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Foundations of Pension Legislation in Russia, France, and Great Britain: An Investigation on Political Doctrines in the 17-20th Centuries

Anna V. Aleksandrova¹

Abstract

The article considers the process of forming conceptual foundations of pension legislation in Russia, France, and Great Britain. The scientists of 17-18th centuries substantiated the right to life and human dignity as the most important human rights. Later, in 19-20th centuries, the right to a dignified existence, the right to assistance from the state in case of disability were formulated. The need for the livelihood of the elderly was recognized by most authors, however, there were serious discrepancies regarding the methods for provision and sources of financing payments. The article considers the pension laws adopted in Great Britain, France, and Russia in the first half of the 20th century that reflected the above concepts anyway. The French pension legislation has embodied the insurance model of pension security and was strongly influenced by Bismarck legislation, while the British one reflected the legislator's desire to abandon the extremes of the ideology of individualism and 'self-help' through the introduction of state budget pensions. In Russia, the origin of compulsory social insurance took place almost simultaneously with Western European countries; however, this process was broken by the revolutionary events of 1917. As a result, a state budgetary pension system was created in Soviet Russia. The author comes to the conclusion about the mutual influence of various models of pension protection, legalized in the first half of the 20th century in the countries under consideration, as well as the special role of social solidarity concepts and the generational contract for the formation of these models.

Keywords: Solidarity, Insurance, Social Security, Legislation, Pension.

¹ Candidate of Legal Sciences, Associate Professor, Assistant Professor at the Department of Legal Disciplines, Penza State University, Russia; E-mail: ann-alexandrova@mail.ru

Introduction

The purpose of this study is to identify theoretical foundations, ideas, and concepts underlying the pension legislation of the first half of the 20th century in a number of states (e.g. France, Great Britain, and Russia). The choice of the above countries is not accidental. France, Great Britain, and Russia were not only among the leading states in the 20th century (in political and socio-economic terms), but also implemented certain models of pension security in their legislation differently.

The subject of the research is the legislative acts on pension insurance and pension security, adopted in these countries in the first half of the 20th century (1900-1950). It was then that the foundations of national pension systems and provisions providing the right to a pension for the majority of citizens were laid. At the same time, it should be noted that the basis of these normative acts was formed by political and legal doctrines being developed earlier (since the 17th century). Our study is aimed at identifying precisely these conceptual foundations of pension legislation.

The aspects of political struggle that accompanied the adoption of the relevant pension laws are not considered within the framework of this article, as they could become the subject of independent research.

The research methodology involves the use of both general scientific (analysis, synthesis, systemic and structural approach), and specific scientific (legal history, comparative law, legal formalism) methods of cognitive science. The study is based on a dialectical approach, which means consideration of each object and phenomenon in the process of its formation and development, in conjunction with other objects and phenomena, in a specific historical setting.

1. Establishment of Theoretical Foundations of Pension Legislation

Conceptual foundations of pension legislation had been laid long before the 20th century. Community and family support, and charity (public, religious, private) were traditional forms of support for older people. They led to the formation of such elements of pension system as pension security and pension insurance. The difference between these elements is as follows;

Pension insurance is based on the principle of solidarity. Pension security comes from the idea of charity, that is, gratuitous help.

Pension insurance is a method of social risk management being risk distribution: it compensates for risk in proportion to the participation of each person in the formation of social welfare means.

On the other hand, pension security represents a different method of social risk management, namely, acquisition. It is direct financial compensation of the consequences of social risks, depending on their severity and the established extents of social guarantees (Ageeva, 2015, p. 11).

1.1. Formation of Pension Legislation Foundations in the Ancient World and the Middle Ages

The foundations of pension security and pension insurance were laid back in the Ancient World and the Middle Ages. In particular, the measures of public charity were known to the societies of the Ancient East (famine relief during a crop failure, almsgiving, etc.). The state provided support measures for maimed warriors, widows, orphans. In the ancient Indian Laws of Manu, alms were recognized as a source of livelihood (Art. 116, Ch. XX).

A self-help board could be an example of an organized structure of social support for free citizens of Rome that existed in the first century BC. At the expense of contributions, it allocated funds for

maintaining the sick, crippled, and old people.

In the Middle Ages, the Christian church began to play a significant role in charitable assistance and public assistance organization. The main features of charity have been described by Christian philosophers. These include voluntary, disinterested, and private character of beneficence, selective attitude of benefactors towards those in need, and moral impeccability of personal intentions of the benefactor (Chernega, 1998, p. 10).

M. Lushnikova points out that the two principles were developed in the early Middle Ages, which formed the basis of state assistance organization (Lushnikova, 2007, p. 88). The first principle is the division of the poor into able-bodied and disabled (including minors and old people). Aid was provided to the able-bodied through provision of labor, and there was free public assistance in hospitals, almshouses, etc. for disabled. The second principle was to determine the place of assistance: initially, it was church parish, and later, the place of residence of the needy.

The system of public assistance in the countries of Western Europe was formed in the 16th century. In England, the Act for the Relief of the Poor 1601, which demonstrated the principles of public policy towards the poor, assumed the division of needy into the 'impotent poor' provided with meager assistance (food and clothing), and the able-bodied poor facing physical punishment and being placed in houses of correction.

