Back Cover

And now the Samaritan enters the stage. What will he do? He does not ask how far his obligations of solidarity extend. Nor does he ask about the merits required for eternal life. Something else happens: His heart is wrenched open. The Gospel uses the word that in Hebrew had originally referred to the mother's womb and maternal care. Seeing this man in such a state is a blow that strikes him "viscerally," touching his soul. "He had compassion"—that is how we translate the text today, diminishing its original vitality. Struck in his soul by the lightning flash of mercy, he himself now becomes the neighbor, heedless of any question or danger. The burden of the question thus shifts here. The issue is no longer which other person is a neighbor to me or not. The question is about me. I have to become the neighbor, and when I do, the other person counts for me "as myself."…One thing is clear: A new universality is entering the scene, and it rests on the fact that deep within I am already becoming a brother to all those I meet who are in need of my help.

The topical relevance of the parable is evident. When we transpose it into the dimensions of world society, we see how the peoples of Africa, lying robbed and plundered, matter to us. Then we see how deeply they are our neighbors; that out lifestyle, our history in which we are enmeshed, has plundered them and continues to do so. This is true above all in the sense that we have wounded their souls. Instead of giving them God, the God who has come close to us in Christ, which would have integrated and brought to completion all that is precious and great in their own traditions, we have brought to them the cynicism of a world without God in which all that counts is power and profit, a world that destroys moral standards so that corruption and the unscrupulous will to power are taken as a matter of course. And that applies not only to Africa.

Joseph Ratzinger Pope Benedict XVI, *Jesus of Nazareth. From the Baptism in the Jordan to the Transfiguration* (Doubleday, New York, 2007), pp. 197, 198-9.

9 788886 726238 >

Spine

Pursuing the Common Good: How Solidarity and Subsidiarity Can Work Together

Front Cover

Pursuing the Common Good: How Solidarity and Subsidiarity Can Work Together

Edited by
Margaret S. Archer
Pierpaolo Donati

The Proceedings of the 14th Plenary Session of the Pontifical Academy of Social Sciences

2-6 May 2008 • Casina Pio IV

PURSUING THE COMMON GOOD: HOW SOLIDARITY AND SUBSIDIARITY CAN WORK TOGETHER

THE PONTIFICAL ACADEMY OF SOCIAL SCIENCES

———————————— Acta 14 ————————————

PURSUING THE COMMON GOOD: HOW SOLIDARITY AND SUBSIDIARITY CAN WORK TOGETHER

the

PROCEEDINGS

of

the

14th Plenary Session
2-6 May 2008 • Casina Pio IV

Edited by
Margaret S. Archer
Pierpaolo Donati

VATICAN CITY 2008

The opinions expressed with absolute freedom during the presentation of the papers of this plenary session, although published by the Academy, represent only the points of view of the participants and not those of the Academy.

978-88-86726-23-8

THE PONTIFICAL ACADEMY OF SOCIAL SCIENCES
VATICAN CITY

His Holiness Pope Benedict XVI

Participants in the conference hall of the Casina Pio IV

Participants of the 14th Plenary Session

His Holiness Benedict XVI with the Participants of the 14th Plenary Session

CONTENTS

SCIENTIFIC PAPERS

FIRST SESSION – SUBSIDIARITY, SOLIDARITY AND THE COMMON GOOD

ADDRESS TO THE HOLY FATHER

MARGARET S. ARCHER

Your Holiness,

It is a privilege for the members of the Pontifical Academy of Social Sciences and their invited experts to be granted this audience. As you know, for this fourteenth Plenary Session the Academy is focussing on the topic 'Pursuing the Common Good: How Solidarity and Subsidiarity Can Work Together'. I would like to thank the Dean-President Prof. Belisario Betancur for inviting me to give this address as one of the co-ordinators of this meeting, together with Professor Pierpaolo Donati.

Above all, the Academy wants to explore the radical implications of the Church's social doctrine for civil society. We are convinced that were the dignity of the human person and the common good, promoted by solidarity and subsidiarity, to be effectively recognised and upheld in practice, this would be capable of regenerating civil society. We think, in short, that it is possible to achieve a future global social system that is not based solely on the market or dependent upon states that do not pursue the common good of civil society. In making its contribution, the Academy re-emphasises that the central principles of the social doctrine are indivisible and therefore must be implemented together.

Secondly, given that in the social sciences theory must not be separated from practice, this meeting has taken the innovative approach of examining current exemplars of 'good practice' – ones which seek to generate common goods through new combinations of subsidiarity and solidarity. In this globalised world there are novel practices that can stimulate free-giving and foster those relations of reciprocity which recognise the dignity of the human person. Examples of such good practices are now emerging that could prove to be forerunners of an authentic civil society, based upon human rights and duties: the 'economy of communion', the 'Food Bank' and micro-credit; the new 'Local Alliances for the Family', originating in

Germany but spreading throughout Europe; shared access to informational goods through the Internet; and educational activities based on innovatory forms of subsidiarity in developing countries.

In conclusion, given that a recurrent feature of modernity has been a lack of solidarity and subsidiarity at all levels, our challenge is to detect and suggest how these principles could be applied to generate common goods in abundance – thus holding out the promise of transforming global society into a 'civilisation of the common good'. Our hope, in conformity with our Statutes, is that our deliberations will offer the Church elements which can be of use in the development of her social doctrine.

Your Holiness, we would like to thank you for your enlightened Magisterium. Your words will encourage us in our research and discussions.

ADDRESS OF HIS HOLINESS BENEDICT XVI
TO THE PARTICIPANTS IN THE 14TH SESSION
OF THE PONTIFICAL ACADEMY OF SOCIAL SCIENCES

CONSISTORY HALL • SATURDAY, 3 MAY 2008

Dear Brothers in the Episcopate and the Priesthood,
Distinguished Ladies and Gentlemen,

I am pleased to have this occasion to meet with you as you gather for
the fourteenth Plenary Session of the Pontifical Academy of Social
Sciences. Over the last two decades, the Academy has offered a valuable
contribution to the deepening and development of the Church's social doc-
trine and its application in the areas of law, economics, politics and the var-
ious other social sciences. I thank Professor Margaret Archer for her kind
words of greeting, and I express my sincere appreciation to all of you for
your commitment to research, dialogue and teaching, so that the Gospel of
Jesus Christ may continue to shed light on the complex situations arising
in a rapidly changing world.

In choosing the theme *Pursuing the Common Good: How Solidarity and
Subsidiarity Can Work Together,* you have decided to examine the interrela-
tionships between four fundamental principles of Catholic social teaching:
the dignity of the human person, the common good, subsidiarity and soli-
darity (cf. *Compendium of the Social Doctrine of the Church,* 160-163).
These key realities, which emerge from the living contact between the
Gospel and concrete social circumstances, offer a framework for viewing
and addressing the imperatives facing mankind at the dawn of the twenty-
first century, such as reducing inequalities in the distribution of goods,
expanding opportunities for education, fostering sustainable growth and
development, and protecting the environment.

How can solidarity and subsidiarity work together in the pursuit of the
common good in a way that not only respects human dignity, but allows it
to flourish? This is the heart of the matter which concerns you. As your pre-
liminary discussions have already revealed, a satisfactory answer can only

surface after careful examination of the meaning of the terms (cf. *Compendium of the Social Doctrine of the Church,* Chapter 4). *Human dignity* is the intrinsic value of a person created in the image and likeness of God and redeemed by Christ. The totality of social conditions allowing persons to achieve their communal and individual fulfilment is known as the *common good*. *Solidarity* refers to the virtue enabling the human family to share fully the treasure of material and spiritual goods, and *subsidiarity* is the coordination of society's activities in a way that supports the internal life of the local communities.

Yet definitions are only the beginning. What is more, these definitions are adequately grasped only when linked organically to one another and seen as mutually supportive of one another. We can initially sketch the interconnections between these four principles by placing the dignity of the person at the intersection of two axes: one horizontal, representing 'solidarity' and 'subsidiarity', and one vertical, representing the 'common good'. This creates a field upon which we can plot the various points of Catholic social teaching that give shape to the common good.

Though this graphic analogy gives us a rudimentary picture of how these fundamental principles imply one another and are necessarily interwoven, we know that the reality is much more complex. Indeed, the unfathomable depths of the human person and mankind's marvellous capacity for spiritual communion – realities which are fully disclosed only through divine revelation – far exceed the capacity of schematic representation. The solidarity that binds the human family, and the subsidiary levels reinforcing it from within, must however always be placed within the horizon of the mysterious life of the Triune God (cf. *Jn* 5:26; 6:57), in whom we perceive an ineffable love shared by equal, though nonetheless distinct, persons (cf. *Summa Theologiae,* I, q. 42).

My friends, I invite you to allow this fundamental truth to permeate your reflections: not only in the sense that the principles of solidarity and subsidiarity are undoubtedly enriched by our belief in the Trinity, but particularly in the sense that these principles have the potential to place men and women on the path to discovering their definitive, supernatural destiny. The natural human inclination to live in community is confirmed and transformed by the 'oneness of Spirit' which God has bestowed upon his adopted sons and daughters (cf. *Eph* 4:3; *1 Pet* 3:8). Consequently, the responsibility of Christians to work for peace and justice, their irrevocable commitment to build up the common good, is inseparable from their mission to proclaim the gift of eternal life to which God has called every man

and woman. In this regard, the *tranquillitas ordinis* of which Saint Augustine speaks refers to '*all* things': that is to say both 'civil peace', which is a 'concord among citizens', and the 'peace of the heavenly city', which is the 'perfectly ordered and harmonious enjoyment of God, and of one another in God' (*De Civitate Dei*, XIX, 13).

The eyes of faith permit us to see that the heavenly and earthly cities interpenetrate and are intrinsically ordered to one another, inasmuch as they both belong to God the Father, who is 'above all and through all and in all' (*Eph* 4:6). At the same time, faith places into sharper focus the due autonomy of earthly affairs, insofar as they are 'endowed with their own stability, truth, goodness, proper laws and order' (*Gaudium et Spes,* 36). Hence, you can be assured that your discussions will be of service to all people of good will, while simultaneously inspiring Christians to embrace more readily their obligation to enhance solidarity with and among their fellow citizens, and to act upon the principle of subsidiarity by promoting family life, voluntary associations, private initiative, and a public order that facilitates the healthy functioning of society's most basic communities (cf. *Compendium of the Social Doctrine of the Church,* 187).

When we examine the principles of solidarity and subsidiarity in the light of the Gospel, we realize that they are not simply 'horizontal': they both have an essentially vertical dimension. Jesus commands us to do unto others as we would have them do unto us (cf. *Lk* 6:31); to love our neighbour as ourselves (cf. *Mat* 22:35). These laws are inscribed by the Creator in man's very nature (cf. *Deus Caritas Est,* 31). Jesus teaches that this love calls us to lay down our lives for the good of others (cf. *Jn* 15:12-13). In this sense, true solidarity – though it begins with an acknowledgment of the *equal* worth of the other – comes to fulfilment only when I willingly place my life at the service of the other (cf. *Eph* 6:21). Herein lies the 'vertical' dimension of solidarity: I am moved to make myself *less* than the other so as to minister to his or her needs (cf. *Jn* 13:14-15), just as Jesus 'humbled himself' so as to give men and women a share in his divine life with the Father and the Spirit (cf. *Phil* 2:8; *Mat* 23:12).

Similarly, subsidiarity – insofar as it encourages men and women to enter freely into life-giving relationships with those to whom they are most closely connected and upon whom they most immediately depend, and demands of higher authorities respect for these relationships – manifests a 'vertical' dimension pointing towards the Creator of the social order (cf. *Rom* 12:16, 18). A society that honours the principle of subsidiarity liberates people from a sense of despondency and hopelessness, granting them

the freedom to engage with one another in the spheres of commerce, politics and culture (cf. *Quadragesimo Anno,* 80). When those responsible for the public good attune themselves to the natural human desire for self-governance based on subsidiarity, they leave space for individual responsibility and initiative, but most importantly, they leave space for *love* (cf. *Rom* 13:8; *Deus Caritas Est,* 28), which always remains 'the most excellent way' (cf. *1 Cor* 12:31).

In revealing the Father's love, Jesus has taught us not only how to live as brothers and sisters here on earth; he has shown us that he himself is the way to perfect communion with one another and with God in the world to come, since it is through him that 'we have access in one Spirit to the Father' (cf. *Eph* 2:18). As you strive to articulate the ways in which men and women can best promote the common good, I encourage you to survey both the 'vertical' and 'horizontal' dimensions of solidarity and subsidiarity. In this way, you will be able to propose more effective ways of resolving the manifold problems besetting mankind at the threshold of the third millennium, while also bearing witness to the primacy of love, which transcends and fulfils justice as it draws mankind into the very life of God (cf. Message for the 2004 World Day of Peace).

With these sentiments, I assure you of my prayers, and I cordially extend my Apostolic Blessing to you and your loved ones as a pledge of peace and joy in the Risen Lord.

TODAVIA ES TIEMPO

BELISARIO BETANCUR

I. INTRODUCCION

1. *Prohibido llegar tarde*

Saludo con respeto y alegría a los ilustres miembros de la Pontificia Academia de Ciencias Sociales y a los distinguidos invitados a esta XIV Asamblea anual. Como latinoamericano, agradezco el privilegio de presidir el estuario del pensar social desde nuestra Academia, instrumento de la *Doctrina Social de la Iglesia* para el diálogo con un mundo cambiante, que pide respuestas a cada momento; y que no solo prohíbe llegar tarde, sino que establece la obligatoriedad de la anticipación al actual *estado de necesidad* que padecemos y disfrutamos.

Mi saludo va dirigido en especial a nuestra inolvidable Presidente, quien, gracias a su inteligencia y excepcional sentido de la diplomacia, se desempeña como embajadora de su país ante la Santa Sede: es la Profesora Mary Ann Glendon, jurista excepcional, cuyo brillante quehacer suscita en mí una hermosa evocación. Se trata de que, como *oidor* en el Sínodo de América en 1997, al lado de ilustres figuras del pensamiento y acicateado por mi esposa Rosa Helena, – que de Dios goce –, pregunté a Su Santidad Juan Pablo II en la sesión plenaria, por la clamorosa representación minoritaria de las mujeres en aquellos eventos decisivos de la Iglesia. El aplauso a esa intervención de mi esposa a la que yo tan solo presté mis palabras y la convicción de que ella estaba en lo cierto, se unió a la sonrisa aprobatoria del Pontífice y a su *acuerdo manifiesto* en la íntima cena sinodal. Con gratitud miramos desde entonces, cómo las puertas de la Iglesia se abren, cual si fueran nuevos areópagos, para que la mujer diga su inteligente palabra y sea constructora de la nueva sociedad.

Asimismo, en nombre de la Academia, quiero enviar un saludo efusivo al profesor Malinvaud, y desearle pronta mejoría. Lo acompañamos con

nuestro recuerdo y nuestra plegaria, a fin de que la Providencia le permita continuar pensando y creando horizontes para exiliados de la felicidad y para esta Academia que requiere las luces de una inteligencia como la suya, capaz de avizorar caminos donde otros solo perciben valladares.

2. *La tortuga de Zenón de Elea*

Hasta hace poco era posible soslayar la exclusión, la indigencia y la miseria. Hoy ese ocultamiento es imposible, pues en vez de avances para superar la pobreza, surgen amenazas de la *epidemia del hambre,* sobre la cual escribió páginas estremecedoras el brasileño Josué de Castro. Aquellas hecatombes se acrecientan: en efecto, según el Banco Mundial, el alza del 83% en los precios de los alimentos en los tres últimos años, nos ha hecho retroceder siete años: aunque parezca que avanzamos como la tortuga en los avatares de Zenón de Elea, permanecemos en el mismo lugar o retrocedemos, mientras los alimentos sucumben arrollados por el estrépito de los combustibles.

En las presentes sesiones nos ocuparemos de la *solidaridad* y la *subsidiariedad,* necesarias en esta época convulsa en que la reacción de los *excluidos* se torna desafiante. La resignación antigua ha sido derogada por los medios nuevos. La agresividad de quien nada tiene que perder, es correlativa con la agresividad de quien poco quiere compartir. Lo cual contrasta con la actitud de cuantos, a la acumulación estéril de *bienes dormidos en la tierra,* añaden el despertar de la violencia en los *condenados de la tierra; y la* cultura de la opulencia repite la escena de la *mesa del rico Epulón,* sin que haya aumentado el número de los comensales; y sin que lo que cae de la mesa sea suficiente para quienes están debajo, hambreados, esperando.

II. El dialogo con el mundo

Con anticipación y claridad, Juan Pablo II supo *pre ver* la necesidad de salir al paso de algo tan suntuoso y peligroso como *la globalización.* De allí fluyen sus intuiciones y planteamientos que, desde el citado *Sínodo de América,* colocaron *la globalización a la defensiva,* como lo ha demostrado con persuasión el profesor Stiglitz. El documento *Iglesia en América,* de 1998, es apodíctico respecto a la urgencia de que la globalización económica y comercial, camine en paralelo con la *globalización de la solidaridad.*

No se trata de la buena voluntad de quienes tienen riqueza o de quienes alcanzan éxito. La solidaridad es más exigente y estigmatiza a quienes eva-

den sus obligaciones. *Solidaridad* tiene que ver con *sólido.* Lo cual advierte que no se trata de un *momentum* de generosidad, sino de un acto escueto que comprometa el desarrollo de los pueblos. Tal es el *continuum* en el pensamiento y la praxis de *la Doctrina Social de la Iglesia.*

En efecto, en su viaje al Brasil para abrir la V Conferencia del Episcopado Latinoamericano y de las Antillas, S.S. Benedicto XVI habló de la necesidad de justipreciar lo positivo implícito en la globalización. Estamos en presencia de un Pontífice dialéctico, reflexivo, analítico, que hace del diálogo un desafío; que es capaz de ver *lo bueno* subyacente en propuestas nacidas de la creatividad del ser humano en su sembradío de *la cultura de la vida;* que señala las bondades generales de la globalización, pero hace sonar las alarmas de lo que trae consigo de negativo; que invita a pensar y lo hace como *maestro;* y, en fin, que convoca a buscar con la Iglesia lo que realiza nuestra Academia como diapasón del diálogo con el mundo. Es el testimonio implícito en los vitrales de la Catedral de San Patricio en Nueva York, oscuros desde afuera y brillantes desde adentro, metáfora de la introspección que en tanto que cristianos nos corresponde, según dijo bellamente el Papa en aquel fascinante icono del gótico.

III. El dialogo del los valores

Cuarenta años después de la *revolución del 68,* es imperativo revisar lo que de ella ha quedado en la conciencia colectiva y en la valoración del liderazgo. Los que venimos de la Iglesia, sabemos bien sabido que antes de la visión tétrica del 68, existía el carnet esperanzador del Concilio Vaticano II, en especial de *Gaudium et Spes,* señal certera del signo de los tiempos.

El 68 puso en evidencia temas urgentes como los riesgos del armamentismo, de la pobreza, de la destrucción del ambiente; puso en evidencia que los valores se habían marchitado y que no había respuestas idóneas; y puso en evidencia, en fin, que la trascendencia de la historia había sido reducida a la exigua categoría de relato intrascendente.

Cuando constatamos lo anterior, nos explicamos la insistencia que frente a tales fenómenos generados en el mundo universitario, tuvo el entonces Profesor y luego Cardenal Ratzinger, quien venía del Concilio, de cumplir como perito pontificio su rol en el rescate de las raíces cristianas. Para Benedicto XVI importa sobremodo la *globalización de las conciencias,* que es por donde resulta necesario empezar. Todo está unido a todo. Somos hilos de un tejido lacerante y no podemos ser buenos y honestos en la vida

privada y lo contrario en la vida pública. Los valores hay que vivirlos con igual lealtad tanto privada como públicamente; y la economía debe alcanzar instancias que sean instrumento de la convivencia. Es absurdo seguir alimentando el mito del crecimiento sin límites, cuando resulta forzoso armonizar los recursos naturales con los recursos sociales.

Es el momento de evocar la frustrada Conferencia del Santo Padre en la Universidad de la Sapienza en Roma el 17 de enero de 2008, que no pudo ser leída por la intolerancia en esa casa de sabiduría. En aquel hermoso documento, alerta el Papa sobre el riesgo que enfrenta el mundo occidental, de caer en la deshumanización.

Por consiguiente, vale la pena colocarse en meditación sobre las palabras pronunciadas por el Santo Padre en el recinto de las Naciones Unidas en Nueva York: ha llegado el momento de cambiar, dijo, y hay que tener el optimismo de exaltar los derechos humanos porque aún no es demasiado tarde. Y evocar el lenguaje papal en San Patricio como *el mensaje de la esperanza*.

IV. LA SUBVERSION DE LA POBREZA

La presente reunión que me honro en presidir por voluntad generosa de Su Santidad y de esta augusta Academia; y en representación de estudiosos latinoamericanos que se sienten exaltados en la persona de este viejo profesor, es alta instancia de acontecimientos memorables en la intencionalidad pontificia, *mensaje de la nueva primavera* expuesta en la admirable visita norteamericana.

Hace ya cuarenta años desde marzo de 1967, el Papa Paulo VI sorprendía con la Encíclica *Populorum Progressio,* documento iluminado que estremeció la conciencia del mundo, rompió el mutismo de quienes desde el poder no querían ver la tempestad que se acercaba e hizo trizas las ideologías agazapadas detrás del llanto de los pueblos.

Solidaridad y subsidiariedad son actuales: así se destacó una vez más en el Seminario convocado por el *Instituto de Estudios Sociales Juan Pablo II* en Bogotá, que contó con la docta participación de la Profesora Glendon. En su conferencia nos recordaba que fue en Bogotá donde se ideó la primera declaración mundial sobre los derechos humanos en los albores de 1948; y nos recordaba, además, sobre la globalización de los mismos trascendentales derechos, lo que un día dijera Tocqueville acerca de la democracia: que su avance era irreversible, pero que la única inquietud consistía

en si iba a llevar a más libertad y a más prosperidad, o si, por el contrario, se expresaría en nuevas formas de opresión.

