationale Ouvrière*, SFIO), later to become the Socialist Party, was ambiguous: while it shared the revolutionary watchword with the communists, its participation in governments does not show signs of the same radical approach in its deeds.

Despite its major role in the French Resistance the PCF obtained only two minor ministries (air and public health) in 1944. The elections of October 21, 1945, were largely won by the communists with 26.2% of the votes ahead of the Popular Republican Movement (MRP, center right) with 23.9% and the SFIO with 23.4%. However, the PCF only gained five additional ministries, none of them the top ministries, including the labor ministry headed by Ambroise Croizat, which was to give rise to the social security system in 1946 supported essentially by activists of the PCF and CGT.

In this context of conflict, the radical character of the general scheme of the social security system was unacceptable for many political, economic, and social forces. The general scheme came under harsh attack because it gave the working class the power to administer the equivalent of the government budget in accordance with non-capitalist principles – a small island of communism in a capitalist world? Family allowances were thought of as wages for parenting work (and not solidarity or charity towards children); retirement pensions were shaped as ongoing wages valuing other forms of production (and not as solidarity or charity of the young towards the old); and healthcare was organized outside of any requirement of profitability or search for gain. The general scheme brought part of the wealth created (GDP) under broader social control and the working class decided on the principles according to which it was used. It did without capitalist institutions to produce value and organize economic and social life (Friot 2012).

The general scheme's radical character explains the initial struggle against the three constituent principles. The principle of the single fund was undermined by the creation (or continuation) of funds for separate occupational statuses: farmers, the self-employed, government workers, etc. Under the impetus of associations for the promotion of the family and of the clergy especially, the family risk was separated from the risks of old age and illness. With the 1947 Morice Act, mutual societies even secured scope for their activity since the management of certain bodies was delegated to them. In the same year, a specific scheme for executives was set up, dissolving the social and financial

⁷ Contradictions within the CGT arose between two branches that alternatively held majorities: the "unitarians" close to the PCF and the "confederates" close to the SFIO. These dissensions led to multiple splits and mergers, with the final stage being the 1947 split that created the *Force ouvrière* union.

unity of the general scheme. Equally as much back-peddalling went on with the principles of the flat-rate industry-wide contribution. For example, legislation maintained the principle of a ceiling: beyond a certain level of wages individuals switched to individual responsibility. Again, it was a matter of diluting social unity among contributors and engendering differences among wage earners with the creation of separate schemes for managerial and non-managerial workers. Lastly, defeats came early over the question of worker management. To give just one example, in family allowance funds, the workers representation was not three-quarters of the seats but just half.

The ferocity of social conflict explains much of the dispersion of the social security system. After the creation of the general scheme in 1946 the political situation led to the communist movement becoming isolated and powerless. It was slowly but surely evicted from positions of power. Yet in the elections, the PCF remained France's leading party. On November 10, 1946, it won the first legislative elections of the Fourth Republic. The PCF held 28.3% of the seats, ahead of the MRP (25.9%) and SFIO (17.8%). These were the protagonists in the debate of July 1949 of interest to us in the next section (Table 1).

Table 1: Parliamentary Groups after the First Elections of the Fourth Republic

Parliamentary groups	Seats	%
Parti communiste français (PCF)	169	26.95
Mouvement Républicain Populaire (MRP)	164	26.16
Section française de l'Internationale ouvrière (SFIO)	101	16.11
Parti républicain, radical et radical-socialiste (PR)	43	6.86
Parti républicain de la liberté (PRL)	38	6.06
Républicains indépendants (RI)	29	4.63
Union démocratique et socialiste de la Résistance (UDSR)	26	4.15
Independent members	23	3.67
Union républicaine et résistante	13	2.07
Républicains d'action paysanne et sociale	8	1.28
Musulman indépendant pour la défense du fédéralisme algérien	8	1.28
Mouvement pour le triomphe des libertés démocratiques	5	0.80
Total	627	100.00

The first government of the Fourth French Republic in 1947 was made up initially of the three leading parties: the PCF, MRP, and SFIO. However, the communist ministers were sacked on May 5 due to their support for and part in the strikes besetting the country. The SFIO minister of the interior Jules Moch is still remembered for having mobilized substantial force to compel CGT members to end the strike movement at the time (Fontaine and Vigna 2014).