The prototype of pension insurance was the guild mutual aid of artisans. Corporate mechanisms of mutual support within the guilds, rural and urban communities acted as a kind of compensation for the insufficient participation of the feudal and slave-owning state in social support of needy segments of the population. Corporate solidarity measures sometimes received support from the state. For example, in France a royal edict was adopted in 1604, obliging the mine-owners to give 1/30 part of the profit to social support of miners.

The mutual benefit fund and mutual societies were effective at that stage of the development of society, where there was a clear differentiation of the population on professional estate. At the same time, the provision of assistance to those in need was regulated by the norms of customary and corporate law, morality, and religion with legislation of fragmentary and declarative character in this area. Normative acts containing separate provisions on social support reflected differences in the legal status of estates.

Thus, measures to support socially vulnerable groups of population were of specific and individualized nature in the epoch of the Ancient World and the Middle Ages. There was no unified state system to support people in need.

1.2. Political and Legal Doctrines of 17-18th Centuries as the Basis of Pension Legislation

Conceptual substantiation of the right to pension security (within the framework of the right to social security) and its subsequent legislative consolidation took place during the periods of Modern History and Contemporary History.

The ideas of the Enlightenment played a special role in this process. New philosophical approaches to understanding the interaction of the individual and the state were formulated, and the concept of natural human rights, such as life, freedom, and dignity of the individual was developed and substantiated. T. Hobbes emphasized the fundamental equality of all people, he pointed out that "all people are equally free from nature", he attributed "justice, impartiality, modesty, and mercy" to the number of natural laws (Hobbes, 2019, p. 11). T. Paine wrote about the "inherent dignity of a man" (Paine, 1959, p. 211). J. Locke in his Two Treatises of Government put forward the thesis of the "right

to protection” (Locke, 1988, p. 285), and Ch.-L. de Montesquieu wrote that the state is obliged to provide citizens with shelter, food, and clothing (Montesquieu, 2013, p. 119).

The aforementioned philosophers are considered to be the developers of the social contract theory, which proceeded from the fact that public relations are of artificial nature and, therefore, imply an element of voluntary consent. Thus, “the concept of insurance becomes a kind of substitute of social contract, since it assumed similar principles of concentration of benefits and social protection” (Rosanvallon, 1997, p. 19). Mutual support mechanisms (including those in the form of insurance) had appeared long before the 18th century, but at that time they were used, as a rule, only for property insurance.

M. Condorcet considered social insurance as a mean of combating inequality and poverty. In his *Sketch for a Historical Picture of the Progress of the Human Mind*, he wrote: “Thus, there is a necessary cause of inequality, dependence and even misery, which ceaselessly threatens the most numerous and most active class of our societies. We will show that it can be greatly weakened by opposing case-by-case, guaranteeing assistance for those who have reached an old age at the expense of the capital formed by his savings, and increased savings of those who, making the same contributions had died before he had the need to use them”. Thus, M. Condorcet pointed to the possibility of applying insurance mechanisms based on the principle of solidarity for the social protection of the elderly. He further wrote that social insurance institutions can be both public and private (as “the result of private initiative”), being “one of the greatest benefits” (Condorcet, 2010, pp. 230-231).

1.3. Political and Legal Doctrines of 19-20th Centuries: Different Approaches to Provision for the Elderly

The Minimal State versus the Welfare State

The ideas of pension insurance, formulated in the 18th century, did not find wide support in public and political circles. Many philosophers and economists believed that such an approach in solving social problems could generate dependency among citizens. Explaining this phenomenon, P. Rosanvallon writes: “For a long time, prudence, obliging an individual to take care of his future, was opposed to insurance, which could encourage carelessness. It was only at the end of the 19th century that the personal insurance mechanism was recognized as an adequate and morally acceptable institution for solving social problems” (Rosanvallon, 1997, p. 21).

In the middle of the 19th century, J. Mill wrote that “the right to assistance, engendered by poverty, is one of the most incontestable rights that could exist”. At the same time, he believed that “assistance is a tonic, not a sedative means: it stimulates, and does not drown out a person’s ability to act, however, with the indispensable condition that this assistance does not replace the need for self-help, i.e. it would not replace a person’s own labor, his skill and prudence” (Mill, 2007, pp. 973-974).

According to J. Bentham, the founder of utilitarianism, “the pursuit of increasing wealth through labor and frugality may be absent in an individual, but it is a dominant feature of the human race”, and “the number of frugal people has always been greater than the number of unthrifty ones” (Bentham, 2018, p. 109).

Until the end of the 19th century, the concept of ‘laissez-faire’ (a doctrine of non-interference) prevailed in the policy of the bourgeois state in relation to the social sphere. The main postulate of this doctrine was the worker’s self-reliance, prudence, and frugality. According to liberal concepts, people are able to ensure a decent existence for themselves being free, without outside interference, through their individual efforts.

With regard to providing for the elderly, invalids, and orphans, the state offered forms borrowed from slaveholding and feudal law, such as charity, state or public assistance, gathering alms. However, the limitation of this approach became more and more obvious: in conditions when a significant mass of workers received low wages and did not have the opportunity to save a penny for old age, calls for prudence remained an empty phrase. At the same time, in 18-19th centuries, the workers, united in the framework of large industries, felt themselves to be a serious political force capable to assert their rights.