Porque los problemas que acarrea el petróleo, no solo se reflejan en que sea más costoso desplazarse de un lugar a otro, sino además en que en los países donde el hambre campea en la expresión de un vivir invivible, estimulada por el frenesí de los biocombustibles, son cada día más impagables los alimentos y las materias primas. Entonces el hambre se subleva y se transmuta en la *subversión de la pobreza*. La cual llega con su cortejo de inseguridad y termina sitiando a las ciudades, no ya con elaboraciones retóricas sino con desafíos explosivos como la violencia y las olas crecientes de migrantes. El Presidente Kennedy sostenía, con razón, que una sociedad libre que no puede ayudar a los muchos pobres, tampoco podrá salvar a los pocos ricos.

V. Todavia no es demasiado tarde

Distinguidos académicos, admirado Monseñor Sánchez Sorondo, personalidades invitadas:

Con devoción, quiero hacer llegar al Santo Padre, en nombre de los miembros de la Academia, nuestra felicitación por su feliz cumpleaños, celebrado tan bella y significativamente en la Casa Blanca en Washington. Felicitación por el comienzo del cuarto año de su elocuente pontificado. Felicitación por su visita inolvidable a los Estados Unidos y a las Naciones Unidas. Felicitación por la hermosa Eucaristía en la majestuosa San Patricio y en el soberbio Yankee Stadium; por su mensaje profundo y radiante sobre la inmanencia de los derechos humanos, que deben prevalecer en el interior de la naciones y en el ámbito internacional. Y, sobretodo, felicitación porque sus testimonios de fe y claridad, de coherencia y solidaria preocupación por la cultura de la vida, van dejando señales claras del sendero escueto que debemos recorrer.

Me detengo reverente ante la tumba de S.E. el Cardenal Alfonso López Trujillo, para dejar sobre ella una plegaria como una flor o como el incienso gótico del Papa Benedicto XVI, bajo las ojivas de San Patricio; por el combatiente denodado de la dignidad humana y de la familia; una oración en el jardín de la amistad, que según Aristóteles es un bien entitativo del ser humano, más que un sentimiento o un bien deseable como la riqueza, así lo evocaba el filósofo español Pedro Lain Entralgo. De la mano de la *Populorum Progressio* como si fuera un bordón pastoril, recorrimos varios

países latinoamericanos; fundamos el Instituto Fiel (*Instituto de Estudios Sociales Juan Pablo II*). Y juntos preferimos ser, como lo son Ustedes, distinguidos Académicos, distinguidos visitantes, *servus servorum veritatis*. ¡Paz en la tumba del adalid de la familia, del gran servidor de los servidores de la verdad, el Cardenal López Trujillo!

Doctos Académicos, todavía no es demasiado tarde...! Pero no tenemos derecho a llegar cuando ya los hechos sean irreversibles. Estamos a tiempo de cumplir el compromiso. Nos están esperando los desesperanzados. ¡Sí; todavía es tiempo de oír las cadencias de las campanas que nos llaman desde la esperanza. Dios también las está escuchando!

PURSUING THE COMMON GOOD: HOW SOLIDARITY AND SUBSIDIARITY CAN WORK TOGETHER

MARGARET S. ARCHER AND PIERPAOLO DONATI

1. In the *Compendium of the Social Doctrine of the Church* (paragraphs 160-163) we read that the principles of *the dignity of the human person*, *the common good*, *subsidiarity* and *solidarity* are the permanent principles of the Church's social doctrine. They constitute the very heart of Catholic social teaching.

'These principles, the expression of the whole truth about man known by reason and faith, are born of "the encounter of the Gospel message and of its demands summarized in the supreme commandment of love of God and neighbour in justice with the problems emanating from the life of society". In the course of history and with the light of the Spirit, the Church has wisely reflected within her own tradition of faith and has been able to provide an ever more accurate foundation and shape to these principles, progressively explaining them in the attempt to respond coherently to the demands of the times and to the continuous developments of social life. *These are principles of a general and fundamental character, since they concern the reality of society in its entirety*: from close and immediate relationships to those mediated by politics, economics and law; from relationships among communities and groups to relations between peoples and nations. Because of their *permanence in time* and their *universality of meaning*, the Church presents them as the primary and fundamental parameters of reference for interpreting and evaluating social phenomena, which is the necessary source for working out the criteria for the discernment and orientation of social interactions in every area'. (160 & 161)

2. On the other hand, as we observe social phenomena in contemporary societies, we see that these principles are largely misunderstood. Quite often they are interpreted in ways which are very far from the meaning and intentions proper to the social doctrine. As a matter of fact, reductionist and

biased interpretations prevail almost everywhere. For instance: the common good is identified with material goods, like water, a healthy environment, or similar things; solidarity is identified with feelings of love, or philanthropy, or public charity; subsidiarity is defined as leaving decisions to the lower levels of the political system (see art. 3/B of the EU Maastricht Treaty). These misinterpretations lead to serious consequences. Take, for example, the case of the family: the common good of the family is identified with its assets, family *solidarity* with sentiments of love, *subsidiarity* with leaving each actor to define the family as he/she likes. At the macro level of the national state, *solidarity* is defined in terms of political control over resources, the pursuit of equal opportunities, redistribution via the welfare state (*lab* side); and *subsidiarity* is identified with devolution or privatization (*lib* side). These examples are only a few of the general misunderstandings surrounding key concepts – the common good, solidarity and subsidiarity.

3. The 2008 Plenary Meeting is based upon taking the present situation as a challenge to the social doctrine, which is requested to reflect anew on how society can achieve a configuration that is able to implement its principles. We must look for a proper vision of a truly human society by taking into consideration the cultural, social, economic and political changes of our times in the light of the Christian perspective.

In sum, the aims of this Plenary can be synthesised in three points:

(i) first, it is necessary to examine in depth the current uses of these concepts in order to clarify their correct meaning; such a clarification should be undertaken with reference both to the historical aspects of the concepts and to the way they are put into practice today;

(ii) second, it is particularly important to try to look at social reality and see if there are both theoretical developments and practical exemplars of the correct use of these principles, showing how subsidiarity and solidarity can work together in order to produce the common good in an effective way;

(iii) third, if the two above aims are achieved, we can expect that new ideas and practical orientations will be put at our disposal in order to think of a new configuration of society, one that leaves behind the Hobbesian and Hegelian heritages which still impinge upon contemporary societies and impede the sound working of the four basic principles of the social doctrine.

4. In seeking to accomplish these aims, special attention will be given to the issue of the interdependence among the four principles, and how they can and should work together.

As the *Compendium of the Social Doctrine* reminds us (paragraphs 162-163); *'The principles of the Church's social doctrine must be appreciated in their unity, interrelatedness and articulation*. This requirement is rooted in the meaning that the Church herself attributes to her social doctrine, as a unified doctrinal corpus that interprets modern social realities in a systematic manner. Examining each of these principles individually must not lead to using them only in part or in an erroneous manner, which would be the case if they were to be invoked in a disjointed and unconnected way with respect to each of the others. A deep theoretical understanding and the actual application of even just one of these social principles clearly shows the reciprocity, complementarities and interconnectedness that is part of their structure. These fundamental principles of the Church's social doctrine, moreover, represent much more than a permanent legacy of reflection, which is also an essential part of the Christian message, since they indicate the paths possible for building a good, authentic and renewed social life. *The principles of the social doctrine, in their entirety, constitute that primary articulation of the truth of society by which every conscience is challenged and invited to interact with every other conscience in truth, in responsibility shared fully with all people and also regarding all people*. In fact, man cannot avoid the *question of freedom and of the meaning of life in society*, since society is a reality that is neither external nor foreign to his being. *These principles have a profoundly moral significance because they refer to the ultimate and organizational foundations of life in society*. To understand them completely it is necessary to act in accordance with them, following the path of development that they indicate for a life worthy of man. The ethical requirement inherent in these pre-eminent social principles concerns both the personal behaviour of individuals – in that they are the first and indispensable responsible subjects of social life at every level – and at the same time institutions represented by laws, customary norms and civil constructs, because of their capacity to influence and condition the choices of many people over a long period of time. In fact, these principles remind us that the origins of a society existing in history are found in the interconnectedness of the freedoms of all the persons who interact within it, contributing by means of their choices either to build it up or to impoverish it'.

5. In the social teaching of the Church, *solidarity* and *subsidiarity* are viewed as linked, mutually reinforcing and necessary to realising the *common good*. Ideally, this is the case. Indeed, it being the case is what makes for a robust civil society – one serving the common good and respecting the

dignity of each and every person. However, the relationship between *solidarity* and *subsidiarity* is more complex than implied above. Moreover, circumstances have changed so radically that by the third millennium the desired relationship between *solidarity* and *subsidiarity* is badly out of alignment. Therefore, what we have to examine during the 2008 Plenary Meeting are the possibilities for aligning these two features of society in a newly transformed social context in which the common good has become more and more problematic.

(a) Firstly, it is necessary to acknowledge that the relationship between *solidarity* and *subsidiarity* can never be taken for granted because their relations are not symmetrical. It is possible for *solidarity* to be high and for *subsidiarity* to be low. This was the case during early Modernity. Throughout Europe the *solidarity* of the Working Class *community* was at its peak. Yet, early capitalism was precisely where Market control was at its (unrestrained) highest and commodification reduced the value of working people to the wage form. Certainly, a thrust towards *subsidiarity* developed in the attempt to found Trade Unions, but it was deflected into wage bargaining and away from control over the work process, working conditions, and work relations, let alone production and productivity. In short, Unions were incorporated into market relations and into the government of the liberal state.

(b) Equally, *subsidiarity* cannot work without *solidarity*. If such a combination is tried, then the organs of *subsidiarity* distance themselves still further from *solidarity*. These agencies are either commandeered from below, by parties claiming to speak for their 'community', and/or they are invaded from above, by the commanding powers of the state bureaucracy. For example, the relative autonomy of the Academy in Europe has seen both autonomy and collegiality reduced by the imposition of government performance indicators and accountability. Subsidiarity has been forfeited largely because there has been insufficient solidarity between academics to defend it.

(c) The conjunction between these two social forms – *solidarity* and *subsidiarity* – and thus their contribution to achieving the common good is therefore contingent and not axiomatic. This is the case despite their mutual reinforcement *when* they do happen to co-exist. Moreover, it also seems indubitable that much contemporary social change militates against their co-existence. Specifically, what has changed that makes the conjunction between *solidarity* and *subsidiarity* ever more problematic?

(d) There is a diminishing supply of community-based *solidarity*, of shared values and, thus, of social cement. Everywhere, a variety of changes undermine the stable, geo-local and face-to-face community. Certainly, *elec-*

tive communities (and virtual communities and imagined communities) are on the increase, but without making any significant contribution to the overall *social solidarity* necessary to sustain *subsidiarity*, since, at best, it remains extremely restricted in kind (e.g. football and FIFA).

(e) Conversely, the invasion of everyday life by market forces (advertising, easy credit facilities and money as the sole currency) and by bureaucratic regulations (national and trans-national) jointly accentuate increased materialism within an enlarged iron cage of bureaucracy.

Can this infelicitous cycle be broken? Here we have to consider the role of reciprocity.

6. To do so, it is necessary to be able to point to some process whose workings amplify *solidarity* and *subsidiarity* simultaneously, thus enabling the common good to be augmented. We find the key linking the two in the concept and practice of *reciprocity*.

Reciprocity comes into its own as a 'starting mechanism'. In so doing, it solves a problem encountered in studies of participation in voluntary associations. It is regularly found that membership of them increases trust of fellow members and in general, and trust is the common denominator of *solidarity*. Yet, where does the impetus come from to develop voluntary associations in the first place?

The role of *reciprocity* as a 'starter motor' has long been recognised. Cicero wrote that 'There is no duty more indispensable than that of returning a kindness', and added that 'all men distrust one forgetful of a benefit'. However, *homo reciprocus* has often been and often is subject to a one sided accentuation (actually a distortion) of his contributions and their consequences.

For example, Marcel Mauss saw reciprocal gifts as underwriting exchange relationships and, thus, inexorably leading to the Market and its inhuman principles. Conversely, Alvin Gouldner viewed *reciprocity* as a generalised social norm, stabilised by a 'mutuality of gratifications' (a *do ut des* relationship) and socially stabilising in its turn. However, such 'mutuality' was always at the mercy of force which, in turn, undermined *reciprocity* and replaced it by relations of coercion. Note, that neither view can sustain an active view of *justice* (law working for the common good), for in the two cases Law would serve respectively to reinforce market relations and power relations.

Some notions, seemingly cognate to or substituting for *reciprocity*, actually break away in the same two directions – towards market relations or towards power relations. Thus, the economic and political theory of 'social

capital' tends to assume that even the most *Gemeinschaft*-like groups are based upon 'interest', whose advancement (or defence) involves exchanges with other forms of capital and thus entails a commodification of persons which is antithetic to *solidarity* and *subsidiarity* alike. Conversely, Communitarianism, as its liberal critics suggest, seeks to combine the virtues of fraternity with the vices of intolerance.

Reciprocity is linked to free-giving. *Reciprocity* can only be the key link between *solidarity* and *subsidiarity* provided that it retains its own linkage to free-giving – based upon affect, concern and involvement in the lives and well-being of others.

There appears to be sufficient impetus towards free-giving in our populations (for example, organ donors or blood donors) that fuels *reciprocity* as a process that is independent of legal injunctions or reinforcement and expansionary rather than degenerate. Crucially, for our times, the free-giving, without search for material benefit or control, evidenced on the Internet – a neutral medium, also exploited for both other purposes – is a practical exemplification of (virtual) *solidarity* and effective *subsidiarity* that works *because* of *reciprocity* and could not work without it.

It is *reciprocity* that also results in an upward spiral, which reinforces *solidarity* because more and more of the human person, rather than just their labour power and intellectual skills, is invested in such agencies as voluntary associations – rendering their contributions ones that cannot be commodified or commandeered (e.g. dedicated child care, care of the aged, or living in an eco-friendly manner). It is an upward spiral because: (a) there is a development of mutual obligations and practices of mutual support; (b) there is an extension of 'friendship' (in the Aristotelian sense); (c) there is a tendency for social identity increasingly to be invested in such associations.

Hence, the seeming paradox of the third millennium that *Gemeinschaft* can develop from *Gesellschaft* – as the solution to the problem Modernity could never solve – 'the problem of solidarity'.

7. Justice should promote the common good. *Subsidiarity* requires both legal protection and mechanisms for just correction. Otherwise, and regardless of being buttressed by internal *solidarity*, it can be taken over by other forms of control and guiding principles or fragment through the crystallisation of sectional interests.

Thus, on the one hand, there is a need for protection by a form of justice differentiated for different spheres of society, according to criteria appropriate to them. Most obviously, the 'Third Sector' requires protection

from incursions from the state, beyond those measures ensuring probity in the conduct of their affairs.

On the other hand, *subsidiarity* entails allocation, but of itself neither the 'Third Sector' nor classical definitions of justice give sufficient guidance about what is due to each social subject or human group. Without the articulation of such a theory, grievances can accumulate and hierarchies with distinct material interests become differentiated, such that no common good can really be achieved.

8. That's why this Plenary Meeting will give serious attention to 'practical exemplars' of *solidarity* and *subsidiarity* in action, to prevent this from being an arid, though necessary, academic exercise. Between the theory and the practice, what we will effectively be examining are the building blocks of a new civil society able to reach new frontiers in the advancement of the common good. The following topics will be illustrated: new forms of solidary and subsidiary economy; educational initiatives in developing countries; state-family relationships; access to information goods (the internet); micro-credit and the third sector.

PROGRAMME

FRIDAY 2 MAY 2008

Welcome by the Dean-President of the Academy
Belisario BETANCUR

Subject of the Meeting
Margaret S. ARCHER and Pierpaolo DONATI, Coordinators of the Meeting

FIRST SESSION – *Subsidiarity, Solidarity and the Common Good*

Roland MINNERATH: *The Basic Principles of the Social Doctrine: Their Interpretation as a Challenge*
Commentator:
Marcelo SÁNCHEZ SORONDO

Russell HITTINGER: *Subsidiarity, Solidarity and the Common Good*

Dialogue: Roland MINNERATH and Russell HITTINGER

Jacques GODBOUT: *Free-Giving in the Lifeworld*
Alain CAILLÉ: *Reciprocity and the Common Good*
Commentator:
Frédéric VANDENBERGHE

Practical Exemplar 1
Michel BAUWENS: *Electronic Giving and Sharing*

SATURDAY 3 MAY 2008

SECOND SESSION – *Family and Education*

Pierpaolo DONATI: *The State and the Family in a Subsidiarity Society*
Commentator:
Manfred SPIEKER

Practical Exemplar 2
Jan SCHRÖDER: *The Initiative 'Lokale Bündnisse für Familie'*

PAPAL AUDIENCE

Margaret S. ARCHER: *Subsidiarity, Solidarity and State Educational Systems:*
Past, Present and Future
Commentator:
Juan J. LLACH

SUNDAY 4 MAY 2008

Trip to Naples

MONDAY 5 MAY 2008

THIRD SESSION – *Economy and Civil Society*

Stefano ZAMAGNI: *Reciprocity as the Motor of a Civil Society Oriented*
Towards the Common Good
Commentator:
José T. RAGA

Practical Exemplar 4
Luigino BRUNI: *New Forms of Economy: The Economy of Communion*

Partha DASGUPTA: *Social Capital and Personal Identity*
Commentator:
Joseph STIGLITZ

Practical Exemplar 5
Giorgio Vittadini: *Organizations Acting in a Subsidiarity Way in Civil Society (the Case of the 'Food Bank')*

Practical Exemplar 6
Alfonso Prat-Gay: *Micro-Credit: Innovative Organizations in the Third Sector*

Fourth Session – *Social Justice and the Common Good*

Rafael Alvira: *Social Justice and the Common Good Within and Between Different Spheres of Society*
Commentator:
Rocco Buttiglione

Pedro Morandé: *Subsidiarity in Chilean Education*
Commentator:
Juan J. Llach

Practical Exemplar 3
Alberto Piatti: *A Global Educational Program: The Case of Novos Alagados, Salvador Bahia*

Round Table:
Ombretta Fumagalli Carulli
Angelika Nussberger
Vittorio Possenti
Herbert Schambeck
Louis Sabourin
Krzysztof Skubiszewski
Mina Ramirez

General Discussion

Pierpaolo Donati: *Prospects: Discovering the Relational Character of the Common Good*

LIST OF PARTICIPANTS

ACADEMICIANS

Prof. Margaret S. Archer
University of Warwick
Department of Sociology
Coventry CV4 7AL, Warwickshire (United Kingdom)

Prof. Belisario Betancur
Fundación Santillana para Iberoamérica
Calle 80, N° 9 – 75, Apartado Aereo 3974
Bogotá (Colombia)

Prof. Rocco Buttiglione
Senato della Repubblica
Palazzo Madama 11
I-00187 Roma (Italy)

Prof. Partha S. Dasgupta
University of Cambridge
Faculty of Economics and Politics
Austin Robinson Building – Sidgwick Avenue
Cambridge CB3 9DD (United Kingdom)

Prof. Pierpaolo Donati
Università di Bologna
Facoltà di Scienze Politiche, Dipartimento di Sociologia
Strada Maggiore 45
I-40125 Bologna (Italy)

Prof. Ombretta Fumagalli Carulli
Università Cattolica del Sacro Cuore
Facoltà di Giurisprudenza
Largo A. Gemelli 1
I-20123 Milano (Italy)

H.E. Ambassador Mary Ann Glendon
Embassy of the United States to the Holy See
Villa Domiziana, Via delle Terme Deciane 26
I-00153 Roma (Italy)

Prof. Hsin-Chi Kuan
Chairman of the Department of Government & Public Administration
Faculty of Social Sciences
Third Floor, T.C. Cheng Building
Chinese University of Hong Kong
United College, Shatin, New Territories
Hong Kong

Lic. Juan José Llach
Urquiza 875
(B1638BWC) Vicente López
Buenos Aires (Argentina)

Mr. Justice Nicholas J. McNally
74 Darrenwood Village
Private Bag X5
Linden, 2105 (South Africa)

H.E. Msgr Prof. Roland Minnerath
Archêveché
20 rue du Petit-Potet
F-21000 Dijon (France)

Prof. Pedro Morandé
Pontificia Universidad Católica de Chile
Decano de la Facultad de Ciencias Sociales
Avenida Vicuña Mackenna 4860 – Casilla 306, Correo 22
Santiago (Chile)

Prof. Angelika Nußberger
Institut für Ostrecht der Universität zu Köln
Klosterstr. 79d
D-50931 Köln (Federal Republic of Germany)

Prof. Vittorio Possenti
Dipartimento di Filosofia e Teoria delle Scienze
Università Ca' Foscari di Venezia, Palazzo Nani Mocenigo
Dorsoduro 960
I-30213 Venezia (Italy)

Prof. José T. Raga
Paseo de la Castellana 153 – 7°
28046 Madrid (Spain)

Prof. Mina Magpantay Ramirez
Asian Social Institute
Graduate School of Social Transformative Praxis
1518 Leon Guinto Street, Malate
Manila 1004 (Philippines)

Prof. Kevin Ryan
20 Crafts Road
Chestnut Hill, MA 024678 (USA)

Prof. Louis Sabourin
Université du Québec
École Nationale d'Administration Publique (GERFI)
4750 rue Henri-Julien
Montréal, Québec H2T 3E5 (Canada)

H.E. Msgr Marcelo Sánchez Sorondo
Cancelliere della Pontificia Accademia delle Scienze
e delle Scienze Sociali
Casina Pio IV
V-00120 Città del Vaticano

Prof. Herbert Schambeck
Hofzeile 21
A-1190 Vienna (Austria)

Rev. Msgr Prof. Michel Schooyans
Voie du Roman Pays 31-101
B-1348 Louvain-La-Neuve (Belgium)

Prof. Krzysztof Skubiszewski
Iran-United States Claims Tribunal
Parkweg 13
NL-2585 JH Den Haag (The Netherlands)

Professor Joseph Stiglitz
Columbia University – Graduate School of Business
3022 Broadway, 814 Uris Hall
New York, NY 10027 (USA)