Removing the communists was not enough to appease things. The Fourth Republic was characterized by government instability and when the National Assembly came to debate the expediency of the social security system in summer 1949 it was already into its sixth government in less than three years. This government had been headed by the Radical Socialist Henri Queuille since

September 11, 1948. It was largely open to the parties of the National Assembly as it included representatives of the MRP, SFIO, PR, UDSR, and PRL. Since Croizat had been evinced, the minister for labor and social security was Daniel Mayer (SFIO).

3.2 The 1949 Debate: The Institution Made Permanent despite Criticism

When on July 10, 1949, the National Assembly began its debate on the social security system, it was not the first time the institution had been called into question. Even so the July 1949 debate was different in that it was the very principle of the social security system that was under discussion and not just its application. This is why it is under special scrutiny here.

Examination of the debate reveals three main positions on the social security system that often but not systematically correspond to membership of the government:

- The acknowledgement of shortcomings: the majority position (MRP, SFIO, PRS) was that the social security system was doing a reasonable job even if certain more or less minor shortcomings needed tweaking. Many back-bench members of these parties took a more radically critical stance.
- The need for reform: the strongest criticism, defended both by the RI (none of whom were government members) and certain figures whose parties were in government (PRL, MRP, PRS), considered that the absence of any substantial restrictive reform condemned both the social security system and France itself to a particularly severe economic and moral crisis.
- Unconditional defense: only the PCF put up an unconditional defense of the institution and proposed its cover be extended. In addition certain members for Alsace-Moselle proposed extending the dispensation from making any advance payment for healthcare nationwide.

Without developing the content of the debate on each point, it is possible to underscore the existence of three conventions of the social security system that fitted the positions just set out. Apart from the most right-wing openly liberal parties, the positions of the other parties were never totally clear cut. The PCF proposed a primarily anticapitalist vision of the institution but sometimes took up some of the solidaristic themes. While the SFIO was clearly solidaristic, the MRP wavered between solidarism and liberalism. The PRS, PRL, and principally the RI were openly liberal on the question of the social security system.

3.2.1 The Anticapitalist Convention

The anticapitalist convention of the social security system can be seen in particular with the way contributions were understood. It is noteworthy that on this

subject even the MRP members flirted with the anticapitalist line, explaining that the social security system was a new form of wage. This was notably true of Albert Gau (MRP):

People forget that the social security system is not a present given to workers; our honorable friend Mr Moisan [MRP] showed this yesterday, if you compare the price index with the wage index plus welfare costs, the increase in welfare costs comes out of wages. It is the wage earners themselves who have relinquished part of their wages to finance their own social security system. (Journal officiel de la République Française, JO 1949c, 4684)

This reading was also that of the SFIO and PCF, the latter adding that the difficulties experienced by the institution arose directly from the employers' combat against wages (especially through the increase in unemployment and inflation). Under the circumstances, there was relative agreement about the idea that the social security system belonged to the workers, although the exchange between Marius Patinaud (PCF) and Pierre André (PRL) illustrates that this was a source of conflict:

M. Pierre André: We have spoken of the politicization of the national federation of social security organizations. Despite the 1947 elections, the social security supervisory staff who are pulling the levers are nearly all communists.

M. Marius Patinaud: The misfortune for you is that it is the workers who are in the social security system.

M. Pierre André: In many funds they place their own men. [...] I don't want to drag out the debate by denouncing the abuses of power by the communist directors and chairmen of funds. (JO 1949b, 4605)⁸

The autonomy of the working class was a subject of implicit debate through for example the institution's alleged inefficiency. Whereas for the communists it was the government that prevented the social security system from doing its job properly, for the right wing the institution's inefficiency warranted if not its liquidation then state control of it.