Thus, a new approach to understanding the relationship between the society and the state, being expressed in the concept of the welfare state, appeared in the social sciences of the 19th century.

It is believed that this concept was first formulated in the works of German scientists L. von Stein and A. Wagner. In particular, L. von Stein in his *The History of the Social Movement in France since 1789*, proposed implementing measures of social policy by the state as a mean of overcoming class contradictions, so that the property less classes should “change their dependent position, conditioned by the nature of labor into an independent, materially free position” (Stein, 1872, p. 282). The state can resolve the ‘social question’ by creating such a state structure and such institutions that would allow labor itself to lead to the acquisition of property. This way turns the state into a social one and allows providing with conditions of well-being for every person (Stein, 1874, p. 524). Thus, the mission of the welfare state at the level of government is expressed in two main tasks: firstly, to promote free interclass movement, and secondly, to help those who are suffering from deprivation.

How to Solve the Problem of Poverty

In 18-19th centuries, there were two opposite approaches concerning solving the problem of poverty, including the elderly: social Darwinism and egalitarianism. Social Darwinism proceeded from the postulate “the poor is the weak”. Poverty was considered by its representatives (A. Smith, D. Ricardo) as an inevitable consequence of population growth and industrial development. Applying the laws of natural selection and biological evolution to human society, some proponents of this approach considered poverty to be the driving force behind personal development. In particular, H. Spencer believed that social differentiation is a natural consequence of social production growth. H. Spencer denied the need for government intervention in socio-economic relations, believing that poor relief means shifting the care of these people to other segments of the population (“poverty at the expense of others”) (Spencer, 1906, pp. 112-113). The more people live on state benefits, the fewer they work and produce the necessary share of social wealth.

Another representative of social Darwinism, T. Malthus, believed that “the elimination of poverty, vices and other disasters among the population can be achieved only by reducing the further increase in the population, and rather than through political reforms or any systems of universal equality, since these reforms and systems cause excessive population growth, being the root cause of disasters” (Malthus, 1895, pp. XIV-XV).

A different approach to solving the problem of poverty, called egalitarianism, was presented by K. Marx, F. Engels, V. Lenin, etc. In particular, K. Marx proceeded from the fact that the accumulation of capital leads to an increase in the number of the proletariat, while poverty remains the lot of the majority of the population. The general law of capitalistic accumulation formulated by K. Marx reveals the relation between wealth and poverty: the greater the accumulation of wealth at one pole of the society (the owners of the means of production) is, the greater the accumulation of poverty at its other pole (the proletariat) is (Marx, 1955, pp. 650-651). K. Marx saw the overcoming of this contradiction in the transition to a socialist society and the elimination of dividing the society into classes.

In his Critique of the Gotha Program, K. Marx emphasized that a socialist society should allocate funds from the gross domestic product for the disabled (Marx, 1961, p. 17).

V. Lenin paid much attention to the problem of material support for the elderly and disabled workers. His insurance program, which was implemented in Russian legislation at the socialist stage of development, became widely known. The essence of this program was as follows: social insurance should provide workers in all cases of disability (injury, illness, old age, disability, etc.); it should cover all employees and their families; all insured persons should be compensated on the principle of full earnings reimbursement, and all insurance cost should be borne by entrepreneurs and the state; all types of insurance should be in charge of unified insurance organizations (Lenin, 1968, p. 146). Thus, the workers, according to V. Lenin, were to be completely exempted from paying insurance premiums.

Social Solidarity and Social Insurance

From our point of view, the idea of social solidarity underlying pension insurance allows overcoming the extremes of the approaches mentioned above. It contains a certain amount of independence and responsibility of the subject (the employee), and at the same time, it involves both the risk-sharing between the community of workers, and the involvement of employers and the state in social insurance financing.

The German economist A. Wagner is considered to be the founder of the doctrine of social insurance, who developed theoretical provisions that became the basis for adoption of the German laws on social insurance in 1882-1890. A. Wagner recognized the need to force employers (with the help of the law) to financially participate in insuring their employees against typical types of social risks as the most important task in the process of forming social insurance, such as illness, industrial accident, "old age disability" (Wagner, 1939, pp. 489-506).

The doctrine of solidarity (solidarism) had a significant impact on the formation of the institution of social insurance. Such famous French scientists and politicians of 19-20th centuries as A. Comte, E. Durkheim, L. Duguit, and L. Bourgeois are among the founders of this doctrine.

In particular, A. Comte was the founder of the idea of social solidarity in social interaction, which was presented in his Catechism of Industrialists, Or a System of Positive Policy, and subsequently began to be used in legal science (Comte, 2011). The essence of positive social politics, according to A. Comte, is to raise public interests over personal ones, and to strengthen social solidarity.

In his The Division of Labor in Society, E. Durkheim pointed out that the division of labor increases the dependence of each citizen on the society as a whole, since some individuals perform complementary functions in social production. E. Durkheim called this relationship of the society members as 'organic' solidarity (Durkheim, 1900, pp. 55-104). In contrast to the mechanical solidarity of primitive society, organic solidarity appears as a result of differentiation of individuals, and division of their functions in social production.