H.E. Ambassador Hanna Suchocka
Embassy of Poland to the Holy See
Via dei Delfini 16, int. 3
I-00186 Roma (Italy)

Prof. Wilfrido V. Villacorta
107 Kamagong Street
Ayala Alabang Village
Alabang, 1780 Muntinlupa City
Metromanila (Philippines)

Prof. Bedřich Vymětalík
Advocate Office
Lískovecká 2089
738 01 Frydek-Mystek (Czech Republic)

Prof. Hans F. Zacher
Max-Planck-Institut für Auslandisches und Internationales Sozialrecht
Amalienstrasse 33
D-80799 Munich (Federal Republic of Germany)

Prof. Paulus Zulu
University of Kwazulu Natal
Director, Maurice Webb Race Relations Unit
King George V Avenue
4041 Durban, Natal (South Africa)

STIFTUNG

Dr. Dr. Herbert Batliner
Aeulestrasse 74
FL-9490 Vaduz (Principality of Liechtenstein)

Mr. Cornelius G. Fetsch
Rahmerstrasse 34
D-40489 Düsseldorf (Federal Republic of Germany)

H.E. Msgr Egon Kapellari
Diozesanbischof Graz-Seckau
Bishofplatz 4, Postfach 872
A-8011 Graz (Vienna)

Dr. Martin Strimitzer
Präsident des Bundesrates i.R.
Kirchstrasse 49
A-6091 Götzens, Tirol (Austria)

PONTIFICAL COUNCIL FOR JUSTICE AND PEACE

H.E. Msgr Giampaolo Crepaldi
Segretario del Pontificio Consiglio 'Iustitia et Pax'
Palazzo S. Calisto
V-00120 Città del Vaticano

OUTSIDE EXPERTS

Prof. Rafael Alvira
University of Navarra
Department of Philosophy
31080 Pamplona (Spain)

Prof. Michel Bauwens
7/5 Moo 3, Soi Anusavarising, Chotana Rd.
Chiang Mai, TH 50300 (Thailand)

Prof. Luigino Bruni
Università degli Studi di Milano-Bicocca
Dipartimento di Economia Politica
Piazza dell'Ateneo Nuovo 1
I-20126 Milano (Italy)

Prof. Alain Caillé
MAUSS
3 avenue du Maine
F-75015 Paris (France)

Prof. Jacques Godbout
INRS
385 rue Sherbrooke Est
Montréal, Québec H2X 1E3 (Canada)

Prof. Russell Hittinger
University of Tulsa
Department of Philosophy and Religion
600 South College Ave.
Tulsa, OK 74104-3189 (USA)

Dr. Alberto Piatti
Segretario Generale
Fondazione AVSI
Via Legnone 4
I-20158 Milano (Italy)

Dr. Alfonso Prat-Gay
Presidente
Fundación Andares
Viamonte 634, 2°
(C1053ABN) Buenos Aires (Argentina)

Prof. Jan Schröder
JSB Dr. Jan Schröder Beratungsgesellschaft mbH & Co. KG
Argelanderstraße 1
D-53115 Bonn (Federal Republic of Germany)

Prof. Manfred Spieker
Universität Osnabrück
Schloßstraße 4
D-49069 Osnabrück (Federal Republic of Germany)

Prof. Frédéric Vandenberghe
IUPERJ
Rua da Matriz 82
Botafogo
22260-100 Rio de Janeiro RJ (Brazil)

Prof. Giorgio Vittadini
Presidente della Fondazione per la Sussidiarietà
Via Torino 68
I-20123 Milano (Italy)

Prof. Stefano Zamagni
Università degli Studi di Bologna
Dipartimento di Scienze Economiche
Piazza Scaravilli 2
I-40126 Bologna (Italy)

SCIENTIFIC PAPERS

First Session

SUBSIDIARITY, SOLIDARITY AND THE COMMON GOOD

THE FUNDAMENTAL PRINCIPLES OF SOCIAL DOCTRINE. THE ISSUE OF THEIR INTERPRETATION

ROLAND MINNERATH

I. WHY DO WE NEED PRINCIPLES?

Social doctrine is not denominational. It is not about imitating the ideal society either. It is not primarily prescriptive. It does not suggest practical solutions to the variety of situations that people encounter during the organisation and functioning of society. It is not a synthesis of the existing ethos. It aims at highlighting the vital arteries that carry the lifeblood to those societies that claim to be worthy of men. It is aware of each society's different value system and ethical structures, as well as of the difficulty of establishing a dialogue between different cultural paradigms. However, it is convinced of the possibility of identifying, by means of rational analysis, the permanent structures of life in society: the concepts that predate it, its goal, the conditions for its accomplishment and organisation. This set of elements takes on the form of principles. A principle is not an abstraction but the expression of a real relationship, subject to various practical definitions, among the members of society and between them and the whole of society.

The method of social doctrine is inductive. It observes and analyses human behaviour. It draws from it the unchanging elements that come into play within life in society. It presumes an anthropology at the centre of which is the dignity of the human person. Social doctrine consists in discovering the fundamental relations existing among men by virtue of their very humanity. Man and his interhuman relations result from an order that is inscribed within the nature of each being.

Social doctrine is inspired by biblical anthropology and the theology of creation. Its elaboration derives from the rational level, by means of which men of various beliefs can communicate and seek the truth together. Biblical revelation does not consist in a heterogeneous given in relation to rea-

son, but in a dialogue that stimulates reason. The systematic elaboration of a social doctrine is culturally located in the universe of Graeco-Roman thought. The discoveries of reason and the reception of revelation are located within a structuring osmosis, because reason and revelation have the same author and the same goal: the universe, its origin and end. The principles of social doctrine are the rational articulations of the vision of man and society brought to us by biblical thought.

To interpret these principles correctly we must turn to the source that generated them: a biblical anthropology and certain categories of thought drawn from Greek philosophy. Today we can observe a drifting in the interpretation of the notions of dignity, common good, solidarity, subsidiarity, when these are placed within the contemporary context of individualism and legal positivism. The principles recalled here only make sense in the coherence of social doctrine that presumes the existence of a natural ethical order. These principles can inspire all kinds of concrete choices dictated by the circumstances of places and times, without losing their value as constant paradigms of the structuring of life in society.

II. THE CONCEPTS PREDATING LIFE IN SOCIETY

The principles of social doctrine derive from human nature. This is its source of inspiration. Thus, before proceeding to a vision of the organisation of social life, we must consider the concepts that predate it and that are non negotiable: an anthropology and a natural order. The whole of social ethics concerns man in his irreducible personal dimension and in his social dimension.

1) The first concept is man himself. We grasp this starting from the concept of *person*. The theological origin of this concept is well known. It is the Christological dogma that has highlighted the fullness of the notion of person, Christ being 'one person with two natures'. The notion of person expresses the unity of he who, 'without confusion, without change' is at the same time God and man. Boethius' famous definition: 'a person is an individual substance of a rational nature', contains the idea that every human being, distinguished from the other living beings for his capability to know and understand (reason), is irreducible to his physical component as he is to his psychological one. The irreducible dignity of human beings, which the legal instruments protecting human rights pay homage to, is of an ontological nature. This dignity is given to the human beings themselves, in their diversity. This ontological dignity entails the equal dignity of all

human beings. It is the cornerstone of the entire social edifice. Life in society, which responds to the intrinsic need of the human person, derives from man's social nature. It must therefore enable his complete fulfilment. It is at the service of the human person. 'Man, far from being the object and a passive element of social life, is on the contrary its subject, foundation and end and must remain it...We say that man is free, bound by his duties, provided with unassailable rights, the origin and end of human society' (Pius XII, *Christmas 1944 Radiomessage*, in: AAS 37, 1945, 5).

We might add that no one can dispose of a person. A substance is first in the order of being. The person is intended as such along all the paths of his or her existence that goes from conception to death. Deciding that the person, that is, the humanity of man only begins at a certain time after conception is arbitrary and gives the person over to human powers. Therefore the person is the foundation of all social ethics. The person predates society and society is not humanising unless it meets the expectations inscribed in the person as a social being.

2) Another contiguous concept predating the organisation of social life is the very existence of the universe which surrounds us. This universe was not created by any man. It was given. Believers consider it to be the work of God the Creator. The ethical principle preceding all others, which derives from it for human beings, is that of the *universal destination of earthly goods*. This principle is non negotiable. It affirms that all that exists, exists for the good and for the fulfilment of all men. Natural wealth, such as the cultural goods created by man, knowledge and techniques, once patented and put on the market, cannot be confiscated by a minority of people or states, but must serve for the progress of all men.

This principle underlies that of solidarity and justice. It also presupposes considering the human race in its unity, which transcends its cultural diversity and political boundaries. From an ethical point of view, if the goods of the world were to be considered the absolute property of those who exploit them or have them available, access by all to these same goods would be compromised. The basis of the right to development and to the access to material and cultural goods lies in the principle according to which no one must be excluded from these same goods. Every human being has the right to access the goods of creation by the very virtue of his or her dignity. This principle does not invalidate the necessary mediations, which are education and economic relations, trade exchanges and technology transfers among people and states. It only sets the goal which humanity must pursue, in a spirit of justice and solidarity, on its way to globalisation.

3) The third element predating social organisation is what we call *natural law*. Natural law governs the relations among people and between people and the universe that surrounds them. It has its roots in the very humanity of man. It is the expression of the structure of the human person who needs recognition, freedom, justice, love and peace. Natural law is an ethical law, not a physical or biological one. It is inscribed in all the dimensions of the human being who reacts on the basis of his or her biological, psychological or social conditionings, but also as someone capable of passing his or her own judgement and therefore of doing a moral deed.

Natural law originates from anthropology. It derives from the inclinations that men have towards what is good and fair. These inclinations are perceived and processed by reason, which is capable of discerning between good and evil by noticing the objective order of things. The morality of a deed presumes an element of free will. Ethics is involved where there is freedom. Natural law is the convention proposed to human freedom. It has yet to be discovered and chosen. It is not of the order of determinism. Natural law inspires natural right, which is the part of natural law that governs relations among people and between people and the community.

III. The common good and the conditions for its accomplishment

When one addresses the sphere of the construction of society, which is a work of reason, the first consideration to emerge is that of its finality. Why society? In order for a person to reach fulfilment, the human being needs the web of relations that he establishes with other people. He thus places himself at the centre of a web formed by concentric circles that are the family, his home, his workplace, his neighbours, his nation and, finally, the whole of humanity. A person draws from each of these circles the necessary elements for his growth, at the same time as he contributes to their improvement. What a person cannot obtain by himself, but receives thanks to his quality as a social being, is the *common good*.

The essential purpose of all authority established within a society is to serve the common good. Justice, peace and security are all part of the common good. The society that is organised with a view to the common good of its members fulfils a need within the social nature of the person. 'The common good…is intimately bound up with human nature' (John XXIII, Encyclical *Pacem in Terris*, 1963, 55). The common good can be understood as the set of conditions that enable a person to become more and more

human. (cf. *Idem*, 65). Even when it is considered in its exterior aspects: economy, security, social justice, education, access to employment, spiritual research, etc., the common good is always a human good.

There is a common good which is identifiable at each organisational level of society. The common good sometimes requires the sacrifice of an individual good. The pursuit of the common good allows the city to mobilise the energies of all its members, for example when it is necessary to defend it from an aggression. Societies can be defined by the type of common good that they intend to provide to their members. The vision of common good evolves hand in hand with the societies themselves, because the awareness of the needs of the common good changes with the concepts of person, justice and role of public authority. Society must establish this created natural order, subject to the apprehension of reason.

The fundamental conditions that must be met in order for the common good to be discerned and achieved are: freedom, truth, justice and solidarity (cf. John XXIII, Encyclical *Pacem in Terris,* 37). These four social virtues, which respond to the natural inclinations of man, must be pursued together in order to assure the common good. If a single one of these conditions is not met, the city is no longer humanising, but becomes oppressive or anarchic.

In fact, *freedom* is the first condition of a humanly acceptable political order. Without the freedom to follow one's conscience, to express one's opinions and to pursue one's projects, the city is not human. Without the search and respect for the truth, there is no society, only a dictatorship of the strongest. A person's freedom is more than ever on the agenda of the media-driven society, which is submitted to the manipulation of the spirit and to the ideological conformism of a single ideology.

Only the search for the *truth* is capable of getting men to converge towards common objectives. The very existence of truth is denied by those who think that it is an obstacle to pluralism and democracy. Now, truth cannot be appropriated by anyone; it is always in front of us. Le characteristic of truth is to impose itself on the mind by its very strength. Without this horizon of truth, including in the ethical domain, it is the most skilled or the strongest who will impose their own truth. The first condition for freedom is truth.

Without *justice* there is no society: violence reigns. Justice is the highest good that a city can provide. Justice ensures to each his due, both in the relations among people and between each person and the community. It presumes the search for the truth and the solidarity that binds the members of the same society. It assumes that what is fair must always be sought, and

that the law is applied with care according to each particular case, because fairness is the perfection of justice.

Moreover, society must be governed in a *solidary* manner, and the goods it has available must satisfy everyone's needs.

IV. SOLIDARITY

V. We will now focus in particular on the role of *solidarity* in the pursuit of the common good. The Church's social doctrine has hesitated to employ the concept of solidarity, long considered branded by the socialist ideology. In actual fact, the central concept underlying social doctrine is that of *philia*, in the sense in which Aristotle intended society as a community of individuals aiming towards communion (*koinonia*). *Philia* is the feeling of belonging to a same group that leads us to love our neighbour. It is an inner movement that breeds the desire to contribute personally to the good of the other members of one's community. The concept of *philia* was included in the Church's social doctrine first under the classic name of friendship, by Leo XIII (Encyclical *Rerum Novarum* 20-21), then of 'social charity' by Pius XI (Encyclical *Quadragesimo Anno,* 1931, 95), charity being the love for one's neighbour, which proceeds from an inner movement capable of producing the bond required by society. John Paul II's encyclical *Centesimus Annus*, (CA 1991, 10) tells us that this same concept has been rendered, more than once, by that of 'civilisation of love', especially in Paul VI's texts (cf. Paul VI, World Peace Day, 1977). Today this concept has also been taken up again within that of solidarity. John Paul II adds: 'Solidarity helps us to see the "other" – whether a person, people or nation –. ...as our "neighbour", a "helper" (cf. Gen 2:18-20), to be made a sharer, on a par with ourselves, in the banquet of life to which all are equally invited by God' (Encyclical *Sollicitudo Rei Socialis*, 1987, 39).

The very fluctuation of these terms enables us to better define the contours of solidarity. It is not the Christian *agapè*, the theological virtue that is the unconditional love for others, including even the sacrifice of one's life following the model of Christ's love for us. But it is much more than the organised solidarity of our societies. It appeals to the free commitment of people who feel and know they are responsible for one another and interdependent.

Since it is rooted in the very nature of man, a social being by nature, the virtue of solidarity must be organised both at the level of society, and at the level of international relations. As a principle of political and social organ-

isation (cf. CA 10), solidarity is a condition for the achievement of the common good. Therefore it takes the form of intergenerational solidarity, of solidarity towards those people who have been marginalised by the economic system or by an impairment, of social welfare, of retirement benefits, towards the weak in general.

V. SUBSIDIARITY

In highlighting the interaction of the four pillars of a social organisation that is at the service of the common good of its members, we still have not examined the principle according to which this organisation must be structured. This principle is *subsidiarity*, to which we must add the principle of *participation*. Participation is the expression of the equal dignity of each person and of his or her common vocation to deal with the issues concerning him or her. The principle of participation, like the principle of subsidiarity, is the translation, in organisational terms, of the four conditions for the implementation of the common good (freedom, truth, justice and solidarity). Participation and subsidiarity presume, as a prerequisite, an architecture of society similar to the one described. From the point of view of the Church's social doctrine, it is in view of a society understood in this way that the two joint principles of its organisation must be put in practice, i.e. participation and subsidiarity. One realises that these two principles of organisation are not operational unless the abovementioned four conditions are simultaneously met.

Subsidiarity is not located at the same level of social architecture as solidarity. The latter is one of the conditions *sine qua non* of the existence of a human society. Subsidiarity belongs to the 'bene esse' of a society, whereas solidarity belongs to its 'esse'. Without subsidiarity, society can work but it works badly, on the verge of collapse. An extremely centralised organisation of powers can meet temporary needs, without losing sight of the common good. But under normal conditions, all societies must let subsidiarity play its full role.

When Pius XI approached the topic of subsidiarity in his encyclical *Quadragesimo Anno* 86-88, developing Leo XIII's insights in *Rerum Novarum*, 6 and 28, he described it as 'a principle of social philosophy'. Indeed, the idea of subsidiarity does not derive from anthropology but from the very nature of society. This idea can be found in Aristotle. According to him, some natural groupings form in the city: families, tribes, associations, neighbourhoods,

villages. All these natural groupings are self-sufficient for some tasks but not for others. In the fields where they are not self-sufficient, they rely upon a larger grouping. The authority of this larger grouping is subsidiary, as far as the insufficient means of the smaller group are concerned. The city has all the means to help smaller groupings achieve their goals (cf. *Politics* 1252 b 10-29). The city does not destroy smaller societies; it exists to help them survive, by supplying what they cannot provide for themselves. The authority practiced at each level is of a subsidiary nature. The city enables man to live up to his potential, to achieve his goals. This subsidiary role enables the transformation from potency to action, and the deploying of a being's potentiality. At the city level there appears the principle of totality, which only the city is capable of taking into account. The groupings that make up the city are like parts ordered to wholes. The whole is the city that must coordinate the performance of the parts to achieve a common purpose.

St Thomas Aquinas observed, in turn, that the societies to which the person belongs for his or her fulfilment are not ends in themselves, but a necessary aid contributing to the person's improvement. People and natural groups are varied and resistant to uniformity. The political society is made up of groups preserving their autonomy. The vision of the Medieval society is unanimist, objectivised. The foundations of social life are meant to be shared by all. 'Man is not ordained to the political community by what he is and has' (*S.Th*. I-II, q. 21, a. 4, ad 3). However, the finality of authority in the city is to 'attain, increase or preserve the perfection of the things governed' (*Contra Gentiles* III, 73). It must enable natural human groupings to reach their goals: 'correcting, if something is in disorder; subsidising, if something is missing; improving, is something better can be done' (*De Regno* I, 15).

Centuries of absolutism and the French Revolution reinforced the centralising tendency of the states. Hegel responded by placing the concept of 'civil society' in contrast with that of 'political society', which absorbs all the social space. This is why 'civil society' must preserve the maximum autonomy with regard to the state. The state must not centralise everything. It must protect, promote, guarantee and provide for the needs of the public sphere, but not the interests of the individuals. Social wellbeing results from the respect of the natural autonomies. Society must not be absorbed by the state. The rediscovery of the principle of subsidiarity has enabled the reaffirmation of civil society. The latter needs the autonomy which follows from it. Hegel criticises the French and Prussian Jacobin state. The notion of subsidiarity enables the coordination of the need for autonomy of the social groupings with the need to defend general interest.

In the drafting of its social doctrine, the Church has paid growing attention to the principle of subsidiarity. Pius XI reacted against the fascist state that suppressed intermediary bodies. He specified that: 'Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help to the members of the body social, and never destroy and absorb them. The supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly. Thereby the State will more freely, powerfully, and effectively do all those things that belong to it alone because it alone can do them: directing, watching, urging, restraining, as occasion requires and necessity demands' (QA 86).

The principle of subsidiarity presupposes a construction of the common good starting from the basis of society. The source of social life is the person. The person grows within a family, a socioprofessional group, a community, a trade union, a region, a state and beyond. The state must guarantee that each natural or contractual level (companies, public non state-owned bodies) can develop its potentialities at the service of the common good, and must not replace it but for the time necessary to restore their autonomy. Civil society, made up of real players, has its own consistency. The idea of subsidiarity can be deployed when authority emanates from the person and when it is organised from the bottom up.

Authority has as its mission to aid the members of the social body, not to destroy or absorb them. One cannot withdraw from individuals or lower groupings the roles they can play for themselves. Meanwhile, the superior authority must direct, coordinate, encourage and contain the initiatives of the intermediary bodies. Subsidiarity is synonymous with auxiliarity. Subsidiarity does not only regulate the relations between state and intermediary body, it also presides over the distribution of responsibilities between public and private sector within the economy, over the regulation of the efforts in favour of peace among nations and the UN, and over the arbitration between individual initiatives and public responsibility within the field of labour. This principle is also consistent with that of the dignity of the person, and with the participation and search for the common good.

The principle of subsidiarity demands the real practice of the democracy of proximity and respect for autonomies. It binds state intervention to

the criteria of strict necessity. The state is neither the interpreter of the absolute nor of reason. The subsidiary state is voluntarist. It tries to curb two wrong natural tendencies: the individuals' demand for maximum protection (welfare state) and the authority's tendency to invading all domains (centralising Jacobin state). Subsidiarity is a plea for the authentic practice of democracy. Subsidiarity presumes the existence of a common good.

The subsidiary state is different from the Welfare State. The latter tends to take charge of all the needs of society, by relieving intermediary instances of all responsibility. Under the pretext of equality, the welfare state distrusts private and associated initiatives. The subsidiary state encourages the assumption of responsibility at the levels where problems can be solved and reserves the right to intervene in a subsidiary way when the latter are incapable of assuming their responsibilities. The principle of subsidiarity is completely oriented towards the achievement of the common good. An intervention of the higher instance is always justified when the smaller groupings cannot reach alone the objectives they have set for themselves.

The principle of subsidiarity (recourse to a higher decisional level) must be distinguished and completed by the principles of speciality (the higher level only deals with the competences attributed to it) and proportionality (the means employed by the higher level must not go beyond the goal settled upon). Therefore one must distinguish between exclusive competences and shared competences. Subsidiarity is not a principle of allocation of competences, but a principle of regulating the exercise of competences. Subsidiarity comes into play when competence is not exclusive.

VI. RELATIONS BETWEEN SOLIDARITY AND SUBSIDIARITY

I have tried to show that common good, solidarity and subsidiarity are not at the same level in the architecture of the social doctrine. *Common good* is inseparable from the very existence of society. It constitutes its aim. The common good is the goal of social production. It enables men in society to aim for happiness.