3.2.2 The Solidaristic Convention

The solidaristic convention was supported above all by the SFIO and MRP. For example, for the member of parliament Charle Viatte discussing the size of the social security budget, "11% of the national income for the most underprivileged of our fellow citizens, believe me, it is not too much to bear" (JO 1949a, 4319). This was also how the SFIO minister of social security Daniel Mayer saw things:

⁸ This argument was taken up again by Joseph Delachenal (RI): "The central fund of the Paris region [...] is in truth a little parliament with its right, its centre, its left, its extreme left [...]. It is all most regrettable." (JO 1949a, 4537)

Social security resting on a very broad base of national solidarity can only be considered to be achieved if it encompasses all parts of the population without distinction. It may even be contemplated in a more or less remote future that this national solidarity will one day be extended into international solidarity. (JO 1949b, 4626)

Social security was about a moral obligation towards the needy and not, as in the anticapitalist convention, the self-organizing of the working class that was reputed more effective and fairer than capitalist organization. For the minister, this necessary solidarity should not prevent from pointing out the limitations of the social security system. It was said to be too big, which supposedly explained the fraud and abuses by the insured. A remedy to this problem would be recourse to a mutual insurance system as another relevant form of solidarity:

I think one of the essential components of this humanization is probably the mutual insurance system. [...] The Morice Act is designed essentially to clarify relations between mutual insurance and the social security system [...]. It is simply a question of reconciling them, of reconciling people who have slightly different conceptions and then that reconciliation is achieved. (JO 1949b, 4619)

The minister's conception of solidarity was also apparent in the stance on the payment or non-payment of family allowance in the event of children failing to attend school. For him,

if school-age children do not actually attend school regularly, it is infinitely probable that it is because those children are used more or less regularly for paid jobs and they then cease to be a burden for their family. (JO 1949b, 4622)

For the socialist minister, non-payment, then, was the punishment for perverting the institution, and there was no call for extending solidarity for those who obtained resources through work.

3.2.3 The Liberal Convention

The liberal convention proposed the most complete and most “modern” critiques of the institution (see Da Silva 2017). One of the questions that most prompted debate concerned the presumed abuse of beneficiaries who were allegedly the cause of the current and/or future financial difficulty. For Member of Parliament Charles Viatte,

there are incontrovertibly abuses [and] they must be remedied. But let us not for that jeopardizes [...] the future of the French nation. Only a marginal number of workers could have afforded antibiotics without the Social Security. (JO 1949a, 4524)

For him the (necessary) control of abuse was not a potential source of savings. This position was not shared unanimously within government. The PRS Member of Parliament Jean Masson listed the “well known” abuses that the “gigantic size” of the social security system allowed to “proliferate anonymously and irresponsibly” (JO 1949b, 4596). Against the relative silence of the MRP and

SFIO on the question of benefit abuse, the PCF adopted a resolutely offensive approach. It criticized Daniel Mayer for despising the working class and explained that the abuse came from a different quarter: it was the employers who refused to pay social contributions. The greatest fraud was allegedly that committed by employers.

The topic of the place of the social security system in the country's economy as a whole was very much marked by the liberal convention. Paul Reynaud (RI) proposed setting the question of the social security system in the "context of the French problem" (JO 1949a, 4539). Just like nationalizations, the social security system was supposedly a problem for the country's economy weighing on prices and inflation. For Pierre André,

if a European Union [...] were to come about, and if customs barriers fell, how could we align our prices on those of foreign competition when our neighbor's social contributions are lower than our own? (JO 1949b, 4603)

This argument refers back to Reynaud's about how to cope with "Japanese workers who continue to live on a bowl of rice like their ancestors."

While the minister Daniel Mayer replied that social norms would be harmonized not around the least advanced country but around the scheme "most favorable to the working class" (JO 1949b, 4610), the communists blamed American imperialism supported by all the parties of government. For Patinaud, criticizing the social security system was a "sideshow" to distract from any talk of the economic crisis related in particular to "the invasion of our market by American and German products" (JO 1949a, 4527).

Ultimately, despite a very advanced line of critical argument, the 1949 debate did not call the institution completely into question. The general scheme was still opposed as a vehicle for the anticapitalist convention: the 1950s witnessed the creation of alternative funds to the general scheme against the increase in the rate of contributions to the SSS. In this way, the macroeconomic development of the social security system was an illusion: the rate of contribution did actually increase but not that of the general scheme. The solidaristic convention prevailed in the National Assembly and the liberal convention was already testing out its arguments.

4. The 1967 Reform of the Social Security System

The year 1967 was a major turning point in the development of the social security system. The reform of that year ended the unity in risk management by creating separate funds for each social contingency. It gave greater weight to the employers in managing the social security system and enshrined the state's seizing of power. It was the end of the principle of direct management of the social security system by the insured themselves.