L. Duguit, relying on the conception of solidarism, developed the concept of "social law". According to L. Duguit, the emergence of organic solidarity associated with the spread of labor division in the society requires the development of a new, social law, as well as the implementation of a new authorization type by the state, caused by the requirements of interdependence (Duguit, 1909, p. 19). Social law should be based on the fact that all members of the society, as part of a whole, are closely linked and have mutual rights and obligations, and therefore social law provides assistance to people in need.

L. Bourgeois, a French lawyer and statesman, developed a political program based on the

principle of solidarity. This principle implied solidarity not only between separate individuals, but also between generations. In his *Solidarité* (1902), proceeding from the conception of the interdependence of individuals, L. Bourgeois concludes that there is responsibility, a duty of everyone to the society, which can be characterized in the framework of the generational contract conception.

Modern researchers consider the conception of the generational contract one of the key doctrines used in the development of issues on human activity in old age, although there are also opinions to revise the generational contract and change this doctrine that had prevailed throughout the 20th century (Lavigne, 2013, p. 3).

The Right to Social Security in Russian Political and Legal Thought

In Russian political and legal thought at the turn of the 19th century, the doctrinal justification of the right to social security was due to “the solidarity and opposition of natural law and positivist doctrines” (Lapaeva, 2020, p. 32). Social rights occupied an important place in the catalog of human rights since they were associated with such values as social justice and social equality, being viewed through the prism of freedom. In particular, according to P. Novgorodtsev, the realization of freedom could be completely paralyzed by a lack of material resources. Freedom could be legally established and taken away in fact. Thus, the law must guarantee decent living conditions for every person so that the granted freedom could be truly realized in practice. Such elements as the right to work and social security in the event of incapacity for work, illness, and old age were included by P. Novgorodtsev into the content of the right to a dignified existence. He made a special emphasis on the responsibility of the state to support helpless people who are not capable of work (Novgorodtsev, 1911, pp. 6-17).

B. Kistyakovsky considered a state to be socially oriented if it supports the solidarity interests of individuals and the common good. In his opinion, the state must guarantee the right to a dignified human existence for every person (Kistyakovsky, 1916, p. 590).

In the concept of Russian constitutionalists of the early 20th century, the subjective public rights were subdivided into specific categories: freedom rights (negative rights), positive public rights (positive status rights), and political rights. If the state should have refrained from violations (these included freedom of speech, religion, etc.) in relation to the first ones, then it should have to carry out certain positive actions in the interests of the citizen (for example, the right to public assistance, the right to initial education, etc.) in relation to the second ones.

G. Shershenevich, one of the representatives of Russian legal positivism, believed that states are forced to provide assistance to people in need in order to alleviate their situation and thereby mitigate hatred of the ruling classes (Shershenevich, 1911, p. 250).

The Russian philosopher V. Soloviev proceeded from the thesis about the welfare state and believed that the state should guarantee the right to exist for every person. He wrote, “The state, as a real historical embodiment of human solidarity, is a real condition for a common human cause, that is, the implementation of good in the world”. “Law by very idea is a balance of private freedom and the common good” (Soloviev, 2000, pp. 444-445).

Thus, the concepts of social solidarity, the welfare state, and social law were formulated in legal science in the 19th and 20th centuries. The right to social security was seen as a logical continuation of the right to life and a dignified existence of a person. Legal scholars proposed the division of subjective rights into private and public ones, including the right to positive services from the state. The need for the livelihood of the elderly was recognized by most authors, however, there were serious discrepancies regarding the methods for provision and sources of financing payments (financing by

contributions, budget, person's own funds, etc.).

2. Embodiment of Conceptual Foundations in Pension Legislation of the First Half of 20th Century

The first laws on compulsory pension insurance, adopted in European countries at the end of the 19th and beginning of the 20th centuries, constituted an attempt to implement the concepts discussed above. Previous legislation consisted of regulations that can be grouped into the following categories:

- a) Acts providing for pension payments for government officials, military personnel, their widows and orphans;
- b) Acts regulating the activities of voluntary insurance companies ;
- c) Acts establishing measures of support for the elderly and disabled in the framework of public assistance.

Mandatory pension insurance, as a tool to support the majority of workers in the attachment of risks of old age, disability, and loss of a breadwinner, appeared only in the late 19th and beginning of the 20th centuries.

One should note a special role of the German insurance legislation, developed and adopted with the direct participation of O. von Bismarck in the 1880s. According to V. Roik, the experience of Germany in this area "has become a contagious example" (2014, p. 9).

In Germany, the Act on Workers' Disability and Old Age Insurance was adopted in 1889. It was based on the provision of compulsory insurance of workers with an annual income of not more than two thousand marks. This type of insurance gave the right to receive a disability and old-age pension (upon reaching the age of 70) after five years of contribution payment. Entrepreneurs, workers, and the state took part in the creation of the insurance fund in equal shares (1/3 each).

2.1. Pension Legislation in France

In France, the provision of workers who lost their ability to work, including due to old age or disability was carried out by voluntary mutual benefit societies (their activity was regulated by the Act of 1 April 1898, called the Charter of Mutual Assistance) until the beginning of 20th century.