Solidarity derives from the social nature of the person who, in order to exist, needs the contribution of the others, as well as knowledge, material and cultural goods accumulated by previous generations and the services of his or her contemporaries. No one can live without any support, in a hostile nature. Each member of society is aware of this and makes an effort to cultivate solidarity as a personal virtue. Society, in turn, organises solidarity.

Subsidiarity concerns the organisation of society, and more precisely the relationship between its different natural components. Natural component means family, community, region, company or administration in which one works, the world of associations, in short, all the forms of organisation called intermediary bodies that are between family and state. Even the state is no longer an environment that ensures all aspects of the common good, only the forms of unions of states such as the European Union or the United States, or even the whole of the international community.

Whereas common good and solidarity derive from the very nature of the person and his or her life in society, subsidiarity arises from the need for good governance and for giving each natural grouping the vital space that it requires. Centralised societies have not known the principle of subsidiarity and have systematically smothered local life and civil society. The structures of governance derive from the organisation into a hierarchy of the responsibilities and powers from the bottom up and not the opposite. Subsidiarity is not obtained by decentralisation, which is a concession of the higher organisational level, but by the lower level's request for assistance to the higher levels of the social organisation.

Between solidarity and subsidiarity there is no automatic reciprocity. Whereas solidarity makes sure that all the members of society have access to the necessary goods for a worthy and human life, subsidiarity protects the good exercise of the government of a given community, by honouring intermediary bodies and the initiative of civil society. Solidarity influences subsidiarity in this sense, always setting the goal it should achieve. This implies that the supreme instance, the one who is in the last resort responsible for the common good, is not limited in its field of competence. It can be led to intervene in all domains and at all levels where its subsidiary intervention is necessary and desired.

According to the Church's social doctrine, solidarity does not function subsidiarily. One cannot say that the state grants financial aid to a person subsidiarily, because he or she is not self-sufficient. Subsidiarity regulates the powers that intervene in society. Subsidiarity, for instance, will determine if social aid is attributed by the community, the region or the state or by any competent body. Solidarity is not conditioned by the subsidiary organisation of powers. It remains a priority that transcends the organisation, good or less good, of the powers.

CONCLUSION: PRINCIPLES AND THEIR INTERPRETATION

It is well known that the concepts used in the Church's social doctrine are submitted to semantic mutations in the different cultures, especially in the context of the current exacerbated individualism.

Therefore, the common good is hardly mentioned in the European legislations: public good or general interest are used instead. Each of these concepts has a more or less precise accepted meaning according to the philosophical and legal context in which it is employed.

In a similar fashion, the idea of person hardly appears, in all of its anthropological density, in the habitual vocabulary of jurists. In the Anglo-Saxon context, one generally avoids the word and replaces it with 'individual', which has a limited reach with regard to the philosophical implications of the notion of 'person'.

In the welfare state, solidarity figures in all the systems of social welfare. However, the solidarity contained in social doctrine is related to the Aristotelic *philia* and to Christian 'social charity'. It is a virtue and not only an organisation of the assistance to the weakest.

Subsidiarity owes a lot to the Church's social doctrine that has derived it from Aristotle's thought. Notably, it has inspired German constitutional thought and has made its appearance in the Maastricht Treaty. Subsidiarity imposes itself on the forms of federal government and the unions of states. Nevertheless, the concept does not always conform to the Church's doctrine. In the European texts it is sometimes a question of devolution of power starting from the summit towards the lower echelons. On the contrary, subsidiarity is a movement that begins from the bottom up.

In short, to understand the scope of the concepts of social doctrine, one must go back to the Aristotelic-Thomistic philosophical sources, whereas the vision of man and of society that it promotes (the human person image of God, the human being social by nature, the common good as the goal of all social organisation, the universal destination of goods, the natural order of human relations), comes to it from biblical revelation.

SOLIDARITY AND SUBSIDIARITY AS PARTS
OF JUSTICE AND AGAPE/CHARITY

MARCELO SÁNCHEZ SORONDO

The vision of solidarity and subsidiarity to which the organisers of this meeting refer begins with the assumption that divine Providence wants mankind not only to live but to live well and, thus, that partnership based on love and justice is possible amongst men. The most acute social problem in recent decades has been the growing awareness – which has in part arisen with globalisation – by all peoples and nations, and in particular those of a non-Christian heritage, of a flagrant contrast between the equal *attribution* of rights and the unequal *distribution* of market and non-market goods. It is evident that social rights concern principally education for the good of individuals and peoples, but health care, the guarantee of a decent level of living and a certain economic security are the material means or indispensable conditions for the exercise of all the other rights. The globalised world, on the other hand, seems to open up new possibilities and challenges, new forms of knowledge, learning and communication which offer new modalities of human mutuality and reciprocity, and strengthen solidarity at regional and world levels beyond market and bureaucratic regulations. A rehabilitation of the concepts and practice of solidarity and subsidiarity (that imply each other reciprocally and in ever growing proportions) finds its justification in today's global world because it can contribute to the formulation of principles involving fairer participation and identify just practical models at a world level in non-egalitarian societies. As Benedict XVI said in his recent address from the important podium of the United Nations: 'questions of security, development goals, reduction of local and global inequalities, protection of the environment, of resources and of the climate, require all international leaders to act jointly and to show a readiness to work in good faith, respecting the law, and promoting solidarity with the weakest regions of the planet'. Human rights are an 'expression of justice' and the human person is 'the subject of those rights', whose promotion 'remains the most effective strategy for

eliminating inequalities between countries and social groups, and for increasing security'.[1] I would like to offer some schematic observations, stressing some points in Archbishop Minnerath's paper and raising others connected with the contemporary global situation. I would like to apologise for my rather philosophical approach but I am not a specialist in this area. I would also like to thank the organisers of this meeting for their patience, yet I fear it is because of our friendship rather than my merits that they have once again made the mistake of inviting me to offer some comments.

1. Man is first and foremost *capax Dei*. There is a sphere of being that man has inside and outside of himself from birth as a 'gift' that opens to him the pathway of his adventure in time and space so that he can achieve fulfilment as a human being before nature and society and above all else before God. Specifically because of this absolute relationship with the Absolute, namely with the Beginning and the End, man after a certain fashion constitutes an autonomous, albeit open, 'whole'. His nature as a 'part' in relation to the other totality, the universe, or to other particular totalities to be found in the universe, does not order him, essentially, to them.[2] In

---

[1] Benedict XVI, *Address to the United Nations Organisation*, New York, 18 April 2008.

[2] The Thomist doctrine maintains that society is an accidental totality and not a substantial whole. If it (society) had unity proper to a substance, it would not be possible for each man to be one of its parts since each person is an 'individual substance of rational nature', a whole in a certain complete way in relation to his being. A person's membership of society can only have a meaning that is analogical with the membership of the parts of the substance and, for that reason, the personal substantial entity remains even in interpersonal relationships. The unity of society is not the unity of its components but the common end of the components, which is not exclusive because each person has, in his turn, his own end. The human common good has a spiritual unity which is the unity that founds society. Unity or community in good is not unity in the genus or the species, which implies an essential unity, but a community finality: 'Actions are indeed concerned with particular matters: but those particular matters are referable to the common good, not as to a common genus or species, but as to a common final cause, according as the common good is said to be the common end'. i.e. *'operationes quidem sunt in particularibus, sed illa particularia referri possunt ad bonum commune, non quidem communitate generis vel speciei, sed communitate causae finalis, secundum quod bonum commune dicitur finis communis'* (*S. Th.*, I-II, 90, 2 ad 2). In addition, 'the whole of political society or domestic society possesses only a unity of order which means that it is not an absolute unity. As a consequence, the parts of this whole can have their specific action but this is not the action of the whole, in the same way as a soldier in an army performs an action which is not the action of the army as a whole', i.e. *'totum, quod est civilis multitudo, vel domestica familia habet solam ordinis unitatem, secundum quam non est aliquid simpliciter unum; et ideo pars huius totius potest habere operationem, quae non est operatio totius, sicut miles in exercitu habet operationem quae non est totius exercitus'* (*Sententia Ethic.*, lib. 1, l. 1 n. 5).

man not only is there a tendency to know and to love but also to be known and to be loved. Because of the great attraction and satisfaction of reciprocity in knowledge and love amongst humans, one might think that such reciprocity is the ultimate end of man. However, this reciprocity does not completely meet the desire for good and happiness in man. Man's aspirations cannot be satisfied by an individual or by a community of individuals. This is because their understanding of truth is not complete and their love is neither unfailing nor absolute. Indeed, in love and friendship between human persons one can always aspire to greater fullness. Human knowledge and love tend to the Infinite.[3] The human person as a person, that is to say having an absolute being for participation, and being intelligent and free, cannot be ordered in his ultimate end to a 'created whole', to a human person, or to global civil society. 'Man is not ordered to civil society because of all his being and all his goods'.[4]

2. Man, however, is not a whole that is closed up in itself, rather, in contrary fashion, he has a dynamism or capability that is open to the truth, the beautiful and the good; to other persons, first of all to God, the ultimate end; and then to the truth and to created goods, the intermediate ends of his natural tendency to God. Attraction to good, to perfection, and to justice, which is the origin of social life, has priority over all the other approaches of consciousness. St. Thomas read this in the *Eudemian Ethics* of Aristotle which speaks explicitly about a divine instinct or a 'starting point of motion (ὁρμή)' from God.[5] The inclination to good thus constitutes in man the absolute beginning in the ethical sphere: 'Man has an inclination to good, according to the nature of his reason, which nature is proper to him: thus man has a natural inclination to know the truth about God and

---

[3] 'Nobody in this life can complete his desires, nor can a created thing sate the desire of man: only God sates it and exceeds it infinitely and, for that reason, man finds rest only in God. As St. Augustine says: "You have made us, Lord, for you, and our heart is anxious until it rests in you"', i.e., *'Nullus potest in vita ista implere desiderium suum, nec unquam aliquod creatum satiat desiderium hominis: Deus enim solus satiat, et in infinitum exce-dit: et inde est quod non quiescit nisi in Deo,* Augustinus, in I Conf.: *"fecisti nos, domine, ad te, et inquietum est cor nostrum donec requiescat in te"'* (St. Thomas Aquinas, *In Symbolum Apostolorum*, a. 12).

[4] *'Homo non ordinatur ad communitatem politicam secundum se totum, et secundum omnia sua'* (St. Thomas Aquinas, *S. Th*., I-II, 21, 4 ad 3).

[5] *Eth. Eudem.*, VIII, 14, 1248 a 20 ff, ed. F. Susemihl (Leipzig, 1884). Available from the Internet at http://www.perseus.tufts.edu/cgibin/ptext?doc=Perseus:text:1999.01.0049: book=8:section=1248a. Cf. C. Fabro, 'Le "liber" de bona fortuna chez Saint Thomas', *Revue Thomiste*, 1988, p. 356 ff.

to live in society'.[6] This dynamism constitutes a natural impetus to know the truth about God and is, at the same time, the primordial dynamic for the achievement of social life.

This dynamism towards man's individual and social fulfilment acts in different ways, and with different rhythms, with the body and with the spirit, but both are, at one and the same time, independent of, and connected with, freedom and social life. Thus man is conceived and develops as an organism because of the decision of those who have generated him and thus from his birth onwards he is social. In an analogous way, man awakes to the life of the spirit moving towards the gradual but irremovable apprehension of the truth of being and its principles, and equally necessarily aspires to happiness through the evident light of the truth and through an irresistible impulse to the finite good that the Creator instilled in his spirit. All this he achieves with the cooperation and help of others and thus he needs language and, in general, symbolic systems of communication which demonstrate his natural social character and characterise human society. He knows and wills by participation but his ultimate subject or object is the truth by essence – God.

3. In order to develop and enrich himself with created truth and good, every human person must relate to, and 'communicate' with, his fellows (as is required by the capabilities of man who cannot achieve many fundamental values in an isolated way in his singularity). The human being is by nature a social being because he cannot meet his own material needs, or fulfil himself at the level of his cultural and moral capabilities, without the cooperation and the solidarity of other people. As St. Thomas specifies, it is not only wealth but also, and above all, the requirements of the moral order, namely of living well, that lead the human being towards associated life: 'If abundance of riches were the ultimate end, an economist would be the ruler of the people...The purpose (*finis*) of the people having come together however seems to be to live according to virtue. For to this men come together, that they may live well together, which each one living by himself is not able to obtain; the good life however is according to virtue; the virtuous life therefore is the end of human society'.[7] Social relations do not replace the *agency* of which persons are the bearers.

---

[6] '*Homo habet naturalem inclinationem ad hoc quod veritatem cognoscat de Deo, et ad hoc quod in societate vivat*' (*S. Th.*, I-II, q. 94, a. 2).
[7] 'Si autem ultimus finis esset divitiarum affluentia, oeconomus rex quidam multitudinis esset... Videtur autem finis esse multitudinis congregatae vivere secundum virtutem.

4. The 'good life' and 'shared values and ends' which men obtain through their associated activity create the configurations of social life. The first of the shared values is recognition of the human person himself, his dynamism, and the need for his perfect development. Here the social doctrine of the Church finds its authentic meaning and a solid basis of approaches by which to secure authentic social life. The reality of the person and his freedom are an achievement of Christian philosophy. The reciprocal relationships that bind people together with a view to achieving shared values leave persons their individuality, something that is independent and autonomous, as well as their original rights and freedom. The person is the totally incommunicable or that which is not shared, he is a singular existence, and, therefore, he is his own being.[8] The protagonist of personhood is the 'self', the human subject, the first incommunicable principle and the first communicant. As regards the origin and the destination of all interpersonal relations or communications, one should recognise a being who is able to have those faculties that make possible such relationships or communications. Relationships can be constitutive of subjects only because the latter are the foundation of those relationships themselves. Without subjects who are able to relate to each other, relationships do not exist: the metaphysical incommunicability of the person, rather than impeding communicability, makes them possible.[9]

5. In order to methodically achieve their goals, social groupings need cooperation but also the organisation of such cooperation. Some of these (family society, civil society, political community) are considered to be natural and absolutely necessary, whereas others (for example local communities and professional organisations) are highly useful to the good working of associated life, and others, lastly, simply arise from the free decisions of men. Society at all its levels should be subordinated to the virtuous interior life of persons and to institutions which assure this life, such as the fam-

---

Ad hoc enim homines congregantur ut simul bene vivant, quod consequi non posset unusquisque singulariter vivens; bona autem vita est secundum virtutem; virtuosa igitur vita est congregationis humanae finis' (St. Thomas Aquinas, *De regimine principum*, Bk. I, cap. 15, n. 817).

[8] '*Nomine personae non est natura absolute: quia sic idem significaretur nomine hominis et nomine personae humanae, quod patet esse falsum; sed nomine personae significatur formaliter incommunicabilitas, sive individualitas subsistentis in natura*' (St. Thomas Aquinas, *De potentia*, q. 9 a. 6 co).

[9] Cf. E. Forment, Relaciones subsistentes y personas creadas, in *Being and Person* (Vatican City, 2006), pp. 97-128.

ily, schools, universities, and the law. *Homo solidalis* appears to go back a long way and there is evidence of him engaging in cooperation, which is also to be found with *homo erectus* (1.2 million years ago). In the pre-history of man, cooperation was between family members (for reproduction, the raising of children, the acquisition of culture, language and symbols) and was implemented through subsistence strategies adopted by family groups in the search for resources.[10]

6. No social formation, when organised, can be indifferent to objective shared ends, values and goods, which, as we have seen, are those that create configurations within social life. This should be borne in mind, in particular, in relation to societies ordered from above, which, because they give themselves an external system, can easily be led to assign to themselves finalities and tasks which by the law of nature belong to subordinated social formations and individual persons. Within this doctrinal framework is to be found, as a fundamental rule, the principle which, in social Christian philosophy, is known as the 'principle of subsidiarity'.

7. Subsidiarity was proposed by Pius XI as the virtuous middle way between extreme individualism and extreme forms of collectivism. In discussing the question of the establishment of the social order in the modern world, Pius XI, after emphasising that in human history many results had been achieved only by large associations, affirmed the perennial validity of a 'most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy: just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help (*subsidium afferre*) to the members of the body social, and never destroy and absorb them'. As a result of this principle, 'The supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly. Thereby the State will more freely, powerfully, and effectively do all those things that belong to it alone because it alone can do them: directing, watching, urging, restraining, as occasion requires and necessity demands'.[11]

---

[10] Cf. F. Facchini, *Le sfide della evoluzione* (Milan, 2008), p. 161.
[11] Pius XI, *Quadragesimo Anno*, nn. 79, 80.

8. Let us understand exactly what the term 'subsidiarity' means. The Latin word *subsidium* means 'help kept in reserve for those who do not manage to do something that they should do'. And thus it cannot express the idea of a 'surrogate' (where this term is understood in its negative sense) or of help seen as a 'necessary evil'. For that matter, it is obvious that 'help', to remain such, must not entail the absorption, elimination or subjugation of the persons or societies that are helped. This means that the society that helps must limit its action, forcing itself to act so as not to invade the space of the responsibilities of others or at least invading that space solely in exceptional cases of need where substitution is required (when, for example, individuals or subordinate societies are not able, for accidental reasons, or refuse, to perform what is their exclusive responsibility).

9. Only in the 1980s did the concept of 'subsidiarity' acquire a place of its own in the language of the European Community. We can thus speak, but only methodologically, of a second origin of the concept of subsidiarity. The principle of subsidiarity was introduced into the Maastricht Treaty (7 February 1992) and enjoyed growing strength before Protocol n. 30 on the application of the principles of subsidiarity and proportionality of the Amsterdam Treaty (2 October 1997). Incorporated in all the subsequent documents of the European Community, both the events connected with the construction of the European Union and the development of a new social sensitivity have led to a deeper understanding of the contents of the principle of subsidiarity. In this way, subsidiarity has become increasingly associated with the elucidation of the problems concerning common interests, democracy and federalisation. Or, to put it the other way round, what is discussed in terms of subsidiarity on the whole are the questions of the decentralisation of power and decision-making, federalism and even confederalism, and the concept of the common good.

10. In addition to the aspects of subsidiarity discussed above, a distinction is made today between *horizontal* subsidiarity, which can be seen as the original and founding core of the very concept of subsidiarity and which governs the relationships between public institutions, on the one hand, and the sphere of society, its organisations and persons, on the other, and *vertical* subsidiarity, which establishes the different levels of government. The documents of the European Union refer in large measure to the vertical aspect but it is the horizontal aspect that contains the greatest possibilities of development, which is what the organisers of this meeting are focusing on. This is because it fosters the full expression of the capabilities of persons and social subjects within the framework of a regulated and responsible

freedom. Where from a vertical perspective subsidiarity determines the subsidies that derive from the higher society, from a horizontal perspective it refers to the support supplied by other social partners. In both cases, the subject providing this subsidy does not create or constitute the end of other subjects – it must engage in services. In this sense, an initiative providing subsidiarity should not be seen as being extraordinary and to be practiced only in an emergency. These horizontal and vertical aspects, even though they have only been outlined recently in theoretical terms, belong to a long tradition. The debates of *The Federalist*, for example, which preceded the Constitution of the United States of America, revolved around vertical subsidiarity, whereas the debates conducted by Turgot and Condorcet, for example, on the role of the state in fixing grain prices, related to horizontal subsidiarity. It is evident that subsidiarity must co-exist with solidarity. Whereas solidarity involves a tendency towards the union and end of human society, subsidiarity implies a vertical or horizontal effectiveness capable of establishing the conditions and opportunities to achieve this union or purpose. We should identify in today's global society that rich fabric of non-utilitarian experiences from which emerge practical models and more generally lifestyles that are able to root a culture of reciprocity. To be convincing, models and values should be borne witness to, as well as explained.

11. At this point it may be advisable to refer to Honneth's reading of Hegel[12] with the concept of recognition (*Anerkennung*) as the category by which to reconstruct, at an inter-subjective level, the moral grammar of the good life capable of avoiding both the individualistic atomism of liberal thought of the Hobbesian approach and rationalistic communitarianism. What Honneth maintains from Hegel is the project of establishing a social theory of a *normative* kind. This theory seeks to respond to Hobbes because struggle (*Kampf*) moves forward for moral reasons that can occupy the site of the triad of rivalry, diffidence and glory in the description of the purported state of nature in *Leviathan*, which is opposed to the theses of the founders of natural law. We can say that this is a matter of looking for the source of the parallel enlargement of individual capabilities evoked in the notion that man is capable of realising his own identity and happiness in social life through the development of interactions that are in conflict. The strategy followed by Honneth lies in

---

[12] Axel Honneth, *Kampf um Anerkennung* (Frankfurt am Main, 1992; English edition, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, Polity Press, 1996).

the combination of a number of procedures, supplemented in particular by George Herbert Mead's social psychology, Habermas's communicative ethics, and Winnicott's object relation theory. From G.H. Mead,[13] he takes the model of a social genesis of the identification of the 'self' which he manages to explain with Hegel's idea of recognition. Thus there is a kind of encounter between a speculative conception such as that of Hegel and one tested in experience such as that of Mead. Honneth's strategy involves another feature. He adds to the vigorous reconstruction of Hegel of Jena the idea of the chaining together of 'three models of inter-subjective recognition' which are then placed under the headings of love, law and solidarity. Thirdly, Honneth matches these three models, which are in part speculative and in part empirical (having verification in the social sciences), with three figures of the rejection of recognition, susceptible to providing on the negative side a moral motivation for social struggles. In the third model of recognition that Hegel offers under the heading of 'people', State and 'constituent act', this rejection of recognition requires, out of solidarity, that subjects feel that they are recognised as persons who are capable of responsibility. Thus the material, educational, cultural and symbolic conditions in which the processes of recognition take place become central. Here we have the discussion centred round the idea itself of Hegel's social struggle which can proceed to an attempt to deal with the question of struggle by employing the principle of subsidiarity. As Benedict XVI says: 'the victims of hardship and despair, whose human dignity is violated with impunity, become easy prey to the call to violence, and they can then become violators of peace'.[14] Thus one can evoke an experience of peace whose recognition, if it cannot achieve its pathway, at least allows a perception of the defeat of rejection of recognition itself.