After two decades of developments dominated by the solidaristic convention, the social security system was to undergo a major organizational reform definitively marking the marginalization of the anticapitalist convention as the dominant convention. We shall work in this section as in the previous one. Section 4.1 describes the balance of power and the institutional framework of the 1967 reform. Section 4.2 rests on an analysis of speeches by members of parliament in debates over the reform to identify how the conventions on the social security system were arranged.

4.1 The Troubled Context of 1967

Between the parliamentary debate of 1949 and the 1967 reform, the social security system of the 1945 type underwent many developments that tended to materialize one of its initial objectives, that of ensuring welfare cover for all. Unlike in 1945-1946, the setting up of the social security system in the period 1946-1966 was to be piecemeal and had to contend with the ambiguities raised by the 1949 debate.

The various reforms that were to come in succession had in common that they were to be gradually extended to cover populations that were left out of the general scheme of the social security system. The aim was to right the failed attempt at real generalization of the social security system in 1946. The principles attendant upon this pseudo-generalization arose mainly from the dominance of the solidaristic convention, under pressure from the liberal convention, over the anticapitalist convention. This was materialized by the creation of social protection schemes for farmers and the self-employed. These new social security schemes were supported by mutual insurance values (concerns for both equality and for personal responsibility). The social security system was now to be built beside the general scheme and consequently beside a part of its values, signaling the victory of one (solidaristic) conception of the social security system over another (anticapitalist).

On the eve of the 1967 reform (Box 2) this surge in power of the social security system (general scheme and special schemes) was reflected by the provision of welfare cover for 98% of the population. But it was also reflected by a significant increase in its weight in the economy, which could not help causing serious concern as evidenced by numerous reports especially from the French national audit office (*Cour des Comptes*) or from specialized commissions.

Faced with this situation, after 22 years of existence and development of the social security system, the government of the “Gaullist” Prime Minister George Pompidou, returned to power in the legislative elections of March 1967, decided to overhaul the social security system. The aim was to find a solution to the problem of the growing budget deficit the government claimed dogged the social security system since the early 1960s. This concern to restore the budgetary equilibrium of the social security system was part of a broader context of

overall reform of the French economic and social system in order to adapt it to the entry into force of the Common Market on January 1, 1968. Ultimately the government's objective was to ensure French businesses were competitive in the face of the national market being opened up to new competition from common market countries and Germany especially. To ensure this, in summer 1967 the government was to introduce a great number of "economic and social measures" relating to employment, the operation of businesses, competition rules, and the social security system in particular.

Box 2: The 1967 Reform of the Organization of the Social Security System

The 1967 reform introduced financial and organizational measures. The financial measures were tried-and-tested solutions: higher rates of contribution and an increase in the patient's contribution to costs. However, it was with this reform that for the first time ever a tax was assigned to the social security system (tax on car insurance premiums).

By contrast, the organizational measures were more innovative. They related to the very structure of the social security system calling into question the two founding principles by which it operated: pooling risk management and "1945 type" social democracy. With regard to the first principle, the existing National Social Security Fund was subdivided into four national administrative entities independent of each other and each with a specialized mission. In this way were created three National Social Security Funds – one for health insurance (*Caisse Nationale de l'Assurance Maladie*, CNAM), one for family allowance (*Allocations Familiales*, CNAF), and one for old age (*Assurance Vieillesse*, CNAV) – and an entity dedicated to collecting all contributions (*Agence Centrale des Organismes de Sécurité Sociale*, ACOSS). For the second principle, it was a question of replacing the elections to the boards of directors of the social security funds by equal representation of both employees and employers. The electoral social democracy of 1945 thus gave way to a social democracy with equal representation. It challenged the principle of direct management of the social security system by the insured themselves.

This reform was made in a peculiar political context. The elections of March 1967 (cf. Table 2) weakened the government majority in the National Assembly. Prime Minister G. Pompidou, who in the previous legislature had enjoyed a comfortable majority with 268 seats now was just behind the barest absolute majority of 244 seats with only 243 seats. Moreover, the government majority, which was still composed of the Democratic Union for the Fifth Republic (UDVeR) and the Republicans Indépendants (RI), had to muddle along with some of the Independent Republicans mistrusting the Gaullists of the UDVeR (Charlot 1971). The opposition had come out of the elections stronger. The socialist and radical forces had unified with the creation of the new Federation

of the Democratic and Socialist Left (FGDS). The communists (PCF) had a group of 73 members versus 41 previously. The success of the left in parliament was bolstered by the unions, especially the CGT, which mobilized public opinion against the initial outlines of the contemplated reforms. However, despite a momentary recovery, the communist movement in parliament was clearly weaker than in 1949 (cf. Table 1) after 20 years of institutionalized anticommunism (Becker and Berstein 1987).