As for disabled persons, there were mechanisms of state or public social support based on the principles of charity. At the beginning of the 20th century, these mechanisms received their legislative confirmation, in particular, the Act on Provision of State Assistance to the Elderly, Infirm and Terminally Ill was adopted on 14 July 1905.

At the end of the 1870s, the members of the French Parliament began working on the preparation of the Act on pension insurance. The first draft, presented in 1879, provided for the establishment of pension funds for older workers, funded by equal contributions from workers, employers, and the state. However, the idea of introducing a social insurance system in France had faced serious opposition: it was perceived by the majority as an attempt to enslave personal independence and civil freedom of citizens, obtained through the efforts of a stubborn revolutionary struggle against the old regime.

It took about 30 years to work out the draft of the French law on pensions. As a result, it was only in 1910 when the Act on Pensions for Workers and Peasants was adopted. This law provided for mandatory pension insurance for employees whose earnings did not exceed 3,000 francs. Contributions were to be paid on an equal footing by employees and employers. The age for receiving

the pension was set to 65 years old, and it was reduced to 60 years old later (in 1912).

According to J. Bichot (1997, p. 26), the long development of the 1910 Act did not contribute to its quality. It was applied only partially, since many workers avoided paying insurance premiums, inflation contributed to the depreciation of the cumulated balances, and the opponents of the reform were trade unions, which were not satisfied with imposing part of the contributions on workers.

The next attempt to establish compulsory pension insurance in France was the Act of 1928. It was met with active resistance from both employers and some categories of workers (in particular, medical workers), since it concerned insurance not only for old age, but also for illness.

In fact, at the national level, pension insurance was introduced in 1930 after the amendments to the Act had been made, which established a system of social insurance for employees in industry and commerce in case of old age, illness, motherhood, disability, and death. Only those employees whose earnings did not exceed 15,000 francs per year (as a general rule) were subject to insurance. The insurance system was based on the principle of capitalization (accumulation of funds of the insured person), and did not provide any protection in case of inflation or economic crisis. The 1930 Act provided for a reduction in social insurance contributions, compensated by the state; it also significantly increased the “salary cap” for paying insurance premiums, thereby increasing the number of insured persons. In this regard, the law was met with support of the Parliament and the society.

During the occupation, the Vichy government adopted a number of populist acts on pension provision, including the Act of 14 March 1941, establishing an old-age benefit for employees. In fact, funds from the capitalization of pension contributions were spent to finance these benefits formed based on the 1930 Act. As a result, the pension insurance funds were spent, which was started by the Provisional Government of the French Republic after the liberation of the country. This factor, along with another no less significant ones (of socio-economic and political nature) led to the implementation of fundamental reforms in the field of social security.

The French social security plan, prepared in 1945, was strongly influenced by the ideas of W. Beveridge, outlined in his report to the British Parliament in 1942 (Beveridge, 2000, p. 847) (see para. 2.2 above). The key ideas of the report were the universality and uniformity of social security. Many French statesmen were in London during the occupation of France, thus having the opportunity to refer to the report of W. Beveridge. P. Laroque, who became the developer of the French social security plan after the country’s liberation was among them.

The principles of the organization of social security (universality, unity, and social democracy), as well as the term “social security”, were approved in the conclusion adopted by the Provisional Consultative Assembly of France in August 1945.

The creation of the social security structure was provided by the Ordinance of 4 October 1945. This document provided for the introduction of the general social security regime in France, which was supposed to be applied to most working citizens and their families. A single contribution for protection against various social risks (in case of illness, motherhood, and old age) was established in the amount of 12% of the annual salary. The contribution was to be paid in half by an employer and in half by an employee (6% + 6%). The wage ceiling for charged insurance premiums was 120,000 francs per year.

However, by introducing a social security regime for workers in industry and commerce, which was to become “common to all Frenchmen”, the Ordinance of 4 October 1945 immediately provided for a number of exceptions. In particular, special regimes were retained for workers in agriculture and forestry.

The Social Insurance Ordinance was adopted on 19 October 1945 that established a pension insurance regime based on the principle of distribution (rather than capitalization, as stipulated by the 1930 Law). This meant that the funds paid by working citizens were directed to retirees' payments. The pay-as-you-go pension system was based on the concept of intergenerational solidarity, and assumed that future generations would use insurance premiums to pay pensions to current workers.

According to the Social Insurance Ordinance of 19 October 1945, the right to a normal old-age pension was granted to employees who have reached the age of 60 (men and women) and had 30 years of contribution period.

In 1946, the French government took measures to extend a unified social security regime to the entire population of the country. The Act that provided for the mandatory inclusion of all French people living in the country in the social security system, including those who are not employees (representatives of the liberal professions, employers, industrialists, merchants, artisans, etc.), was adopted on 22 May 1946. However, at the beginning of 1947, the French Social Security Administration stated that "due to the economic difficulties of the present time, as well as the unfavorable psychological situation caused by the protest campaigns across the country, it is not possible to start collecting contributions" (Bichot, 1997, p. 72).

The government's attempt to extend the social security system to the entire population of the country faced opposition from both the self-employed and a number of categories of employees (extractive industry, transport, electric power industry, etc.), who previously used special, preferential social security regimes with higher payments.

Having anticipated difficulties that would arise in the collection of social security contributions, the government refused to apply a unified universal old-age insurance regime from 1 January 1947. The Act that created separate old-age insurance regimes for various categories of self-employed workers was adopted in 1948.