12. One could say that in a global approach current societies have solved the question of the equal attribution of rights but not the question of the equal distribution of goods. The 'Document of Aparecida' by the Fifth General Conference of the Bishops of Latin America and the Caribbean uses at least twenty times the notion of 'social exclusion', which relates to a form of alienation or disenfranchisement of certain people within a society. It is often connected to a person's social class, education-

---

[13] George Herbert Mead, *Mind, Self and Society. From the Standpoint of a Social Behaviorist* (Chicago, 1934).

[14] Benedict XVI, *Address to the United Nations Organisation*, New York, 18 April 2008.

al status and living standards and how these might affect access to various opportunities.[15] In reality, in my view as an outsider and not as a specialist, the composite notion which could be one of the most remarkable here in solving the problem of the exclusion of social rights is that of 'rights to certain capabilities' (Amartya Sen) which transcends the usual dichotomy between prescriptive and descriptive norms. In his *On Ethics and Economics*,[16] and more specifically in an important article of 1985, 'Rights and Capabilities', Sen places at the centre of his argument in favour of the reintroduction of ethical considerations into economic theories the concept of 'capability' coupled with that of 'rights'. In criticising a purely utilitarian vision of the economy, he states that the 'capability for action of every person', his *agency*, lends itself to a non-utilitarian economic assessment since the dimension of utilitarian 'action' and the dimension of 'wellbeing' of an action are not the same. Man acts not only for utilitarian ends but also to have a good life. Here the concrete freedom of every individual comes into play, and with the exercise of freedom the question of abstract 'rights' is transformed into real and concrete opportunities. Within the context of the debate in the Anglo-Saxon world, an attempt is made to avoid the alternative of 'consequentialism' linked to the theory of utilitarian wellbeing and 'deontologism' based upon rights and duties that are outside the action itself. The composite concept 'rights to certain capabilities', instead, is, in Sen's view, an assessment of situations. Here what is at stake is nothing less than a new definition of social justice which centres around the idea of 'rights to certain capabilities'. It is within this 'evaluative' framework that the actual exercise of the freedom of each person calls on the responsibility of society or the international community. Sen's studies on famines in India confirm the validity of his approach. Famines took place not because of a shortage of food but because of bad government of the national community which involved an inability to acknowledge even to a small degree the individuals' capability for action.[17] It seems to me that this work by Sen strengthens the idea of the importance of thinking anew about solidarity and subsidiarity along the lines of subsidies for 'social rights' in relation to the 'concrete capabilities of persons'. Therefore, rights

---

[15] *Final Document of Aparecida*, §§ 62, 65, 75, 89, 96, 112, 401, 444 *et passim*, Aparecida, Brazil, May 2007 (CELAM, Bogotá, 2007).

[16] Blackwell Publishers, Oxford, 1987.

[17] Amartya Sen, *Poverty and Famine* (Oxford University Press, Oxford, 1981).

and capabilities are also in principle multi-dimensional and comprehensive models, and can account for the intrinsic and non-economic roles that education plays. However, depending on how one fills out the specific details of the rights and capability frameworks, they also have some drawbacks. I conclude by arguing that the intrinsic aim of educational policy should be to expand people's capabilities, whereas we should use the rights discourses strategically, that is, when they are likely to contribute to expanding people's moral and intellectual capabilities.

13. One of the positive aspects of the debate generated by the work of M. Mauss, *Essai sur le don*,[18] is that it covers a vast territory of human relationships that includes revenge, gifts and the market. A second positive aspect of the debate is that it likens reciprocity to a circle that can be virtuous or vicious. The question arises of how to pass from the vicious circle of revenge (offence for an offence) to the virtuous circle of giving (gift for a counter-gift) through sacrifice that opens up the pathway to positive reciprocity. The principle of 'killing those who kill' is overcome by the law of giving and offering: 'You have heard it was said: Eye for eye and tooth for tooth. But I say this, to you...Give to anyone who asks you, and if anyone wants to borrow, do not turn away' (Mt 5:38,42). Virgil observed '*Timeo Danaos et dona ferentes*' ('I fear the Greeks even when they bring gifts'),[19] which is a warning that entering into gifts, at the level of effective action, is not without risks. The giver and the receiver, at the level of action, have the risky and aleatory task of negotiating and following the exchange through a gift. But it is in the difference between a gift and the market that the importance of a gift emerges. In the market there is no obligation of a return because there is no need for it: a payment ends the mutual obligations of the agents of the exchange. One could say that the market is reciprocity without mutuality or personal bilaterality. Thus the market refers back *per oppositam viam* to the original reality of the mutual ties specific to the exchange of gifts within the whole sphere of reciprocity. Differently from the market, mutuality places emphasis on the generosity of the first giver more than on the need for a return for the gift provided by the person who has received it.

---

[18] Marcel Mauss, Essai sur le don. Forme et raison de l'échange dans les sociétés archaïques, in *L'Année sociologique*, seconde série, 1923-24, t. I, reprinted in *Sociologie et Anthropologie* (Paris, PUF, 1950).
[19] Publius Vergilius Maro (Virgil), *Aeneid*, II, 49.

It is clear that the sphere of the market has its limits, as Godbout clearly points out. Here we encounter the category of goods without a price. If one makes a distinction between the practices of giving and the practices of the economic sphere, a gift does not appear to be an archaic form of exchange within a market regime. One could say that this difference takes place at the intersection between two questions with different origins: the question of gifts and the question of goods without a price. The question of goods without a price is found in our culture in the relationship between truth – or at least the search for truth – and education, on the one hand, and money, on the other.[20] It was Socrates who began this debate. Socrates wanted to teach without asking for a salary in exchange whereas the Sophists sought a payment for their teaching. He only accepted gifts that honoured him in the same way that they honoured the gods. Socrates also thought that unlike the possession of material goods, spiritual goods (especially knowledge and education), when shared, grow and develop.[21] Nevertheless, this debate spurred a long enmity between the intellectual world and the commercial world. The victory of the commercial world, which was the victory of the market, did not eliminate the testimony that Socrates offered through his death. Equally, it did not remove the question of whether there are goods without a price. Thus the question of goods without a price encounters the question of gifts but from a different approach to that of the ethnology of archaic societies. The two questions encounter each other on the terrain of non-material (symbolic) values or spiritual values. A gift is neither an ancestor of, a competitor for, nor a replacement for, the archaic exchange of gifts. In other words, it is neither an archaic form of the market, as a certain purely economic interpretation would argue, nor a festive and sumptuary reality, as a moralistic interpretation would argue. It is at another level – that of goods without a price.

History narrates the constant loss of goods without a price to the advantage of commercial goods. For example, even those teachers who admire Socrates no longer reject payment, without which they could not live in today's society. However, after a certain fashion the spirit of gifts provokes a fracture within the category of goods within the context of the interpretation of sociability as a vast system of participation and distribution animated by

---

[20] Cf. Marcel Henaff, *Le Prix de la vérité. Le don, l'argent, la philosophie*; deuxième partie: 'L'univers du don' (Paris, Le Seuil, 2002).

[21] This idea of Socrates is still present in the Medieval philosophers: '*Spiritualia bona sunt specialiter non ritenenda per se, quia comunicata non minuuntur sed crescunt*' (St. Thomas Aquinas, *De Malo*, q. 13, 1 pret. 8).

solidarity. If one refers to non-market goods, such as security, human capital, the functions of authority, appointments and honours, goods without a price become the sign of recognition of the existence of non-market goods or non-negotiable goods. Equally, one can find gifts of all forms of goods without price, for example moral dignity (which has a value but not a price), the air that one breathes, sunlight, moonlight, birdsong, the company of pets, the integrity of the human body, not buying and selling organs, certain forms of volunteer work, and certain forms of cooperation in research and education (a form of intellectual voluntary work), without counting the beauty of the human body, of parks, wildflowers and the countryside.

14. The most important difference between market goods and goods without a price is the sentiment of gratitude that lies behind a gift. Some forms of cooperation are defined as altruistic when they arise from free giving and have beneficial effects on other people, with or without sacrifices on the part of those who engage in them. As is known, the concept of altruism is extended by ethnologists to the animal kingdom, but what characterises the altruism of man is specifically free giving which is possible because of human consciousness and freedom. Therefore, the extension of the term to the animal kingdom appears to be improper. In man, forms of altruism, understood as absolute free giving, are separate from all reciprocity and constitute an individual choice, albeit of great social relevance.[22] In addition, the ethics of magnanimity and liberality inherited from the Greeks and dear to the humanists place giver and receiver on equal footing with a circle of gratitude represented by the group of the three graces holding hands (which you can see in the Casina Pio IV). To protect the integrity, or rather the successful functioning, of this effective experience of mutual recognition and gratitude through gifts, one should adopt the critical approach of making a distinction between good and bad reciprocity. Indeed, Aristotle declares that true friendship is one thing only: it takes place under the control of the predicate 'good' applied both to agents and to actions.[23] One can thus note that the establishment of the ethical plane

[22] Cf. M.A. Novak, 'Five Rules for the Evolution of Cooperation', *Sciences*, 314, 2006, 1560-1563.

[23] 'Perfect friendship is the friendship of men who are good, and alike in virtue; for these wish well alike to each other *qua* good, and they are good in themselves (*kath'hautous*)' (*Ethic. Nic*. VIII, 3, 1156 b 7-9). And later: 'And in loving a friend men love what is good for themselves (*hautois*); for the good man in becoming a friend becomes a good to his friends' (*Ethic. Nic*. VIII, 5, 1157 b 33-34).

as the critical criterion of reciprocity emerges when violence or the bad rec-
iprocity of revenge, utility or exploitation, or pleasure for pleasure's sake,
require the 'golden rule' cited by Benedict XVI recently at the United
Nations,[24] or the categorical imperative.[25] It is this critical approach that we
have to turn to, using the normative sources of analysis from the axiologi-
cal and ethical point of view represented by the 'golden rule', human rights
and natural law. For example, when we think of the new forms of free giv-
ing devoid of material benefits or control such as those that are emerging
thanks to the Internet, with its new forms of distribution of knowledge and
communication (blogs, Internet chat rooms, Facebook, MySpace, Second
Life, YouTube, Wikipedia, etc.), we must take into account at the same time
normative and ethical criteria in order to avoid good reciprocity turning
into bad reciprocity (selfishness, anonymity, addiction, lack of a hierarchy
in knowledge, lack of a distinction between the virtual world/s and the real
one, the spread of pornography, etc.). The same can be said for the third
sector, that is, those entities which are non-profit making and are not agen-
cies of the state, e.g. charities and volunteer community centres. These, too,
must be subjected to a form of axiological and ethical verification of their
transparency at the level of funding and purpose in order to ensure that
they are in conformity with good reciprocity. But above all, with respect to
a critical approach to reciprocity, we should not tolerate the existence of a
knowledge divide which is also a 'digital divide'.[26]

15. The generosity of a gift does not specifically generate a gift in return,
much less a payment, which would, indeed, cancel the meaning of the first
gift, but something akin to a response to an offering that is freely given, a
grace. Ideally, one should perceive the first gift as a model for the second
and perhaps see the second gift as a form of second first gift, a sort of new
grace. In giving through a gift a person gives something of himself, and sim-

[24] 'This intuition was expressed as early as the fifth century by Augustine of Hippo, one
of the masters of our intellectual heritage. He taught that the saying: *Do not do to others
what you would not want done to you* "cannot in any way vary according to the different
understandings that have arisen in the world" (*De Doctrina Christiana*, III, 14)' (Benedict
XVI, *Address to the United Nations*, New York, 18 April 2008).

[25] The Kantian formulation reads: 'Act in such as way that you always treat humani-
ty, whether in your own person or in the person of any other, never simply as a means, but
always at the same time as an end' (*Groundwork of the Metaphysics of Morals*, trans. H.J.
Paton (New York 1964), 4, 429, p. 96).

[26] Cf. *Statement on Education*, The Pontifical Academy of Sciences, *Education for the
Twenty-First Century*, Vatican City, 2002, p. 291 s.

ilarly he gives something of himself in matching the gift, in conformity with the model of *agape*, as will be discussed below. Gifts without a price have thus always had something that cannot be paid for and something superior to market goods, which nonetheless follow the rule of justice. For this reason, Aristotle placed a 'heroic' or 'divine' (*arete heroike kai theia*) virtue above the common virtues underpinned by justice, as a result of which some men are described as 'divine men'.[27]

In the context of the globalised world's unsolved and growing problem of the theoretical equal attribution of rights opposed to the actual unequal distribution of (market and freely-given) goods, one may observe that actions of gifts and matching gifts, reinvigorated by the true motivation of reciprocal generosity and love, can infuse a new intensity and depth into the principles of solidarity and subsidiarity which will be able to transform contemporary society. In this sense, the hope of subsidiary transcendent love is already a reason for joy and comfort: 'The consideration [of one's own failings] is of a nature to cause sorrow, but also joy, namely, through hope of divine subsidiarity'.[28]

16. The Christian faith recognises that for the human person complete fulfilment does not lie in the Kantian 'kingdom of ends',[29] the goods and values (the common good) of temporal societies. But he can be fulfilled by the supernatural good (grace, gifts and values) of spiritual community and eternal blessedness. In the natural order, too, there exists a network of spirits who interact through the treasure of human capital, thought, culture, science, morality, art, but they are not able to create a society in the full sense. Only when Jesus Christ, through participation in the nature of God and the gifts of the Holy Spirit, becomes the founder of a new sociability is a new authentic society achieved.

17. In this way for Christians a man is a citizen of two kingdoms. Not only does he as a cosmopolitan citizen belong to the earthly city but he is also a citizen of the celestial city whose king is Christ and whose fellow citizens are the angels and the righteous, those who dwell in heaven and those who are still pilgrims on the earth. As St. Paul says in his Letter to the Ephesians: 'you are fellow-citizens with the holy people of God and part of

---

[27] *Ethic. Nic.,* VII, 1.

[28] St. Thomas Aquinas, *S. Th.*, II-II, 82, 4.

[29] Kant calls the 'kingdom of ends': 'the union of different rational beings in a system by common laws' (*The Foundation of the Metaphysics of Morals*, English translation by Thomas Kingsmill Abbott, available on the internet at http://www.gutenberg.org/etext/5682).

God's household' (2:19). For a human being to belong to the celestial city, his human nature is not sufficient – he must be participate in the divine nature, the grace of Christ.[30]

The gifts of grace are thereby connected to human nature taking nothing from it, indeed healing and elevating it.[31] The participation of human beings in the heavenly city, those who are on their journey and those who have fully completed it, generates a refusion of the energies of grace, love and forgiveness into the earthly city of the global world of the human family.

Here it is necessary to refer to the different dialectics of *agape* and grace characterised by their overabundance and of friendship and justice sustained by the criterion of fairness. A difference must be noted between the grace and love of God and the grace and love of man: since the creature's good springs from the divine will, some good in the creature flows from God's love, whereby He wills the good of the creature. On the other hand, the will of man is moved by the good and gifts pre-existing in things; and hence man's love does not wholly cause the good of the thing but pre-supposes it either in part or wholly. And because of this difference of good, the love of God for His creature should be seen differently. There is a first love which is common whereby God loves 'all things that are' (Wis 11:25) and thereby gives things their natural being. But there is a second and very special love whereby God raises the human person above the condition of his nature to a participation in the divine good; and because of this love He loves human persons since it is by this love that God simply wishes the eternal good, which is Himself, for His human creatures.[32]

---

[30] '*Homo autem non solum est civis terrenae civitatis, sed est particeps civitatis caelestis Ierusalem, cuius rector est dominus, et cives Angeli et sancti omnes, sive regnent in gloria et quiescant in patria, sive adhuc peregrinentur in terris, secundum illud apostoli,* Ephes. II, 19: *estis cives sanctorum, et domestici Dei, et cetera. Ad hoc autem quod homo huius civitatis sit particeps, non sufficit sua natura, sed ad hoc elevatur per gratiam Dei. Nam manifestum est quod virtutes illae quae sunt hominis in quantum est huius civitatis particeps, non possunt ab eo acquiri per sua naturalia; unde non causantur ab actibus nostris, sed ex divino munere nobis infunduntur*' (St. Thomas Aquinas, *De virtutibus in communi*, q. un., a. 5).

[31] *In Trin.*, 2, 3. Also: 'Fides praesupponit cognitionem naturales, sicut gratia naturam et ut perfectio perfectibile', i.e., 'faith presupposes natural knowledge, even as grace presupposes nature, and perfection supposes something that can be perfected' (*S. Th.*, I, q. 2, a. 2 ad 1).

[32] For a study of grace as participation in the divine nature cf. Marcelo Sánchez Sorondo, 'La necesidad de la gracia', in *L'umanesimo cristiano nel III Millennio* (Vatican City, 2004), pp. 79-91.

This participation in divine nature, which is the foundation of charity or *agape,* emphasises that gift that expects nothing in exchange. This gift derives from the abundance of the love of God, as was recognised by the axiom derived from Pseudo-Dionysius, *bonum est diffusivum sui,* to which classic theology refers to combat monism and clarify the event of *creatio ex nihilo* and the second creation worked by the grace of Christ. Once man has participated in the grace and love of Christ, he can also in his turn communicate this grace and love to others. Thus the communication of gifts with *agape* has as its salient feature that of not aspiring to a matching gift. A consequence emerges, namely the absence of reference in *agape* to any idea of correspondence. It is not the case that *agape* is not directed towards the other, as is attested to by concern about one's neighbour and one's enemy. Indeed, the invitation to love one's enemies and to forgive trespasses against us that *agape* generates is a clear elevation of the reciprocity that animates justice or friendship itself. However, *agape* is not at all inoperative. Kierkegaard manages to explain how 'acts of love' are 'edifying' with reference to St. Paul: 'love is what builds' (1 Cor 8:1).[33] God is always the author of *agape* and this necessarily involves abnegation, whereas what the world means by love is for this Danish philosopher in reality selfishness. A Christian understands love of himself and his neighbour with reference to God, and thus natural love, friendship and marriage (*Elskov, Venskab*), where God does not intervene as an 'intermediate category', remain outside the circuit of *agape*. Human love can be elevated when the subject (a husband, a wife, a friend…) raises himself/herself to the level of 'neighbour' in line with the fundamental requirement that 'no love and no expression of love must in a purely earthly way withdraw from the relationship with God'.[34]

The 'infinite' character of *agape* that derives from the grace of God makes 'reciprocity infinite on both sides'. And above all else – and this is the central lesson of the parable of the Good Samaritan – everyone must 'pre-

---

[33] S. Kierkegaard, *Kjerlighedens Gjerninger* (Copenhagen, 1847; Italian edition, *Atti dell'amore*, Milan, 2003).

[34] St. Thomas is of the same opinion: 'the love of one's friends is not meritorious in God's sight when we love them merely because they are our friends: and this would seem to be the case when we love our friends in such a way that we love not our enemies. On the other hand the love of our friends is meritorious, if we love them for God's sake, and not merely because they are our friends' i.e. '*dilectio amicorum apud Deum mercedem non habet, quando propter hoc solum amantur quia amici sunt, et hoc videtur accidere quando sic amantur amici quod inimici non diliguntur. Est tamen meritoria amicorum dilectio si propter Deum diligantur, et non solum quia amici sunt*' (*S. Th.*, II-II, 27, 7 ad 1).

suppose' that there is love in their neighbour, and more precisely that the essence of Christian love lies in this. An authentic Christian life must be a participation in the divine nature, a holy gift and a service not to the mere other but to he who is *my neighbour*, towards whom – even if he is an enemy or sinner – I always have a 'debt of love'.

Solidarity and subsidiarity brought to the citizens of the kingdom of God with these flows and reflows of grace and *agape* can infuse new energy into the human family and make it more fraternal, just and peaceful. In the Gospel according to St. Matthew we read: 'So always treat others as you would like them to treat you; that is the Law and the Prophets' (Mt 7:12). Furthermore, the Apostle says (1 Tim 1:5), 'the end of the commandment is charity'; since every social principle can only aim at establishing friendship, either between man and man or between man and God. Therefore all social principles are captured in the one commandment, 'You must love your neighbour as yourself,' which expresses the end of all the commandments because love for neighbour includes love of God when we love our neighbour for God's sake.

THE COHERENCE OF THE FOUR BASIC PRINCIPLES
OF CATHOLIC SOCIAL DOCTRINE: AN INTERPRETATION

RUSSELL HITTINGER

I. Introduction

1.A. *On Reading the Tradition*

Pius XI (1922-39) is the first pope to speak of social doctrine as a unified body of teachings which develop by way of clarity and application. In *Quadragesimo anno*, Pius said that he inherited a 'doctrine' handed on from the time of Leo XIII.[1] By any measure, it is a prodigious tradition. Beginning in 1878 with the election of Leo, popes have issued more than 250 encyclicals and other teaching letters. About half are related, broadly, to issues of social thought and doctrine.[2]

This new doctrinal specialty is placed within moral theology because, as John Paul II insisted, it must 'reflect on the complex realities of human existence, in society and in the international order, in the light...of the Gospel teaching on man and his vocation'.[3] Moral philosophy and theology overlap insofar as they study the right ordering of human action to ends. Social doctrine is particularly interested in the social virtues of charity and justice by which the person is right with God and neighbor. But being right with

---

[1] Pius XI, *Quadragesimo anno* (15 May 1931) §§18-21, ASS 23, 182-84.

[2] Only the *litterae encyclicae* and the *epistolae encyclicae* are encyclicals in the strict sense of the term. I use the expression 'encyclicals and other teaching letters' to cover more inclusively other species of papal documents containing ordinary magisterial teaching. My enumeration follows the *Enchiridion delle Encicliche*, Vol. 3, Edizione bilingue (EDB, Edizioni Dehoniane Bologne, 1997).

[3] *Sollicitudo rei socialis* (30 Dec. 1987) §41, AAS 80 (1988), p. 570; see also, *Centesimus annus* (1 May 1991) § 54, AAS 83, 859-60.