Table 2: Composition of the National Assembly in 1962 and 1967 from Right to Left

1962			1967		
Parliamentary group	Seats	%	Parliamentary group	Seats	%
<i>Union pour la nouvelle République (UNR)</i>	233	48.34	<i>Union des démocrates pour la V^{ème} République (UDVR)</i>	201	41.27
<i>Républicains indépendants (RI)</i>	35	7.26	<i>Républicains indépendants (RI)</i>	43	8.62
Centre démocrate (CD)	55	11.41	Progrès et démocratie moderne (PDM)	42	8.42
Socialists (SOC)	66	13.69	Fédération de la gauche démocrate et socialiste (FGDS)	121	24.85
Rassemblement démocratique (RD)	39	8.09	-	-	-
Communists (PCF)	41	8.51	Communists (PCF)	73	14.99
Independent members	13	2.70	Independent members	9	1.85
Total	482	100	Total	487	100

4.2 A Controversial Reform

Analysis of the parliamentary debates around the 1967 reform provides a synthetic overview of the various options in the political sphere concerning the social security system both specifically for 1967 and over the preceding decade. Using the conventionalist interpretation, 1967 can be characterized as the moment the solidaristic convention overturned the anticapitalist one. As in 1945 the liberal convention was an underlying trend, supporting the solidaristic convention.

In this confrontation, this “competitive” process among conventions of the social security system, two camps can be identified for each of the dominant conventions: the government and its parliamentary majority for the solidaristic convention, and the opposition made up of socialists and communists for the anticapitalist convention. The government camp was in a strong position because it decided on the reform agenda and had more of the floor time in the National Assembly.

By crystallizing the various positions within a span of just a few months, the 1967 period enables us to identify the shift from the anticapitalist convention to the solidaristic convention, which had been underway since the late 1950s at the instigation of the government camp. Three phases can be made out in this process.

The first phase was for the government camp to defend a progressive viewpoint by mentioning the gains in social security of which it was the initiator, that is, the extension of the social security system. This was a characteristic feature of the solidaristic convention, which by its intermediate character neutralized the possibility of fierce head-on opposition since it “a-politically” promoted an advance in terms of welfare rights. This could be readily identified at the time of the different extensions of the social security system by the government camp, as was recalled on May 18, by the prime minister Georges Pompidou in the debate on the first motion of censorship against the enabling act:

[T]here is by no means matter here for calling into question the fundamental conquests provided by the social security institution in 1945. The Government wishes, on the contrary, to complete the work undertaken at that time and continued since then, in such a way that all of the population benefits from it in the fairest conditions, that is, first of all to the advantage of the least well-off.

This will mean organizing better use of resources, improving and adapting the form of management to the changing social relations, introducing greater clarity in the presentation of the accounts and distribution of the respective responsibilities of the state and the managers of the various welfare schemes. This presupposes lighter and simpler rules for managing public providential schemes, by associating with that management, more closely and with broader responsibilities than today, representatives of both employees and employers. (JO 1967a, 1066)

The 1967 reform is presented here as a simple technical adjustment deemed necessary to ensure the social security system was viable in the interests of everyone and especially the poorest.

The second phase was characterized by the marginalization of the core of the reform, the direct management by the interested parties, or social democracy, whereas it was one of the three pillars of the anticapitalism of the social security system. The government confined itself to bringing the question of the governance of the social security system back to a question of good management of the system’s deficit. It was not until the debate of October 25, organized for the 1968 budget bill, that the minister Jean-Marcel Jeanneney clarified what the prime minister had said:

If one wanted the equilibrium achieved for 1968 to hold good for the following years, it appeared that certain reforms of structure had to be made. Those reforms have tended mostly towards greater clarification of the accounts. The solidarity I spoke of just now implies that those who contribute more than they receive know at least who benefits from their contributions. Greater clarity in the accounts: that is achieved by a strict distinction of contributions according to their attribution. This distinction is reflected in institutional terms by the creation of three clearly separated national funds tasked with managing the one resource intended for families, another resource for old people, and the third resources for the ill and for victims of accidents at work. [...] Lastly we have wished for these funds so laden with new responsibilities to be managed by

boards of directors of a new type, based on equal representation in just the same way as the administration of a large number of institutions created by collective agreements since 1945 is based on equal representation. (JO 1967c, 4105)

In the rest of the debate on the draft budget for 1968, the opposition replied to the minister by highlighting the political stakes of the reform. It insisted that the reform would hand the social security system over to the employers. Communist member of parliament Georges Bustin asserted that:

in the domains of the social security system and mutual insurance, as in so many others besides, it is the employers who have dictated their will and you have simply obeyed. [...] It is so true that you now decide to put employers at the control levers of the boards of directors of the social security organizations. The 1945 Act, that sanctions the rights of employees and makes the institution their property, in accordance with the wage-based character of benefits, laid down, among other things, the principle of the full autonomy of the organization and the principle of the election of the members of the board of directors by universal suffrage. Articles 4, 6, 8, 24 and 49 of order 706 provide that the funds' boards of directors shall be composed for half by employers' representatives. This is a very severe blow to democratic practices! Getting rid of the single last example of proportional elections at national level. (JO 1967c, 4112)

The government ratified a new vision of social democracy: not workers' democracy but equal representation between unions and employers. It gave the employers the same prerogatives as employees while welfare benefits were not destined for employers but employees. This new vision of social democracy rested on a technical and non-political approach to it. As if "management by the interested parties" was just a simple ineffective means of government and not a means of worker emancipation.

The third phase led the government to mobilize an argument from authority backed by figures, notably the figure for the deficit of the social security system, then estimated at FF3 billion.⁹ Against this, the opposition denounced the fact that the deficit was constructed by the government by having the social security system bear expenditure unrelated to its initial missions. This sparked a battle of figures and very clearly highlighted the conventional character of the idea of "deficit" in the sense of statistical conventions (Salais 2016). Through the question of the deficit, the fundamental issue that transpired from all the debates since the beginning of the legislature was that of the choice of economic model France should adopt. This is why the overthrow of the anticapitalist convention was also expressed through resorting to arguments of international competition and globalization imposing discipline on the social security system. The government defended a system that would enable France to remain (be) competitive as it opened up to European competition with the entry into force

⁹ FF is the abbreviation for "Franc Français" or "French Franc" in English, the old French money before the euro. Nowadays this amount is equivalent to 3 788 270 750.76 euros of 2017; <<https://www.insee.fr/fr/information/2417794>> (Accessed August 8, 2018).

on July 1, 1968, of the measures provided by the Treaty of Rome and under the impetus of GATT negotiations. For its part, the opposition argued for higher wages and reform of the ownership of the means of production. Each of the social security conventions conveyed a vision of the economic system required to support their respective conceptions of the social security system. In this way, under cover of a debate about social security, questions were raised about the distribution of capital and labor and the productive model to be adopted. In the context of the solidaristic-liberal convention supported by the government, it was necessary to preserve the profits of firms and open the economy to competition. For the anticapitalist convention, it was necessary on the contrary to defend wages and revise the structure of the national and international economy.

The argument of “competitiveness” or “international competition” came up several times. The finance minister Michel Debré referred to it explicitly on June 8, 1967:

It is a question of knowing to what extent welfare budget is in part to be paid by the state, in part to be paid by the general social security scheme. [...] There is therefore no change in doctrine but an awareness that the Common Market and the opening of our borders force us to pay through taxation certain expenditure that until now has been more easily borne by firms and their personnel. (JO 1967b, 1705)

This period consecrates the argument that has now become commonplace, denigrating social contributions financing the social security system through wages, which are considered to be “charges” for firms. As the conception of the welfare contribution was a strong marker of the anticapitalist convention of the social security system, it was that convention that was to be bled dry.