Thus, the implementation of the plan for universal social security in France ended in partial failure in 1948, since the goals of universality and unity of the system were not achieved. Several categories of social insurance regimes (general, special regimes for employees, special regimes for the self-employed, and a special regime for social insurance of agricultural workers) have been developed instead of a single regime in the country in the middle of the 20th century.

Nevertheless, in subsequent years, the French government actually managed to achieve the goals set in 1945. Thanks to its purposeful policy, there was an expansion of the social security system: firstly, by creating special regimes for certain categories of workers, and secondly, by including new categories of the population into the general regime. The key features were the introduction of the indexation of pensions in 1948, and the establishment of the minimum old-age pension in 1956.

In the second half of the 20th century, the social security in France completely replaced the previous social insurance system, established in 1930, and began to play an increasingly important role in ensuring family income and in the national economy. At the end of the 20th century, this allowed researchers to conclude that the French social security system was gradually able to cover the entire population of the country (Dupeyroux, 2000, p. 22).

2.2. Pension Legislation in Great Britain

The first proposals for introducing a universal pension appeared in Great Britain in the 1870s. The discussion revolved around two pension reform projects that provided for insurance or budget financing. In particular, W. Blackley proposed a pension insurance project in 1878, according to which

mandatory deductions to the pension fund were to be made from the wages of all young workers under 20 years old. According to his calculation, a worker could remit an amount of 15 pounds a year. This was enough to provide him with a benefit of eight pounds a week in case of illness and a four pound pension after 70 years old. State participation in this project was not provided (Booth, 1899, p. 30). This project along with a number of other ones was rejected.

Insurance projects were criticized on the following grounds: high contribution rate prevented low-paid workers to participate in the insurance system; women were excluded from the insurance system; the elderly needed support could not count on receiving benefits in the early years from the beginning of the reform (due to the lack of contribution period) (Konopleva, 2013, p. 27).

The first project of a pension financed from the state budget appeared in 1879 (R. Hookham's project). For the first time, he proposed a universal pension in its modern sense (without restrictions of economic and ethical nature for its recipients). J. Chamberlain's project (1892) provided for the introduction of an insurance pension with state support (funding a pension through voluntary contributions of workers, and the establishment of an allowance at the expense of the state) (Collins, 1965, p. 254). Most of the subsequent projects were a combination of state and cumulative parts of pensions. In total, several hundred different projects were presented while working out the law.

Ultimately, as a result of several years of work, the Act of 1908 was adopted in Great Britain, which was based on the principle of state (budget) financing of pensions. In order to make its implementation possible, the government decided to introduce new taxes and use a progressive taxation scale. The amount of the pension was not set in accordance with a flat rate, but it depended on the level of income of the pensioners (which was not to exceed 31 shillings and ten pence per year). In addition, the law included conditions that significantly narrowed the circle of pension recipients: high retirement age (70 years old); the principle of need; the principle of citizenship; no criminal record; a "character test", which involved checking whether the plight of a citizen is a consequence of his asocial behavior. At this stage, the principle of universality was not implemented; on the contrary, the principle of the need of citizens was taken as a basis. However, the award of pension under the 1908 Act allowed the elderly citizen to avoid the need to seek assistance in workhouses.

Thus, at the initial stage of pension legislation formation, the principle of state financing of pensions had prevailed in Great Britain. Later, however, there was a transition to the insurance system, which was formalized by legislative acts of the 1920s.

On 31 July 1925, the Widows, Orphans and Old Age Contributory Pensions Bill was adopted in Great Britain. It repealed the provisions of the 1908 Pension Act and established an old-age insurance system. This insurance was extended to employees who were 65 years of age and whose annual income did not exceed £250. The law provided for employers, employees, and the state to participate in the financing of pension insurance. As a general rule, an employee had the right to a 50 pence pension per week upon reaching a certain age provided contributions' payment within five years. Overall, the reform was focused on low-paid workers and left a significant number of workers outside the compulsory insurance system. According to V. Kalensky, "there was a fairly wide social insurance system in England by the beginning of the Second World War. However, it was incomplete and did not apply to all workers. Those workers whose annual income exceeded a certain amount established by the law were excluded from the social insurance system" (Kalensky, 1969, p. 162).

The report of W. Beveridge, presented to the House of Commons on 20 November 1942 (Beveridge, 2000, pp. 847-855), was a turning point in the development of British social security legislation. The report was based on the principle of improving working conditions, economic

development, and social security, shown in the fifth clause of The Atlantic Charter of 1941. The key idea of the report was creating a universal social security system based on providing payments that do not depend on earnings to all those in need.

W. Beveridge argued that the state should rid citizens of poverty and provide everyone with a true sense of security through the mandatory income redistribution. Thus, if social protection was based on the contributions of citizens themselves before, now its financing should be carried out at the expense of the state, since social security is seen as a state obligation.

The pension security model proposed by W. Beveridge was aimed at relieving the majority of the country's population from the state of need, at providing pensioners with a standard of living comparable to the subsistence minimum.