God and neighbor includes membership in societies which need to be right-ly ordered both within and without. Even those actions which modern ethi-cists take to be self-regarding – actions properly undertaken for one's own good – are nonetheless orderable to a community. In this sense we can speak of being right not merely with one's neighbors as singular persons, but also being rightly ordered to (and within) a community.[4]

Although social doctrine has a specifically theological orientation, it makes use of philosophical instruments. If one reads *Mystici corporis* (1943), Pius XII's encyclical on the nature of the Church, alongside the three great 'social' encyclicals – *Rerum novarum* (1891), *Quadragesimo anno* (1931), and *Centesimus annus* (1991) – it is apparent that the ensem-ble of teachings share a common stock of principles on such things as the human person, the different forms of solidarity, subsidiarity, and the com-mon good. The reader who tries to distill the purely theological elements of social doctrine while leaving behind the philosophical instruments will understand something of the magisterial tradition, but not very much.

The project is also complex because of the subject matter. It is one thing to understand the principles drawn from theology and philosophy. It is quite another thing to understand concrete social realities. In his Christmas Message of 1955, Pius XII pointed out that although the principles of social order are natural, the social realities 'change over time with social develop-ments'.[5] Some changes are brought about by historical forces which cannot be attributed directly to anyone's decision or policy. Other developments arise from within societies, as their members make mutual adjustments to one another and thereby bring about new ways of molding and forming the order of their common goods. Families, associations, markets, political constitutions, and the law of nations are dynamic. They respond both to external forces and to internal actions of their members. Accordingly, social doctrine also must make use of the social sciences.

---

[4] See for example Aquinas in S.t. I-II, 21.3 ad 1. In answer to the objection that 'good or evil actions are not all related to another person, for some are related to the person of the agent', Thomas replies: 'A man's good or evil actions, although not ordained to the good or evil of another individual, are nevertheless ordained to the good or evil of another, i.e. the community'. A social entity is something that can be harmed in the moral sense of the term, and it therefore falls within the domain of justice.

[5] 'Un ordine naturale, anche se le sue forme mutano con gli sviluppi storici e sociali'. Pius XII, *Col cuore aperto* (24 Dec. 1955). <vatican.va/holy_father/pius_xii/speeches/1955/documents/hf_p-xii_spe_19551224_cuore-aperto_it.html>

Whereas in doctrinal theology proper, the revealed data are unfolded with more clarity and richness gradually, as the Church reflects upon the deposit of faith, in social doctrine the teachings include applications of principles to the contingencies of societies.[6] This makes social doctrine very interesting. By the same token, it can be distorted through ideologies, political policies and various kinds of jargon used by political parties.

Finally, the project is complex because all three factors – the theological, philosophical, and social scientific – are given different emphasis over the course of decades since 1878. The tradition is not only multi-disciplinary, but internally multi-faceted as one pope introduces new themes even while circling back upon the work of his predecessors. It is the Roman way to introduce new considerations while at the same time tightening their connection to the preceding tradition. Old things are made to look new, and new things look old. John Paul II referred to the scribe trained for the kingdom, who is compared to 'a householder who brings out of his treasure what is new and what is old' (*Mt*. 13:52). This is not mere pious sentimentality. The Pope meant it as a hermeneutical principle suitable for reading the tradition of social doctrine. Someone who reads the magisterial documents as bits of 'news' or as ad hoc pieces of Church policy on a particular social issues will understanding something, but not very much.

1.B. *An Approach to the Four Principles: Human dignity, solidarity, subsidiarity, and common good*

For centuries, Catholics used the term *doctrina civilis* – or teaching(s) about political order. The chief virtue of justice, holding sway over all other species of justice was called *iustitia legalis*, legal or general justice, which took its name from what is most characteristic of polity, the ordering of law. After the pontificate of Leo XIII (1878-1903), *doctrina civilis* became *doctrina socialis*; for its part, *iustitia legalis* became *iustitia socialis*.

Why did the term 'social' come to the fore in Catholic teaching and thought? In order to answer this question, it is necessary to consider the four basic principles which orient the proceedings of this Academy: digni-

---

[6] Consider, for example, the way in which John Paul II gives an 'interpretive re-reading [*relegantur*]' of *Rerum novarum*. At the outset, he contends that it is necessary 'to look back [*respectandum*], to look around [*circumspectandum*], and to look ahead [*futura inspectanda*]'. CA §3, AAS 794-95.

ty of the person, solidarity, subsidiarity, and common good. Notice that, while all four principles presuppose the human person, the last three are specifically and irreducibly social. The dignity of the human person cannot be interpreted on the premise of methodological individualism – namely, that social unities and relations among members can be reduced to nonsocial properties of members or composites thereof. Indeed, whether there are real social entities instantiating real social relations amongst their members is the first and most abiding question.

I will proceed in this fashion.

First, I will explore a few ontological principles which will help us to understand why two or more persons constitute a society. This effort is best accomplished by asking three questions. What makes a social union different than the unity of a substance? What makes a social union different than an aggregation of individuals? What makes a social union different than partnerships which organize private shares? We need a reasonably clear, but also flexible, account of social entities before we tackle the principle of subsidiarity.

Second, I will explore the difference between devolution and subsidiarity. Terms like solidarity, subsidiarity, and devolution have a history. They are used variously by political parties, labor unions, constitutional lawyers, and political theorists. Moreover, they run the gamut from the political-left to the political-right. I shall put these phenomena to one side. Rather, I want to show why solidarity, subsidiarity, and common good depend upon what we mean by a society. Then, and only then, can we ask the question whether plural societies, each with its own distinctive common good, can enjoy a common good that transcends the particular social unions without injustice to or destruction of those groups?

Finally, I will offer some brief reflections on the problem of applying the principles to contemporary societies.

II. GROUP PERSONS

2.A. Basic Social Ontology

Margaret Thatcher famously said that there is 'no such thing as society', there are only 'individual men and women, and there are families'. Lady Thatcher was surely right that groups like families and polities, clubs, teams and colleges do not possess the unity of an individual substance. The

two creation myths of *Genesis*, for example, clearly distinguish between the one-flesh unity of Adam and Eve (*Gen*. 2.21-25) and the antecedent sequence of natural kinds. Sacred Scripture seems to confirm common sense and untutored observation. Marriage does not have a nature in the same sense as a plant, a bird, or even a human being. When two or more people are constituted in a society, there is not produced a second or third natural kind.

In answer to the question, what is a social entity, the lawyers (civil and canonical) as well as the political philosophers have said that society is a 'person'. We can recall Aquinas's definition of a person as that which is 'distinct by reason of dignity':

> For as famous men were represented in comedies and tragedies, the name 'person' was given to signify those who held high dignity...And because subsistence in a rational nature is of high dignity, therefore every individual of the rational nature is called a 'person'. Now the dignity of the divine nature excels every other dignity; and thus the name 'person' pre-eminently belongs to God.[7]

Thomas refers to the Latin word *persona*, a mask used to actors to impersonate a well known character – someone distinct in dignity. In Republican Rome, when a family attained the office of praetor (vice military commanders and judges of the standing courts), it achieved the rank of nobility and was entitled to keep the wax masks of ancestors for family worship and funerals (*ius imaginum* was the right to publicly impersonate those who are distinct in dignity). Roman jurists transferred the right of impersonation to the legal status of person. Person now means the capacity to be effective in eyes of the law. Playing a certain role for a specific purpose in a legal drama, he becomes something more than a natural person. Only later did theologians and philosophers transfer the idea of impersonation and the person at law to a rational, individual substance – to the very thing personated; to persons, both human and divine.[8]

While lawyers have always been most interested in how to construct and assign the legal 'mask', philosophers and theologians have never ceased

---

[7] S.t. I, 29.3 ad 2.

[8] The progression from impersonation to persons is traced by Marcel Mauss, the nephew of Emile Durkheim. 'A Category of the Human Mind: the notion of person; the notion of self', in *The category of the person: Anthropology, philosophy, history*, eds. Michael Carrithers, Steven Collins, Steven Lukes (Cambridge: Cambridge University Press, 1985). See also, Otto von Gierke, *Associations and Law*, *infra* note 41.

asking the question, what stands behind the masks? Is legal personhood nothing but the mask, or are the masks somehow attributes of real persons? And who are these real persons? Why should they need masks at all?

The short answer can be put as follows. All natural persons need legal masks because they assist the public manifestation and efficacy of natural capacities. The owner of a vineyard, and a son who stands to inherit the father's vineyard, will find the legal masks very convenient. The status or standing to conduct business at law requires the same natural person to be different persons – as son, as legatee, as citizen, and so forth. As for who are the real persons, they are individuals of a rational nature who are also members of societies that constitute something more than the sum of their members.

Thomas notes in his treatise on justice in the *Summa theologiae* that justice regards actions, and actions belong to 'supposits and totalities' (II-II 58.2), to natural persons and to groups. In sum, justice concerns individual persons, and then, from a different point of view, individual persons as members of a unity of order that transcends the sum of the parts. There are many Latin names for such an entity – *societas*, *persona moralis, corpus ex distantibus*, *collegium*, *universitas*, *communitas* – but for our purposes I will use the more familiar term society.

In the tradition common to jurists, philosophers, and theologians, the word 'person' denotes whoever and whatever is a locus of rights and responsibilities. In this respect, there were at least three kinds of persons. *First*, there are natural persons. Here, the word 'natural' is used to denote whoever possesses a unity of rational substance: human persons, angelic persons, or divine persons sharing the unity of a single substance. *Second*, there are *fictional persons*. As Thomas Hobbes said, '[t]here are few things that are incapable of being represented by fiction'.[9] Inanimate things like bridges, hospitals, and houses can receive endowments, and thus bear interests and rights at law. Like Caligula's horse, made a Senator by imperial decree, such entities are distinct in dignity not on account of their own nature, virtue, or power, but rather by a *fictio legis*, the construction of law. For a fictional person, there is nothing other than the legally assigned 'mask'. *Third*, there are what should be called *group* persons, entities having neither the unity of a substance, nor a unity merely imposed upon things in the fashion of a legal or mental fiction.

---

[9] Thomas Hobbes, *Leviathan*, XVI.

Such persons – real but neither substantial nor fictional – are called societies. A society possesses what Thomas called a unity of order:

> It must be known that the whole which the political group or the family constitutes has only a unity of order [*habet solam ordinis unitatem*], for it is not something absolutely one. A part of this whole, therefore, can have an operation that is not the operation of the whole, as a soldier in an army has activity that does not belong to the whole army. However, this whole does have an operation that is not proper to its parts but to the whole...[10]

This category, *unitas ordinis,* is taken from Aristotle and Thomas, and was revived by Pope Leo XIII and his philosophical colleagues at the Roman Academy of St. Thomas Aquinas in order to avoid the extremes of 19th century social thought. One extreme depicts society as a kind of super-individual having a single mind or a single body like a biological organism. The other extreme is to think of a society as a purely accidental unity ensuing upon the choices and actions of individuals who follow their own preferences. In this case, the ideal model was a market rather than an organism. Leo and his associates saw that a proper understanding of social entities required a middle course.

Catholic social doctrine began to take shape at the same time that sociology emerged as an academic discipline. When Leo was elected in 1878, he knew relatively little of this fledgling discipline, except perhaps the extreme positions of Compte and Marx.[11] But Leo and his advisors were

---

[10] In Eth. I.5. 'The collective noun implies a plurality of subjects in some kind of unity' (S.t. I, 31.1 ad 2). While only individuals subsist in their own right, society exists in its members by way of order. The order is what substitutes for 'form' in a natural unity.

'Now, one way in which one comes from many is the way of order alone; so from many homes a city comes to be, or from many soldiers an army. Another way is that of order and composition; so a house comes to be when they join together its parts and its walls. But neither of these two ways fits the constitution of one nature from a plurality. For things whose form is order or juxtaposition are not natural things. The result is that their unity cannot be called a unity of nature' (Scg IV.35).

Therefore, a society is neither a natural unity nor a mere compositional unity, but rather is *unum per ordinationem*. The unity is characterized as the order itself – *est ordo ipsius*. It is both common end and shared structure.

[11] For centuries, a de facto social pluralism was taken for granted. But now that society itself was the thing under dispute, how should the Church speak? In retrospect, we might wonder why the Church did not begin a serious discourse with social scientists, some of whom worried about the problem of social disintegration. In brief, the answer is

certainly more than amateurs in law (canonical and civil) and philosophy. Naturally, they reached for a category that was readily available within the orbit of their familiar disciplines. From the New Testament, they were more than a little familiar with the principle of *koinonia*, which is fundamental to ecclesiology and moral theology. From the law they understood the rubric of a group-person, and from philosophy they understood the Aristotelian and scholastic rubric of a unity of order. They chose wisely, because two notions allowed them to develop an analytical framework that was, at once, both sturdy and supple. They took the ancient legal rubric of a *persona moralis* to designate a group having sufficient unity to be a right and duty bearing entity at law; and then they grafted it on to a realistic social ontology of a unity of order that is not reducible either to a natural substance or to a mere aggregate of individuals. Hence, in document after doc-

twofold. First, the Roman authorities did not know very much about this emergent science. Second, what they did know seemed forbidding. I have carefully combed-through the major teaching documents of the 19th century, and the thinkers typically mentioned are Fourier, Saint-Simon, Rousseau, Marx, and various species of Liberalism, usually without identifying names of particular thinkers. These were called physiocrats in the late 18th and early 19th centuries, and naturalists at the end of the century. They advocated a social science, to use Henri de Saint-Simon's phrase, that reduced social phenomena to the 'physics of organized bodies'. Concretely existing social institutions were a false consciousness to be reformed by science. See Georg G. Iggers, 'Further Remarks about Early Uses of the Term "Social Science"', *Journal of the History of Ideas*, Vol. 20, No. 3 (June-Sept., 1959), 433-436. This is why, even as late as the pontificate of Pius XI, who really was interested in demographics and economics, the magisterial documents refuse to utter the two words 'social science'. Instead, they used circumlocutions, such as *periti in re socialis* – experts in social matters; sometimes with the additional word *disciplina*, to indicate that there are certain methods appropriate to that work. Indeed, it was not until the Vatican II era, and especially during the pontificate of JPII, that the social sciences are acknowledged. In early 19th century, Catholic thinkers like Joseph de Maistre and Louis de Bonald adumbrated a social science. See Robert Spaemann, *Der Ursprung der Soziologie aus dem Geist der Restauration. Studien über L.G.A. de Bonald*. Munich: Kösel, 1959. This politically reactionary, though brilliant first-stirrings of social thought had little purchase in the documents of the Roman magisterium. Leo XIII wished to develop a social teaching grounded in philosophy, chiefly that of Thomas Aquinas. In doing so, he wanted to keep the foundations relatively clean of anything that sailed too close to the shores of reactionary politics. For this part of the story, see my essay: 'Two Modernisms, Two Thomisms: Reflections on the Centenary of Pius X's Letter Against the Modernists', in *Nova et Vetera* (American edition), Vol. 5, No. 4 (Fall 2007), 843-879. On Leo's suspicion of Romantic reactionaries, see my essay: 'Pope Leo XIII (1878-1903)', in *The Teachings of Modern Roman Catholicism: On Law, Politics, & Human Nature*, Eds. John Witte and Frank Alexander, with Introduction by Russell Hittinger (New York: Columbia Univ. Press, 2007), 39-105.

ument, from the time of Leo onward, we find the phrase 'true society'. This relatively simple matrix served both descriptive and normative purposes. Once we have a way to pick out what counts as a 'true society', then we can put in place a scheme of rights and responsibilities, depending on the various ends and modes of unity of particular societies.

In a unity of order each member possesses what is individually proper to himself – namely, certain operations and acts not reducible to the commonality, and not dissolved or cancelled by membership in a group. At the same time, a society enjoys a real unity transcending mere aggregation of the members.[12] Unity of order is not an ideal model imposed upon social data. Rather, it only brings into view facts available to common sense: that the individuals in a queue are parts not members of the queue, and they are the members not the parts of St. Rita's parish. The first is an aggregation, the second a unity of order. In the parlance of merological set theory (the logic of parts and wholes), a group is a non-extensional set because it does not necessarily change its identity whenever the constituent bits or pieces change. For France, or the Catholic Church, or the local labor union, change of constituents can *sustain* rather than *destroy* the identity of the group. In an extensional set, however, the addition or subtraction of one constituent changes the identity of the set. With one exception, this certainly is not true of a social entity.[13] Ordinarily, the law will assume the perpetuity of a society for the good reason that it does not have the mortality of a natural substance.

Wherever there are plural rational agents, aiming at common ends, through united action, *and where the unity is one of the intrinsic goods aimed at*, we have a society – something distinct in dignity. To use once again the traditional terminology, the group is said to have an extrinsic common good (victory for the army) and an intrinsic common good (the

---

[12] See David-Hillel Ruben. 'Social Wholes and Parts'. *Mind*, New Series, Vol. 92, No. 366 (April 1983), 234-238. For aggregative or 'extensional' sets A=B if A and B are just the same bits or constituents. See also his, 'The Existence of Social Entities', *The Philosophical Quarterly*, Vol. 32, No. 129 (Oct. 1982), 301.

[13] Marriage is different, of course, because the union of the two particular persons is more immediately the 'common' good. Therefore, marriage really does change with the death or dismissal of a spouse. Polygamy, for example, does not imply a marriage that becomes, by increments, larger with every new spouse. Marriage, however, is ordered to family, and families can persist over time with the inclusion of a new member.

common order of its action).[14] Groups differ in terms of the ends and the
structure of their respective, internal unity. A faculty, for example, aims to
advance learning and to educate students, but, unlike a marriage, its intrin-
sic unity does not depend upon conjugal relations. Traditionally, a matri-
monial society has only one form, a man and a woman, who share life unto
perpetuity, as a whole, through a one-flesh act of sexual unity.[15] For its part,
a polity can have plural forms – rule by one, by a few, by many, or a mixed
form. It can consist of different proportions of men, women, and children.
Societies are quite different in their ends and modes of unity.

But any society has this much in common. It possesses an intrinsic com-
mon good, which cannot be distributed or cashed-out. The common good
never exists as a private good, and therefore when someone exits a marriage
or a polity he cannot take away his private share. Even in our confused legal
cultures, courts understand perfectly well that they can divide and distribute
the external properties, but not the marriage itself. The matrimonial society,
therefore, is not redistributed so much as dissolved or annulled.

A group will hold itself out to the rest of the world as something distinct
in dignity,[16] possessing rights and responsibilities.[17] Not *as though* they are

---

[14] In any integral whole like a society, common order is the form, analogous to a sub-
stantial form that unifies a natural thing. The extrinsic good of the army is the victory. *In
XII Meta., lect. 12, n. 2627*; and *In I Sent. D. 44, q. 1, a. 2*. Gregory Froelich, 'The Equivo-
cal Status of *Bonum Commune*', in *The New Scholasticism* 63 (Winter) 1989, 38-57.

[15] As Pius XI emphasized, marriage is not just a partnership to bring about certain
ends, but is rather a mode of union by which such ends are achieved. 'This mutual mold-
ing [*interior conformatio*] of husband and wife, this determined effort to perfect each oth-
er, can in a very real sense, as the Roman Catechism teaches, be said to be the chief rea-
son and purpose of matrimony, provided matrimony be looked at not in the restricted
sense as instituted for the proper conception and education of the child, but more widely
as the blending of life as a whole [*totius vitae communio*] and the mutual interchange and
sharing thereof'. *Casti connubii* (31 Dec. 1930), §24, AAS 22, 548f.

[16] Take, for example, the American *Declaration of Independence*: 'We, therefore, the
representatives of the United States of America, in General Congress assembled, appealing
to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and
by the authority of the good people of these colonies solemnly publish and declare, That
these United Colonies are, and of right ought to be, *Free and Independent States'*.

[17] The ontology we are developing here is evident in Pius XII's *Mystici corporis* (29
June 1943). At the outset, Pius argues that the Church is a true society, which is to say that
it is something more than a commutation of private things by consent of the parties (§9).
Like any society, the Church is a unity of order that transcends aggregation of the mem-
bers, while at the same time preserving the dignity of what is proper to the parts: 'In a nat-

one, but rather *as one*. In this sense, a society is called a *persona moralis*, a *corpus moralis*, a *unitas collectiva*, or even a *corpus mysticum*.[18] The word 'moral' denotes a unity of action among plural agents, in contradistinction to the term 'physical' which denotes a substantial unity. Social entities might be spatially locatable (e.g. France, or one's parish, or college), but their unity transcends material aggregation. The same natural persons at once can be members of France, a parish, and a college without confusion, though not always without rivalries and tensions of loyalty.

Thus, the scriptural hexaemeron crowns the six days of creation not with another natural kind, much less with an aggregation of material forces, but with a society. In Jewish and Christian allegorical exegesis, this society was,

---

ural body the principle of unity unites the parts in such a manner that each lacks its own individual subsistence; on the contrary, in the Mystical Body the mutual union, though intrinsic, links the members by a bond which leaves to each the complete enjoyment of his own personality [*Dum enim in naturali corpore unitatis principium ita partes iungit, ut propria, quam vocant, subsistentia singulae prorsus careant; contra in mystico Corpore mutuae coniunctionis vis, etiamsi intima, membra ita inter se copulat, ut singula omnino fruantur persona propria*]. Moreover, if we examine the relations existing between the several members and the whole body, in every physical, living body, all the different members are ultimately destined to the good of the whole alone [*unice destinantur*]; while if we look to its ultimate usefulness, every moral association of men [*dum socialis quaelibet hominum compages, si modo ultimum utilitatis finem inspicimus, ad omnium et uniuscuiusque membri profectum, utpote personae sunt, postremum ordinantur*] is in the end directed to the advancement of all in general and of each single member in particular; for they are persons'. (§61), AAS 35 (1943), 221.

See his analogies between various species of societies, differing according to their respective ends and modes of unity (§§63-68), *Ibid*. 223-227.