By making the connection between contributions and total wage charges, the minister Jeanneney explained that, faced with European competition, firms would have to choose between raising wages and absorbing the higher welfare contributions. Unless the direct or indirect share of wages was reduced, it would be impossible to face up to European competition:

In the economic situation open to foreign countries that France is in, total wage costs tend to equalize among neighboring countries, with the result that any increase in what it is agreed to call indirect wages – whether in the form of an increase in employer contributions or an increase in employee contributions – soon tends to deduct as much from direct wages. (JO 1967c, 4104)

This reasoning makes competitiveness of firms and budgetary discipline the alpha and omega for preparing the future. Welfare benefits are now considered a cost for society and not an essential component of well-being or a collective investment. The reversal of sharing the added wealth in favor of business owners was to conflict with social financing based on increased welfare contributions. The liberal arguments that had been expressed against the development of the social security system were to return to the forefront and the dikes constructed by social reforms were to gradually collapse. The liberal convention

was to have a large audience and compromise with the solidaristic convention to stave off the anticapitalist convention.

5. Conclusion

Our conventionalist analysis of social protection in France rests on three pillars: the social security system, its spirit, and its critiques.

The social security system is a major institution that is the product of history. As emphasized by many studies of welfare protection systems, they change over time following the lines traced by the past and they maintain a strong identity. Although it is common practice to underscore the national anchorage of healthcare reforms and the role of “path dependency,” it is still possible to observe a common tendency to introduce market mechanisms into the logics of solidarity by promotion of entrepreneurial behavior on the supply and demand sides alike (Satman 2002). The trajectories traced out by the withdrawal of compulsory public schemes, the development of incentive mechanisms, and the marked presence of new public management are often synthesized by notions of “commoditization,” “marketization,” or “privatization.”

The French case does not escape this interpretation. But the attention focused on its history shows to what extent welfare protection in France has metamorphosed. Not much remains of the founding principles of 1946 even if not everything has disappeared. Those principles, through their radical nature, elicited numerous instances of opposition especially from powerful interest groups threatened by the working class being afforded management of an institution that had a larger budget than central government. It is this change in social protection that we have sought to understand by highlighting the spirit behind it.

The spirit of social protection drives its institutions. We have spotlighted the role of ideology in the representations of social protection without having a totalizing (or inclusive) vision of ideology. There is a prevailing ideology of social protection at any one time in history but other ideologies are found and have driven the spirit of welfare protection at a given time. These ideologies are presented as conventions because they define a normative image of the social security system. They come across as shared representations with a group, implying a specific view of justice or the common good. Ideology justifies commitment to social protection. We have identified three constituent conventions: an anticapitalist convention, in which the social security system is thought of as an alternative to capitalism; a solidaristic convention, in which the social security system is for the purpose of redistributing wealth from the rich to the poor to ensure social cohesion; and a liberal convention, in which the social security system is reserved primarily to those who cannot exercise their own free will and personal responsibility.

As there are several possible conventions for implementing the social security system, it is their layout – the balance of power between them – that is to construct the social form that welfare protection takes at any given time. It is this dynamic of conventions that has induced a notable change in the spirit of social protection over time.

The third pillar of our analysis is critique. It can take us back to ideologies and account for the conflict around the spirit of social protection. Critique is the driving force of change and gives rise to statutes and mechanisms that have modified the architecture of welfare protection. To grasp it we have paid close attention to those who make the laws and argue for them – members of parliament. To understand the different registers of rationale, we have focused on two fundamental moments of controversy in the history of French social protection: the 1949 debate on the expediency of maintaining the new system of social protection and the 1967 debate on adapting social protection to globalization and business competitiveness. Examination of the debates reveals that the arguments made are the same as today. They relate to the cost of social protection and the burden on public finances versus what is paramount in what is received in exchange in terms of the well-being of the population; the suspicion of fraud among the insured versus employer fraud; the focus on the least well-off versus universal cover to ensure the social compact, and so on.

The new spirit of social protection that is to be implanted with time is nothing new but arises from a change in the hierarchy of conventions involved in welfare protection. The overturning of the hierarchy and the transition from an anticapitalist convention to a compromise between the solidaristic and liberal conventions are the outcome of a shift in the balance of power underlying these conventions. Similarly, because there is no new spirit of social protection that has supposedly overshadowed the others, traces of the dominated conventions remain: welfare contributions remain high despite talk of the weight of “social charges”; the proportion of spending on social protection remains high whereas public spending is widely denigrated; and social protection remains associated with a better life together as a community whereas talk of fraud and targeting mechanisms harm social cohesion.

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