This model was embodied in the laws developed and adopted by the Labor in the first years after the Second World War (1945-1948). The National Insurance Act of 1 August 1946 and the National Assistance Act 1948 were of particular importance. According to the Law of 1946, the scope of persons covered by social insurance was expanded (the previously existing rule on the maximum amount of annual income was canceled under which a person was not subject to insurance); new types of insurance for working-class families and employees appeared; insurance was extended to the self-employed (to a certain amount). The unjustified differentiation of the amount of security for such types of insurance as insurance for sickness, unemployment, and old age was eliminated.

The 1948 Law provided for the reform of the assistance system (social assistance). The Poor Law Amendment Act 1834 was repealed; the administration of the social assistance system was removed from the jurisdiction of local authorities and transferred to the national assistance commission.

Thus, within the framework of reforms, the principles of universality and uniformity formulated by W. Beveridge received their legislative expression. The principle of universality of the social protection system ensured its extension to all citizens in need. The principle of uniformity was expressed in the same amount of pensions and benefits, as well as the same conditions for their payment.

The reform program carried out by Labor in 1945-1948 was aimed at creating a pension system that included three elements: national insurance, supplementary benefits, and occupational pensions (Tamburi, 2002, p. 112).

National insurance was guaranteed to all citizens who paid social tax and reached the retirement age (60 years for women, and 65 years for men). To receive a full pension, the length of paying social tax service had to be 44 years for men, and 39 years for women. The amount of the pension was fixed; its value was small and was intended to provide only the minimum needs of a person. For those who did not have the required length of paying insurance premiums service, the pension was reduced in proportion to the missing years.

Supplementary benefits were to be paid to retirees with incomes below the subsistence level established by law.

Supplementary, or the so-called occupational pensions, were voluntarily established by employers with the financial resources of the organization. As a rule, the amount of these pensions depended on the employee's earnings. Subsequently, the state began to pursue a policy of supporting occupational pensions by establishing tax incentives for enterprises offering pension insurance programs to their employees.

The new national pension security and insurance system of Great Britain became fully

operational in 1949; it did not undergo significant changes until the early 1970s.

The system was based on the principles of distributive justice and national solidarity. Social protection was financed both from insurance premiums and the state budget.

In the 1950-1960s, an increase in social spending of the British state forced the government to abandon the principle of uniformity of paid contributions and to return to their differentiation depending on income. Further development of the social protection system followed the path of increasing the number of social programs, the number of persons covered thereby, and the growth of state social expenditures. It resulted in a gradual modification of the pension security system, which was originally called the Beveridge Model.

2.3. Russian and Soviet Pension Legislation

As for Russia, the process of forming the social insurance system began in the first years of the 20th century and was interrupted due to the revolutionary events of 1917. Practically all legislative and administrative steps of the authorities of pre-revolutionary Russia in the field of charity were based on the principle of estates (Pokotilova et al., 2019, p. 311). In 1901, Provisional Regulations on Pensions for workers of state-owned mining plants and mines who lost their ability to work were adopted in Russia. On 23 June 1912, a number of laws were adopted that established the fundamentals of social insurance in case of illness and industrial injury (Accident Insurance Law to Protect Workers, Law on Providing Workers in Case of Illness, etc.) In fact, the first of these laws had established pensions due to disability and loss of the breadwinner for workers. Pension security in case of old age was not provided for by these laws. Besides, the scope of their application was very limited (they only operated at the enterprises with a certain number of workers and with specific equipment).

The Russian Social Democratic Labor Party (RSDLP) criticized these acts even when they were under discussion in the State Duma. In January 1912, the Sixth All-Russian Conference of the Russian Social Democratic Labor Party adopted its own insurance program. This program was based on the principles formulated by V. Lenin (see para. 1.3.2 above), and it assumed complete premium waiver for workers protecting them from all types of social risks (old age, illness, loss of a breadwinner, etc.).

V. Lenin's insurance program received its legislative expression after the October Revolution of 1917. About 100 decrees and orders in the field of social security were adopted in Soviet Russia from 1917 to 1922.

It was at the socialist stage of development of our country when the payment of a pension was first established by law upon reaching a certain old age. In the 1920-1930s, a number of government regulations were adopted providing for the right to an old-age pension for certain categories of workers (mining, metallurgical industry, rail and water transport, etc.). In particular, according to the Decree on Ensuring Social Insurance of Old Age of 15 May 1929, workers in the mining and metallurgical industries (as well as the electrical industry), rail and water transport became entitled to a pension, provided men have reached the age of 60, and have worked for a total of at least 25 years, and women have reached the age of 55, and have worked for a total of at least 20 years by the day of dismissal.

The Regulation on Pensions and Social Insurance Benefits extended these rules to workers in the textile, chemical, printing, and some other industries, and also provided for the possibility of provision of such a pension security to workers in other industries and employees by decision of the Union Council for Social Insurance. The old-age pension was granted to people employed in underground work in the mining industry when they reached 50 years of age and had 20 years of work experience

(of which at least ten years were spent on underground work). The regulation provided for the possibility of lowering the total established length of service and age for other workers in hazardous industries by the decision of the Union Council for Social Insurance.

On 11 February 1930, the retirement age for most categories of workers (60 years for men, 55 years for women) and the requirements for work experience (25 and 20 years, respectively) were established.