[18] The term 'mystical' does not necessarily refer to supernatural things, but rather designates a society – namely, a person distinct in dignity, but distinguished from a person whose dignity consists in the unity of substance. The transition of usage from the strictly theological to political and juridical contexts has been well studied: in the 1930s and 1940s by Henri de Lubac, S.J., *Corpus Mysticum*, Trans. Gemma Simmonds CJ, with Richard Price and Christopher Stephens (Notre Dame: Univ. of Notre Dame Press, 2006); and more recently by Francis Oakley, 'Natural Law, the Corpus Mysticum, and Consent in Conciliar Thought from John of Paris to Mattias Ugonius', *Speculum*, Vol. 56, No. 4 (Oct. 1981), 786-810, and by Hélène Merlin and Allison Tait, 'Fables of the "Mystical Body" in Seventeenth-Century France', *Yale French Studies*, No. 86, Corps Mystique, Corps Sacre: Textual Transfigurations of the Body from the Middle Ages to the Seventeenth Century (1994), 126-142. The masterworks, however, are by Ernst Kantorowicz: Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1957), and 'Mysteries of State', *Harvard Theo Rvw*, XLVIII (1955), 65-91, in *Selected Studies* (Locust Valley, NY: J.J. Augustin Publisher, 1965).

in turn, the *type* of another society – Israel or the Church.[19] As Augustine contended in the *Confessions*, creation is for the sake of the Church. For his part, Thomas argued that God declared the unity of order at the sixth day 'very good' because he 'wished to produce His works in likeness to Himself, as far as possible, in order that they might be perfect, and that He might be known through them. Hence, that He might be portrayed in His works, not only according to what He is in Himself, but also according as He acts on others, He laid this natural law on all things, that last things should be reduced and perfected by middle things, and middle things by the first, as Dionysius says'.[20] In other words, we are made unto the image of God not only because the individual person possesses the excellence of a rational nature, but also because we must cause good in others. Virtually all of the modern popes have highlighted this principle for social doctrine. From this twofold imaging of God flows the dignity of the individual and of social order. Notice the two imagings are without rivalry precisely because of the recurring distinction between unity of substance (the rational nature of the human person) and unity of order (a multiplicity of rational beings constituting an order, a 'true society').[21] In this twofold imaging, the tradition has also emphasized the unique dignity of the unity of a multiplicity enjoying a common good. Thomas speaks of the created unity of order as 'divinity' (*divinitas*), and, in the case of polity, as being 'more divine' (*divinius*) than other imagings, whether individual or collective, because 'divinity' signifies 'the common good which is participated by all'.[22]

---

[19] On Jewish and Christian readings, see Gary A. Anderson, *The Genesis of Perfection: Adam and Eve in the Jewish and Christian Imagination* (Westminster: John Knox Press, 2003). See, once again, Pius XII, who insists that marriage constitutes a mystical person [*constituere mysticum personam*] (*Mystici corporis*, at §67).

[20] Conf. XI-XIII. On the completion of the hexaemeron as 'very good', see also Thomas, Scg II.45, and III.64; S.t. I, 25.6, and 47.1. The diversity of entities is not a succession that amounts to a mere quantitative improvement, but rather a diversity exhibiting a unity of order. Goodness which is simply and uniformly in God exists in creatures in a multiform manner. S.t., Supplement, q. 34.1.

[21] Thus, Thomas speaks of the 'trace' (*vestigium*) of the Trinity in creatures: 'And therefore Augustine says (De Trin. vi 10) that the trace of the Trinity is found in every creature, according "as it is one individual", and according "as it is formed by a species", and according as it "has a certain relation of order"'. S.t. I, 45.7.

[22] Here, from *In Rom.* I.6 [concerning verse 20 of the Pauline letter], and *DV* 5.3. These two terms – *divinitas* and *divinius* – must be distinguished from the term *deitas*, which refers directly to the divine essence. On this theme of the common good as a participational likeness, see Lawrence Dewan, 'St. Thomas and the Divinity of the Common Good' [forthcoming].

In his seminal essay on 'Moral Personality and Legal Personality', the British legal historian F.W. Maitland writes:

> When a body of twenty, or two thousand, or two hundred thousand men bind themselves together to act in a particular way for some common purpose, they create a body, which by no fiction of law, but by the very nature of things, differs from the individuals of whom it is constituted...If the law allows men to form permanently organized groups, those groups will be for common opinion right-and-duty bearing units; and if the law-giver will not openly treat them as such, he will misrepresent, or, as the French say, he will 'denature' the facts...For the morality of common sense the group is a person, is right-and-duty-bearing unity.[23]

When individuals, with a note of permanence,[24] engage in united action for a common purpose, there comes into existence a unity that transcends the aggregation of its parts. That is to say, there comes into existence a group-person (a society) that requires the rest of us to recognize not only the individuals, but, as Maitland puts it, '$n + 1$ persons'.[25] It would 'de-nature' the facts, Maitland says, to pretend otherwise.[26] Every society will depend upon individual persons. This is just what Aristotle and Thomas meant by a unity of order, inasmuch as the members are not reducible to the whole as accidents to an underlying substance. *Groups are not ontologically basic in the order of substances.* They are basic, however, in constituting a unity that excels parts (members) which are also wholes (natural persons).

What Maitland calls '$n + 1$' persons means that the group or society, and not just its individual members, should morally count as an agent or

---

[23] F.W. Maitland, 'Moral Personality and Legal Personality', in *State, Trust and Corporation*, edited by David Runciman (Cambridge, 2003), 63, 68. Quoting A.V. Dicey.

[24] Thus, a society is not necessarily formed when two or more agents collaborate to lift a box. To be sure, such collaborations can be the beginning of something more. A society, however, requires the intention of stable order, which itself includes the intrinsic good of common action.

[25] Maitland, p. 69.

[26] On the *genosenschaftliche* character of polity, as a harmony of group-persons, see: Otto von Gierke, *Natural law and the theory of society, 1500-1800: With a lecture on the ideas of natural law and humanity* by Ernst Troeltsch. Translated with an intro. by Ernest Barker. A translation of 5 subsections in v. 4 of Gierke's *Das deutsche Genossenschaftsrecht*. Boston, 1957.

a patient.[27] As the bearer of rights and responsibilities, a society can harm or be harmed in the moral sense of the term. We morally harm a society when we fail to recognize its common good and its agency as an '*n* + 1' person by refusing to give it the proper legal personality or mask. In such cases, we do something more than harm what belongs privately to the individuals; more precisely, we harm what those individuals, as members, hold in common.

Hence, John Paul II's use of the term 'subjectivity of society'. A society is something more than inter-subjectivity. Its inter-subjectivity constitutes a 'subject' in its own right.[28] This distinction between mere inter-subjectivity and a society is drawn from ordinary experience. A number of individuals in a shopping mall certainly evince inter-subjectivity without pretending to constitute a society. Regarding this phenomenon, Hobbes speaks of a 'mere concourse of the people, without union to any particular design by obligation of one to another, but proceeding only from a similitude of wills and inclinations'.[29] Such 'concourse', of individual wills or desires, more or less spontaneously converging upon similar objects, is what we might find in the marketplace of a city. It is not harmed, and is quite likely facilitated, when we refuse it the status of a society or group. Spontaneous orders which emerge from inter-subjectivity are not incompatible with a strong ontology of social entities. Economists favor this notion of *catallaxy* or unplanned order for the good reason that it is empirically verifiable and

---

[27] For groups as agents and patients in the moral order, see Nicholas Wolterstorff, *Justice, Rights and Wrongs* (forthcoming, Princeton University Press), chapter 18.

[28] *Centesimus annus*, §13. '...the social nature of man is not completely fulfilled in the State, but is realized in various [intermediary] groups, beginning with the family and including economic, social, political and cultural groups which stem from human nature itself and have their own autonomy...This is what I have called the "subjectivity" of society which, together with the subjectivity of the individual, was canceled out by "Real Socialism"'. CA (1 May 1991), AAS 83 (1991), 809-810. Here, he is citing *Solicitudo rei socialis*, §§15, 28 (30 Dec. 1987), AAS 80 (1988), 530, 548. Again, he affirms the dignity of two kinds of persons or subjectivities. See also: 'The question arises as to why the biblical writers did not feel the need to address requests for forgiveness to present interlocutors for the sins committed by their fathers, given their strong sense of solidarity in good and evil among the generations (one thinks of the notion of "corporate personality" [*si pensi all'idea della "personalità corporativa"*])'. *Memory and Reconciliation* (1999), 2.1.

[29] *Leviathan*, XXII. Accomplished more perfectly by animals, e.g. by swarms. De Cive 5.5. So, on Hobbesian grounds, we must distinguish (a) peoples united in action, (b) people transitorily touching upon the same object, (c) unified swarms. Only the first needs the *consensus iuris* of the sovereign. *De Cive* 5.4.

useful for explaining market relations. It is problematical only when used to explain the entirety of social relations.[30]

Aristotle famously said that man is naturally a political animal, for men 'make common' words, judgments, and deeds.[31] To be sure, not everything can be put in common, for that would be totalitarian. And not everything that is made common can be done so in exactly the same way. Families, voluntary associations, the Church, and the state make different things common in different ways. The Aristotelian-Thomist ontology of unity of order is meant as a point of departure for empirical and moral investigation. It allows us to begin correctly, by not confusing social unity with the unity of a natural organism, a mere compositional unity, or a pattern of inter-subjectivity.

In making things common, societies are to be distinguished not only from what Hobbes called a *concourse* of wills, but also from a more *specific agreement* of wills typical of a partnership. In a partnership, two or more people deliberately and explicitly make a contract with respect to mutually agreeable ends while laying claim to their private shares and yields. Admittedly, this distinction between a partnership and a society is tricky when we examine concrete facts. For one thing, partnerships can become societies, and societies can devolve into mere partnerships – a phenomenon that is familiar to anyone who observes the life of families in an American suburb.[32]

---

[30] In this sphere of spontaneous adjustments and exchanges, we might think of Friedrich Hayek's notion of catallaxy. See *The Mirage of Social Justice*, 107-109. Nothing in our account of the social ontology of groups denies the existence or importance of catallactic order – an order that ensues upon agents pursuing diverse ends. As Hayek contends, the model of spontaneous, catallactic order, pertains especially to a market 'through people acting within the rules of the law of property, tort, and contract' (p. 109). However, Hayek expands the model to include the broader society in which such market relations take place. He brusquely dismisses the importance of group persons.

[31] Aristotle, *Ethics* 122611-12.

[32] Thomas sometimes speaks generically of any kind of unity toward an end, even when the reciprocal actions are only minimally societal, in the sense we've put on that term. 'A joining denotes a kind of uniting, and so wherever things are united there must be a joining. Now things directed to one purpose are said to be united in their direction thereto [*Ea autem quae ordinantur ad aliquid unum, dicuntur in ordine ad illud adunari*], thus many men are united in following one military calling or in pursuing one business, in relation to which they are called fellow-soldiers or business partners [*vel socii negotiationis*]'. *In Sent.*, Lib. IV, d. XXVII q. 1, a. 1. The term *socii*, corresponds roughly to what we would call partners or allies. Whenever there is a common end, there will be some kind of 'joining' of action. Here, however, Thomas seems to mean by businessmen, something akin to what we mean by partners.

Both can be brought into existence through the instrument of a contract. And to make our descriptive ontology all the more complicated, in a commercial society like ours we often speak of societies as partnerships even when we mean something more than that. Moreover, the law is often prepared to treat group-persons rather generically.[33]

Let us return now to the distinction between a partnership and a society. In mere partnership, the work is traceable to the individual partners but not to the partnership itself.[34] One who supplies Honda with auto parts does not intend to bring into being a society. No corporate personality is aimed at. The reciprocity has no aspect of permanence; it has no united action; indeed, it requires no society whatsoever – except incidentally, perhaps, in the breach of contract, in which case the partners repair to the courts of the political society. 'Mere partnership', Yves Simon observes, 'does not do anything to put an end to the solitude of the partners'.[35] In our example, it is sufficient that one delivers the parts, that Honda assemble the cars, and that various individuals write monthly checks for leasing the equipment. Therefore, a partnership corresponds more or less to what used to be called a *universitas rerum*, an organization of things. Each partner contributes and is entitled to yield for his private benefit precisely the parts which belong to him.[36] To be sure, there can be no such organization with-

---

[33] It is worth considering Frederick Hallis's point: 'As we have emphasized on more than one occasion, collectivities do not all require the same treatment. They present an infinite variety in respect of their internal solidarity and the importance of their purposes. It would be idle to maintain that some of these cannot be treated adequately without the conception of corporate personality. All that we maintain is that in some cases this conception becomes indispensable. Without pretending to draw the exact line in this matter, it is sufficient for the moment to say that the conception of corporate personality is essential in cases where the collectivity in question possesses a certain degree of solidarity and permanence'. Frederick Hallis, *Corporate Personality: A Study in Jurisprudence* (Oxford: Oxford Univ Press, 1930), 100-101.

[34] Yves Simon writes: 'In a mere partnership each action is traceable to some partner, e.g., all the work is traceable to the handicraftsman and all the financing to the money-lender, [but] none is traceable to the partnership itself'. *Philosophy of Democratic Government*, Chicago 1951, p. 64.

[35] *Id*.

[36] Pius XII said that it would be wrong to think 'that every particular enterprise' is a genuine 'society of persons'. Speech to U.N.I.A.P.A.C. (7 May 1949), AAS 41, p. 285. He seemed to have in mind what we have called *partnerships* which remain strictly at the level of commutative justice. Each part contributes and extracts its private portion of the whole. There is no intrinsic common good distinctive of a society or a communion of per-

out real persons doing their part; the essential point is that it is not the persons but rather the things which are collected.

In the order of justice, we harm a partnership when we prevent the partners from contributing and extracting what it privately their own. It depends principally on what has been called 'commutative' justice. In a society, on the other hand (what the canonists call a *universitas personarum*) the individuals are not parts or partners so much as members who enjoy the common order in the manner of usufructories; each is entitled to enjoy what is com-

sons. Pius was concerned that strict commutative justice, such as workers contracting a just wage, is not always the same as a just distribution within a genuine social whole. The just wage in commutation is sacrificed to a cost-benefit calculus of distribution even though there is no proper whole as a context for the distribution. The justice of partnerships in modern 'enterprises' is a very tricky problem for just this reason. Does this partnership, which undoubtedly comes under the justice of commutation, also contain aspects of society (beyond mere inter-subjectivity)? Pius XII reckoned that the business enterprise should be organized not only by the instrumental good of efficiency, but 'also and above all by giving it the value of a true community' (Speech to A.C.L.I. [11 March 1945] AAS 37, p. 71). The problem of how to characterize the limited partnerships, or *sociétés anonymes*, goes back to the Leonine era. The various philosophies and policies of what was called 'corporativism' had the ideal of transforming limited companies into the 'moral persons' of true societies or associations. For example, the very influential Fribourg Union, which consisted of an international group of Catholic social thinkers, proposed in 1891 that those who invest in an enterprise as anonymous partners ought to receive a reasonable return on their investment after a few years, at which time the company should pass into hands of the members of an organic association. This ideal inevitably ran into problems with the scale and complexity of modern corporations. For a thorough study of the *régime corporatif* developed by the Fribourg Union, and its interaction with the evolution of Catholic social doctrine in the late 19th century, see: Normand Joseph Paulhus, *The Theological and Political Ideals of the Fribourg Union*, Ph.D. diss. at Boston College (1983).

Pius XI taught that the economy is part of a complex unity of order which includes various kinds of partnerships and societies. But he certainly emphasized the crucial role of self-governing societies:

'But complete cure will not come until this opposition has been abolished and well-ordered members of the social body [*socialis corporis*] – Industries and Professions – are constituted in which men may have their place, not according to the position each has in the labor market but according to the respective social functions which each performs. For under nature's guidance it comes to pass that just as those who are joined together by nearness of habitation establish towns, so those who follow the same industry or profession – whether in the economic or other field [*sive oeconomica est sive alterius generis*] – form guilds or associations [*collegia seu corpora*], so that many are wont to consider these self-governing organizations [*haec consortia iure proprio utentia a multis*], if not essential, at least natural to civil society [*sin minus essentialia societati civili, at saltem naturalia dici consueverint*]'. *Quadragesimo anno*, §83, AAS 23 (1931), p. 204. [Note that in the next para-

mon, but not as his or her private part.[37] Importantly, a common good is not opposed to the individual good, but rather to the private good. A partnership is not opposed to private good – indeed, the whole point is to organize private goods (pooling resources) to enhance the private yield. There is nothing inherently suspect about partnerships; in fact, they are as ancient as society itself. But they shouldn't be confused with societies.

Again, let us take the example of a queue in front of a credit union: the individuals are *parts* of the queue, *partners* in the credit union, and perhaps *members* of St. Rita's parish. It is only the latter about for we use the word 'society' in something more than a metaphorical sense.

A society does not just aim at a common objective, but intends to have it brought about by united action. Think, for example, of a family, a faculty, a crew-team, or an orchestra. In each case, the reason for action includes the good of common action. Achievement of a mutually-agreeable result is not enough. To be sure, an orchestra aims to produce the music, just as a

graph (p. 205) Pius goes on to expound Thomas's notion of unity of order in which the order itself counts as the form of unity].

In *Centesimus annus*, John Paul II appears to take a slightly different approach. Rather than attempting to distinguish which enterprises are societies or mere partnerships, he emphasizes the nature of human action, and how it will naturally expand into various relations of solidarity: 'By means of his work a person commits himself, not only for his own sake but also for others and with others. Each person collaborates in the work of others and for their good. One works in order to provide for the needs of one's family, one's community, one's nation, and ultimately all humanity. Moreover, a person collaborates in the work of his fellow employees, as well as in the work of suppliers and in the customers' use of goods, in a progressively expanding chain of solidarity [*instar coniunctionis continuae, quae gradtim se extendit*]'. CA §43, AAS 847.

[37] Usufruct, or the right of enjoyment or participation. This important concept is traced out by Heinrich Rommen, *The State in Catholic Thought: A Treatise in Political Philosophy*, 2nd English Edit., Introduction by Russell Hittinger (Alethes Press, 2008), 139. Every societal common good is usufructory inasmuch as the good of the common order cannot be devolved into private hands or dominion. The issue has surfaced especially in marriage. Leo XIII argues that God 'so decreed that man should exercise a sort of royal dominion over beasts and cattle and fish and fowl, but never that men should exercise a like dominion over their fellow men'. *In plurimus* (1888), *Leonis XIII P.M. Acta* VIII, 171f. The human agent does not stand either to his own body or to the body of another as master to instrument. Once dominion is transferred to the human body, the human person encounters the human world as Adam did the animals. *Sapientia christianae*, §12, *Acta* X, 18. Therefore, the conjugal union of husband and wife involves differentiation of function (like any unity of order) but never dominion. It's form consists of an order of unity rather than dominion in property. See *Arcanum divinae* (1880) §7, *Leonis XIII P.M. Acta* II, pp. 13f; and *Casti connubii* (1930), §84; AAS 22, 572f.

crew-team aims to win the race; for their part, spouses aim to raise children and to send them into a wider world of societies. Yet, for each of these groups, their respective corporate unity is one of *reasons for action*. In the case of a society, unity is an intransitive good – ordinarily, it survives the failure of the crew team to win the race, the failure of a marriage to produce children, or a polity to negotiate a treaty with another state. Partnerships usually do *not* survive failure of the partners to secure the mutually agreeable ends for which the arrangement was constructed.

In sum, we will find human sociability manifesting itself in a variety of ways: spontaneous inter-subjectivity, deliberate partnerships, and in authentic societies which have an intrinsic common good. Nevertheless, the order of a society is something more perfect, for it not only has greater unity and durability, but most importantly it has a common good that is intrinsically valuable to each of its members. Thus, Cajetan's dictum: *Mihi sed non propter me* – 'for me, but not for my sake'. As the word 'perfection' implies, something is brought to completion. In the case of a society, we can call it solidarity, friendship, or being rightly ordered to one's neighbor. Once we consider a common good, the moral imperative of being rightly ordered to one's neighbor takes on a new note. For we must take into account not merely just exchange or just distributions, but also consider human actions insofar as they adequately contribute to, and participate in, the social common good.

There are three ways to destroy a society. First, by destruction of its members, or its matter. Second, by disintegration of the aim to achieve common ends through united action. Third, by destroying the instrument of authority that coordinates the common action. Partnerships, on the other hand, are destroyed either by destruction of its parts or by the obsolescence of the extrinsic end of the partnership (the yield, as it were). Both can be destroyed by injustice. But the kind of justice that applies to the one is not exactly the kind of justice that applies to the latter. Later, we will introduce the concept 'social justice' which pertains to the common good – to the order itself commonly participated and enjoyed by members of a society.

2.B. *Summary*

– Societies are unities order which cannot be reduced either to substantial unity nor to a unity of mere aggregation.
– Societies are constituted not only according to common ends, but also by a shared structure or intrinsic common good. The world 'common'

is opposed to 'private', but certainly not to 'individual'. Each member shares the common good of order. Nonetheless, what is common cannot be cashed-out and taken as a private share. One who leaves a club, marriage, church, or polity cannot require the common good to be distributed to him or her. This is what marks the difference between a society and a partnership.

– For a social unity of order, the parts are also wholes (individual persons) which retain their own proper operations. Catholic social doctrine has often repeated Thomas's dictum: 'Man is not ordained to the body politic, according to all that he is and has'.[38] But this principle holds true of any society. Whatever the dignity of a society, it does not supplant, but rather, presupposes the dignity of the individual person.

– Precisely because every society consists of a diversity of members who retain their own proper operations, human persons can be members of plural societies. Husband and wife are members of a municipality, of a nation, of a church. Children are members of the family and members of college or a team. Each of these memberships can be referred once again to a wider society at both the level of the state and the international order. Human sociability is not exhausted in a single membership. The chief goal of social justice is the harmonization of these diverse group-persons.

– Therefore, the *Catechism of the Catholic Church* teaches: 'A *society* is a group of persons bound together organically by a principle of unity that goes beyond each one of them. As an assembly that is at once visible and spiritual, a society endures through time: it gathers up the past and prepares for the future. By means of society, each man is established as an "heir" and receives certain "talents" that enrich his identity and whose fruits he must develop. He rightly owes loyalty to the communities of which he is part and respect to those in authority who have charge of the common good' (CCC §1880).