In the 1930s, a system of pension provision for service length about workers in education, health and science, as well as workers in the civil air fleet was formed, which was provided upon the availability of the necessary special work experience, and (or) reaching a certain age (below total established one). As for the social security of the peasants, it was excluded from the state system and entrusted to the peasant mutual benefit societies in accordance with the corresponding regulation of 28 September 1924.

The USSR Constitution of 1936 proclaimed the equality of citizens (Art. 123), and secured the right to material provision in old age, in case of illness and disability (Art. 120).

The first all-Union law that solved problems of pension security was the USSR Law of 14 July 1956 On State Pensions. This normative act retained the general conditions for the provision of old-age pension that had existed before its adoption: reaching retirement age (60 years for men, and 55 years for women), and work experience (25 and 20 years, respectively).

In 1964, a unified system of pension security for collective farmers was created in the USSR financed from a centralized union fund for the first time. The USSR Law of 15 July 1964 On Pensions and Benefits to Members of Collective Farms provided for the payment of an old-age pension, among other types of pensions, for which men and women had to reach 60 and 55 years old, respectively, and to have a corresponding work experience.

Thus, by the 1950s, a Soviet-type social security system had been created in our country, and pension security of workers being one of its elements. Pension payments were made from the state budget at the expense of insurance premiums of enterprises, which were essentially tax payments; workers were completely exempted from paying insurance premiums. Low retirement age was considered the most important social achievement of the system. At the same time, there was no system of social pensions for the elderly having no work experience (legislation provided only for the payment of disability pensions).

Conclusion

Thus, the conceptual foundations of legislative acts on pensions adopted in the first half of the 20th century in Russia, France, and Great Britain were formed long before their adoption.

The idea of social support for the elderly, disabled, and widows originated in the early stages of human society and was expressed in ancient legislative acts. In the Middle Ages, Christian teaching became a theoretical basis for assistance of the poor in European countries. This assistance itself had the form of charity (both state and private), and community support. In the conditions of the guild regime, mutual aid funds being the prototype of social insurance for workers began to appear. Nevertheless, at these stages, such assistance was seen as a moral duty of the state and the society; there has not yet been any talk of an individual's right to pension security.

The theoretical substantiation of the right to pension security (within the framework of the right to social security, and decent human existence) takes place in the era of Modern History and Contemporary History. The Age of Enlightenment should be considered the starting point in this

process, as its thinkers considered a human to be a person endowed with a number of natural rights, including the right to life and dignity. Having developed these ideas, the scientists of 19-20th centuries substantiated such individual rights as the right to a dignified existence and the right to social security, which required implementation of certain positive actions by the government (rather than abstention from violations, which was assumed by political freedoms).

The ideas of social insurance were developed long before by scientists-philosophers in the 17-18th centuries. However, initially they were not widely spread due to the fact that an individualistic (liberal) approach emphasizing prudence and frugality of the citizen (“one should take care of oneself”, “the poor is the one who is weak”) had prevailed in European countries at that time. The changed economic, social, and political conditions in the 19th century have shown the failure of this approach. The cyclical development of the economy with its inevitable crises, the transition to industrial production, and the formation of numerous working-class required different approaches to social protection of the population. The Marxist doctrines, the concepts of social solidarity, the welfare state, and social law were the response to the changed conditions.

Pension legislation acts, adopted in France, Great Britain, and Russia in the first half of the 20th century, were the result of an ideological and political struggle. As they met specific socio-economic conditions, the above-mentioned concepts were reflected in different ways. French Pension Laws of 1910, 1928, and 1930 were strongly influenced by Bismarck’s social legislation and became the embodiment of the principle of social solidarity and the insurance pension model. The British Pension Act of 1908 embodied the idea of assistance and provided minimum payments from the state budget to a limited number of elderly people. Subsequently, there was a change in the insurance model, which was enshrined in the Law of 1925. Pension legislation of France and Great Britain, adopted in the second half of the 1940s, was strongly influenced by the ideas of W. Beveridge. Attempts to introduce the principles of universality and uniformity into the social security system were quite successful in Great Britain, but initially had failed in France. By the middle of the 20th century, the pension Bismarck model (insurance) was established in France, and the Beveridge model (with significant state participation) was established in Great Britain. Subsequent development led to a gradual smoothing out of obvious differences and the formation of hybrid models. Nevertheless, both countries demonstrated loyalty to the principles of social solidarity being formulated in the political and legal doctrines of the 19th and 20th centuries.

An Old-age Pension Insurance Act (in contrast to the laws on sickness insurance and in case of temporary disability) was not adopted in Russia at the pre-revolutionary stage of development. The legislation adopted in Soviet Russia in the first half of the 20th century reflected the egalitarian (Marxist) concept, which assumed the social security of all workers at the expense of the state budget. However, the introduction of the principles of universality in our country was rather slow: old-age pensions were established in the 1930s and gradually extended to most categories of workers and employees; pensions for collective farmers were introduced only in the 1960s. Despite a number of serious shortcomings inherent in the Soviet pension security system, it served as a model for foreign countries in many aspects (in particular with regard to uniformity of payments). In general, we can note the mutual influence of various models of pension security that had been developed in the countries under consideration in the first half of 20th century, and the special role of the ideas of social solidarity and the generational contract in the process of their formation.

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