III. MODELS OF CIVIL SOCIETY

The diverse set of non-governmental associations called 'civil society' includes economic corporations, trusts, schools and faculties, charitable

---

[38] *Quod homo non ordinatur ad communitatem politicam secundum se totum, et secundum omnia sua*. S.t. I-II, 21.4 ad 3.

organizations and foundations (both religious and secular), the press, clubs, churches, sodalities, and labor unions. In a free society, these groups will possess juridical personality, their appropriate legal masks. That there be a civil society distinct from the formal organs of the state, and that civil society be recognized at public law, are uncontroversial propositions today. Since the seventeenth-century, however, we have inherited quite different understandings of the nature of civil society and the ontology of group-persons upon which it would seem to depend. I will call one the devolution model and the other the subsidiarity model.

3.A. *Devolution Model: Concessions and Fictions*

When we think of modernity we think of the Enlightenment, the sovereignty of reason, and of ideologies of liberty; we think especially of his technologies. But his greatest and most sustained work was the state. Scholars debate exactly what makes a polity a modern 'state', but some criteria will appear on every list: such as territorial homogeneity, monopolies over lethal force, education, police, taxation – and, of course, *sovereignty as indivisible, perpetual and inalienable power*.[39]

Beginning in the 17th century, one of the most urgent questions was how to reconcile the state's monopoly over public authority and power with the myriad of other groups claiming authority, rights, and liberties according to custom, natural law, and ecclesiastical law. How does state sovereignty (which recognizes the state as the pre-eminent, if not the exclusive group-person) comport with what Maitland called the 'right-and-duty bearing' unities that we are calling civil society?[40]

Thomas Hobbes (1588-1679) provided an early, and very clear, model for understanding the relationship between groups and the sovereign state. It has been called the 'concession' theory. The term *concession*, is traced to the Edict of Gaius in the *Digest* 3.4.1, where *collegia* or other social bodies are conceded 'on the pattern of the state'.[41]

---

[39] To mention only a few covered in Christopher Pierson, *The Modern State* (London: Routledge, 1996), 6-34.

[40] See Thomas's criticism of Plato's idea that the polity is a homogenous order, *Sententia libri Politicorum*, I.1 §1-2, 17-18; and his remarks on natural diversity at II.1, §7-8.

[41] Digest 3.4.1 at 137. Note the three important verbs in this dictum: *concedere, permittere, confirmare*. The term 'concession' is emphasized in the magisterial work of Otto Friedrich von Gierke (1841-1921), who attempted to recover the juristic concept of corpo-

In the *Leviathan*, Hobbes contends that a 'person is he whose words or actions are considered either as his own, or as representing the words or actions of another man, or of any other thing to whom they are attributed, whether truly or by fiction'.[42] In the natural as well as in the legal world, there are three kinds of 'person': (a) natural, individual persons who speak and act for themselves; (b) artificial persons who represent the speech and actions of others; and (c) purely fictional persons, such as bridges, churches, or hospitals. Seeing clearly enough that the state could not count as a natural, individual person, Hobbes concluded that the state is an artificial person, which is to say that the state has a corporate nature by virtue of a multitude being represented. This representative is called the 'sovereign'.

This division of persons and personations brings us to the crucial issue. Into what category do we place non-governmental entities of this sort? Can they be persons? Hobbes writes: 'For power unlimited is absolute sovereignty. And the sovereign, in every commonwealth, is the absolute representative of all the subjects; and therefore no other can be representative of any part of them, but so far forth as he shall give leave'.[43] For Hobbes, once the sovereign comes into existence, there can be only one legitimate artificial or representing-person. Other group-persons may exist only by the permission or *concession* of the sovereign. At least in passing, it is worth noting that concession theory is not a creation of the modern state, but goes back to Roman law. Nor is there anything inherently wrong with the concession model.[44] So

rate personality from what he called the 'concession' theory. For Gierke, it was Hobbes who gave the most challenging version of it in modern times. Otto von Gierke, *Natural law and the theory of society, 1500-1800: With a lecture on the ideas of natural law and humanity* by Ernst Troeltsch. Translated with an introduction by Ernest Barker. See also Otto Gierke, *Associations and Law: The Classical and Early Christian Stages*, Edit. and trans. by George Heiman, with an interpretative introduction to Gierke's thought. Toronto, Univ. Toronto Press 1977.

[42] *Leviathan*, XVI.

[43] *Leviathan*, XXII.

[44] Aspects of 'concession' are well-known in Roman and ecclesiastical law. Associations claiming a share of public authority in the civil or ecclesiastical spheres require permission to so exist. Canon law (CIC 1983), for example, routinely and distinguishes between the *moralis personae* of the Catholic Church and the Holy See (Can. 113 §1), which are instituted by divine ordinance, individual persons or *personae physicae* (Can. 113 §2), and a myriad of other *personae iuridicae* which receive a special status by virtue of their useful purposes and their ability to achieve them (Can. 113 §3). Baptised Catholics, for example, enjoy a right to establish and direct associations which serve a charitable or pious purpose, to hold meetings, and to pursue their purposes by common effort (Can. 215). But they cannot claims the

long as the objectives belong to public authority, the state may rightfully out-source the means to the ends. This is true, as well, for corporations other than the state. A university, for example, may make concessions with regard to the production and sale of its logo for the football team.

Here, we must pause to clarify these two legal terms of art, *fiction* and *concession*. The strong version of the fiction-model will hold that there is no group-person of any sort behind the legal mask. John Austin, for instance, described groups as subjects only by '*figment* for sake of brevity of discussion'.[45] In philosophy, science, and law it is driven by the premise of methodological individualism – namely, that social unities and relations among members can be reduced to nonsocial properties of members or composites thereof.[46] The concession-model, however, refers to societies made legitimate by the law. Concession can remain open to the reality of the group prior to the state's award of jural capacities. Until then, they are regarded either as so unimportant as to receive no notice, or they are regarded as illegitimate. The real group simply moves from being not offi-cially recognized to being publicly capacitated. Both *fiction* and *concession* have been used by the modern state in ways which are prejudicial and harmful to societies other than the state.[47] When these two legal devices are

title 'Catholic' without ecclesiastical concession (Can. 216). Some private associations are merely praised or recommended (Can. 299 §2); or they might be approved when its statutes are reviewed by a competent authority (Can. 299 §3); no association can call itself Catholic without consent of the proper authority (Can. 330, and 312, 803 §3); still others can be regarded as public, acting in the name of the Church, and are said to be 'erected' (Can. 301). Can. 116 §1 provides for juridical persons to act in the name of the Church, while §2 provides for an association to act in its own name with ecclesiastical approval. Unfortunately, the Code does not provide a synthetic account of these various *personae*.

[45] Lord Coke's famous dictum: 'It is a fiction, a shade, a nonentity, but a reality for legal purposes. A corporation aggregate is only in abstracto – it is invisible, immortal and rests only in intendment and consideration of the law'. Case of Sutton's Hospital (1612), 5 Rep. 303; 10 Rep. 32 b.

[46] The array of contemporary positions on methodological individualism and its alter-natives is summarized by Frederick F. Schmitt, 'Socializing Metaphysics', *Socializing Meta-physics: The Nature of Social Reality*, edit. Frederick F. Schmitt (Lanham: Rowan & Little-field Pub., 2003), 1-37.

[47] In 2007, for example, China's State Administration of Religious Affairs announced Order No. 5, a law covering the 'Management Measures for the Reincarnation of Living Buddhas in Tibetan Buddhism'. The state prohibits Buddhist monks from returning from the dead without government permission. No one outside China can influence the reincar-nation process, and only monasteries in China can apply for the concession. *Harper's Mag-azine* (March 2008), 20.

used in tandem, the state will command its lawyers to consider only the state's construction, not the very group that gave rise to the issue in the first place.[48] The state regards and treats all group-persons as out-sourced instruments of its own group-personality.

The modern French state began precisely on this note. Consider article-3 of the French *Declaration of the Rights of Man and Citizen* (1789): 'The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation'.[49] Two years later, the state passed a law against corporations:

> 'Since the abolition of all kinds of corporations of citizens of the same occupation and profession is one of the fundamental bases of the French Constitution, re-establishment thereof under any pretext or pretence or form whatsoever is forbidden' (§1). 'Citizens of the same occupation or profession…may not, when they are together, name either president, secretaries, or trustees, keep accounts, pass decrees of resolutions, or draft regulations concerning their alleged common interests' (§2).[50]

---

[48] On the problem of conflating concession and fiction, see Janet McLean, 'Personality and Public Law Doctrine'. *University of Toronto Law Journal*, Vol. 49, No. 1 (Winter 1999), 129-30.

[49] John Hall Stewart, *A Documentary History of the French Revolution* (New York: Macmillan, 1951), Document 17, at p. 114.

[50] Chapelier Law, 14 June 1791. Stewart, Document 28, p. 165. Indeed, more than a century later, the Third Republic enacted such legislation: 'No religious congregation may be formed without an authorization given by law which that determine the conditions of its exercise...The dissolution of a congregation or the closing of any establishment may be declared by a cabinet decree'. French Law of Associations, title III, §13 (1 July 1901). In his fine study of the Revolution's rejection of 'the society of orders and *corps*, or corporations', Pierre Rosanvallon emphasizes that Isacc-René-Guy Le Chapelier and his colleagues meant by *régime corporatif* more than the specifically economic institutions. They meant a regime consisting of plural societies, each with its own distinctive legal bonds, usually with its own distinctive signs and costumes, together making up the whole of the body politic: estates, religious corporations (clerical and religious congregations), guilds, clubs, municipalities, and so forth. If property-owning corporations exist, said Jacques-Guillaume Thouret, they differ from natural individuals who possess innate faculties and rights. 'Corporations are merely instruments fabricated by the law for the greatest possible good'. They are trustees of a public service mission located in the state. Rosanvallon notes: 'But the essential question was philosophical: corporate ownership inherently raised the prospect of a rival to public authority. The corporations in a sense threatened the state's claim to a 'monopoly on perpetuity,' a perpetuity being in the order of temporality the equivalent of generality in the order of social forms'. Pierre Rosanvallon, *The Demands of*

The multi-faceted order of estates, corporations, guilds, clubs – each with its distinctive legal bonds and signs and costumes – are swept aside as alien to the unity of the body politic.

In modern times, most revolutionary regimes will attempt to forbid sub-sidiary societies. History testifies that even the most brutally centralizing regimes eventually will retreat from the totalitarian ideal. They will make concessions. Why should the sovereign ever grant a concession? For our purposes today we might think of *devolution*, which often has a very strong resemblance to the older concession model. Imagine a homogeneous power formally belonging to the state. But the state decides to parcel-out aspects of this power from the top-down, or from the center to the periphery. While the state does not deny its own plenitude of power or sovereignty, it does recog-nize the contingent fact that it cannot efficiently reach all of the objects with-in its formal power. Accordingly, the state will out-source power, by way of a quasi-delegation, to other groups for the purpose of efficiently creating and distributing certain goods and services: education, charitable relief of the poor, and the orderly transfer of property or investment, to mention only a few. The complexity and scale of modern states practically guarantee that the sovereign must make concessions. It must, in this sense, *learn to*

Liberty: Civil Society in France Since The Revolution, trans. Arthur Goldhammer (Cam-bridge: Harvard University Press, 2007), 28.

In this connection, we should bear in mind original meaning of 'solidarity'. In France, *solidaires* were those bound together in collective responsibility, according to the semi-autonomous societies called *communautés*. The idea of *solidarité* was drawn remotely from the legal expression *in solidum*, which, in Roman law, was the status of responsibil-ity for another persons' debts. Usually, the legal status of *solidaires* presupposed member-ship in a society (nation, family, etc.) that persists over time and is not exhausted in a sin-gle exchange nor characterized as a limited liability partnership. The Napoleonic Code (1804) expressly forbade the presumption of *solidarité* (art. 1202) in order to underscore the ontology of natural persons bound together chiefly, or only, in the state, and secondar-ily by contracts engaged by individuals. Thus, one becomes a *solidaire* only contractually (arts. 395-396, 1033, 1197-1216, 1442, 1887, 2002). With the revolutions which followed in the wake of the Napoleonic wars, and with the onset of the industrial revolution, the term 'solidarity' began to acquire the plethora of meanings it has today: solidarity of workers, political parties, nations, churches, and humanity in general. This was due to the wide-spread alarm at the disintegration of society and a renewed interest in intermediate asso-ciations. The historical evolution of the term is tracked within the Jewish community by Lisa Moses Leff, 'Jewish Solidarity in Nineteenth-Century France: The Evolution of a Con-cept', in *The Journal of Modern History*, Vol. 74, No. 1 (Mar., 2002), 33-61. The more glob-al history is provided by Steinar Stjerno, in *Solidarity in Europe: The History of an Idea* (Cambridge: Cambridge Univ. Press, 2004).

devolve.[51] While despotic regimes will tend to be stingy, liberal regimes will tend to be generous in giving concessions. England was the model for a liberal regime, jealous of its sovereignty, but ever ready to out-source certain functions to corporations and to unincorporated groups and to trusts, even to pirates acting as auxiliaries of the royal navy.

The golden-age of concession theory was the 18th and 19th centuries because it was during this time that states were created according to the modern idea of sovereignty. Yet this model is quite durable, never entirely disappearing, even in our time. Take, for example, the debates in Europe and the United States over the issue of marriage. What kind of juridic person is a marriage? In 1992, the Hawaiian Supreme Court defined marriage as 'a partnership to which both parties bring their financial resources as well as their individual energies and efforts'.[52] This point was reiterated in the controversial 2003 decision of the Massachusetts Supreme Court, which prohibited the legislature from giving legal title of marriage only to one man and one woman. Let's put to one side the moral issue of whether marriage ought to be exclusively heterosexual. This puts the cart before horse. First, we want to know whether there are group-persons distinct from partnerships, and second what reason the state has to recognize them.

> We begin by considering the nature of civil marriage itself. Simply put, the government creates civil marriage...*Civil marriage is created and regulated through exercise of the police power*...Civil marriage anchors an ordered society by encouraging stable relationships over transient ones. It is central to the way the Commonwealth identifies individuals, provides for the orderly distribution of property, ensures that children and adults are cared for and supported when-

---

[51] The word devolution is commonly used in a generic sense, to speak of decentralization. I prefer the standard 18th century sense of the term, as used by Edward Gibbon in *The Decline and Fall of the Roman Empire*: 'The character of the civil and military officers, on whom Rufinus had *devolved* the government of Greece, confirmed the public suspicion, that he had betrayed the ancient seat of freedom and learning to the Gothic invader'. Vol. 3 XXXI.1. Or speaking of Maxentius: 'Whilst he passed his indolent life either within the walls of his palace, or in the neighboring gardens of Sallust, he was repeatedly heard to declare, that he alone was emperor, and that the other princes were no more than his lieutenants, on whom he had *devolved* the defence of the frontier provinces, that he might enjoy without interruption the elegant luxury of the capital'. Vol. I, XIV. Hence, governments, powers, treasuries are said to *devolve*.

[52] Baehr v. Lewin, 852 P. 2d 44, 58 (citing Gussin v. Gussin 73 Hawaii 470, 483, 836 P. 2nd 484, 491, 1992).

ever possible from private rather than public funds, and tracks important epidemiological and demographic data.[53]

We read that the state does not merely regulate, but creates marriage through the exercise of the police power. What aspects of good order move the state to allow married people to be a right-and-duty unity? The Court mentions economic reasons (property), sociological reasons (stable relationships), health reasons (care for the old or indigent), and scientific reasons (collection of epidemiological data). The state breathes into the dust of sexual relationships and private aspirations to intimacy, and creates a 'person' at law. This person, then, becomes the site or occasion for bringing about more efficiently certain results which are in the interest of the state.[54] All that remained for the Massachusetts Court to do was to judge that one sex or two sexes are immaterial to the state's interest in having other agents procure the publicly desirable results, and therefore not to favor one arrangement over the other. The Massachusetts decision is a pure example of concession theory. The Court leaves untouched the question whether this juridic person is a society or a partnership. The public efficiencies falling within the purview of the positive law could be attached to either a partnership or a society.[55] Indeed, the law of unilateral no-fault divorce guarantees in practice, if not in theory, that a marriage is a partnership.

---

[53] Goodridge v. Dept. of Public Health, 440 Mass. 309 (1993).

[54] Compare to Justice Joseph Story, a jurist from Massachusetts and Chief Justice of the Supreme Court. '[Marriage] may exist between two individuals of different sexes, although no third person existed in the world, as happened in the case of the common ancestors of mankind. It is the parent and not the child of society'. Joseph Story, *Commentaries on the Conflict of Laws* (1834), 100.

[55] The 1801 draft of the French *Code Civil* proposed that 'what marriage in itself is was previously unknown, and it is only in recent times that men have acquired precise ideas on marriage'. An important response to the draft was undertaken by Viscomt Louis de Bonald (1754-1840). Published in 1801 under the title *On Divorce*, this little philosophical and legal brief contributed to the suppression of the law of divorce in 1816, until the Third Republic reinstituted it in 1884. Since social unity is a minimal requirement for law to gain any footing in the question of marriage, Bonald reasons that the issue pivots on 'the unity of union and the multiplicity of unions'. [*Ibid.*, 63.] There are three options. *First*, union of the sexes with the intention *not* to form a society, which even the law recognizes as promiscuity rather than marriage. *Second*, union of the sexes *without* an intention to form a society, which is concubinage. *Third*, union of the sexes *with* a commitment to form a society. In effect, Bonald outlines the three categories which we have used in this paper: (1) sexual union as a concourse of wills, (2) sexual union as partnership, (3) sexual union constituted in a society.

3.B. *Devolution Model: Intermediate Powers*

While the concession model is by no means dead, its star has been in eclipse during the second part of the 20th century. Especially after the Second World War, there has been interest in reviving another strand of liberalism on the issue of civil society – one that emerged in the 18th and 19th centuries in reaction to state absolutism. In France, we think of Montesquieu and Tocqueville – or perhaps James Madison in the United States. Emile Durkheim observed: 'If that collective force, the State, is to be the liberator of the individual, it has itself need of some counterbalance; it must be restrained by other collective forces, that is, by...secondary groups...[for] it is out of this conflict of social forces that individual liberties are born'.[56]

We may call it the power-checking model, because it estimates the value of groups other than the state chiefly in terms of a check upon untrammeled power. Montesquieu wrote: 'Political liberty is found only in moderate governments... It is present only when power is not abused, but it eternally been observed that any man who has power is led to abuse it; he continues until he finds limits...So that one cannot abuse power, power must check power by the arrangement of things'.[57] Hence, the famous idea of civil society as 'intermediate powers'. What interested Montesquieu was not the specifically social landscape, or the *milieu intérieur*, of corporate persons (an ontology that perhaps he took for granted) so much as the general distribution of

---

[56] E. Durkheim, *Professional Ethics and Civic Morals*, Free Press, 1958, 62-63. Hutchins, 6, n. 2. Durkheim's work is a complicated subject. On one hand, no one labored more strenuously in the 19th century to establish the objective reality of *faits sociaux* and the *sui generis* status of social facts. He vigorously rejected any methodology that would reduce social to non-social facts. Even so, he viewed society in the distinctively modern way of powers, forces, and their equilibrium. Thus, the idea *corps intermediaries* was developed in view of the need to check the power of the state, even substituting for the family which, in modern times, had no such clout. Generally, he tended toward a kind of substantialism. Some authors, however, have attempted to put him into an Aristotelian tradition. For his distinction between mechanical (primitive) and organic (modern) solidarity suggested that organic solidarity is just what Aristotle and Thomas meant by a unity of order. The title page of his *Division of Labor* cites Aristotle's *Politics* (I, 1261a24) on the point that the real unity of the polis must include a diversity of elements. While this might indicate the intrinsic value of hierarchical order of social solidarities nested within others, it also comports with the idea of powers limiting other powers. On Durkheim's penchant for describing collective forces along the lines of thermodynamics and electricity, its seeming conflict with organic metaphors, and Durkheim's quest to win a scientific recognition of sociology, see Steven Lukes, *Émile Durkheim: His Life and Work* (New York: Penguin Books, 1973), 215ff.

[57] Montesquieu, *Spirit of the Laws*, 11.4.

'powers'. Civil society is useful as an arrangement that checks abuse of power and thereby inclines a political society to moderation.

This line of thought concedes to the state its monopoly over public things. Importantly, it differs from the concession model with regard to the end to be achieved. Whereas the concession model seeks to protect and maintain state sovereignty by out-sourcing its power to other groups, the power-checking model endeavors to shrink its scope – at least materially and politically. Let the state be sovereign in the 'modern' sense of the term; but let this sovereignty be materially diminished by intermediate groups. These groups are not estates in the old sense of the term, for they have no representative power or authority; they do not constitute political bodies. Rather, the intermediate powers constitute a vast sphere of *private* judgments, choices, and actions by individuals and associations. Understanding that the state was no longer limited from above, it followed that its power is limited either from within (e.g. the division of powers), or from below.

The power-checking model treats devolution as *privatization*. It, too, wants the state to devolve for reasons of efficiency, but with a value-added purpose. For example, private schools are useful not only because they efficiently allocate educational resources, but also because they check the untrammeled state power over education. This double efficiency has always proved essential to the liberal social theory. Like the two faces of Janus, it looks in one direction toward private competition, organization, and efficient distribution of resources, and it looks in the other direction toward the negative liberty accruing from private initiative. The state is put in the position of having to justify, on cost-benefit grounds, why the private sphere should not prevail whenever there is a concurrent jurisdiction or interest in a common thing: fisheries, education, capital investment, etc.

In both the United States and Europe, this model is model is often associated (more or less explicitly) with 'subsidiarity'.[58] In the next section, I will explain why we should resist the equation. But for now I call attention to the fact that the intermediate powers analysis is not principally interested

[58] Whether the European Community treaties (and amendments) mean by subsidiarity something more than a rule of social efficiency is difficult to determine because the original language, informed by Catholic social thought (mostly through the German thinkers) was transported to a more lawyerly emphasis on constitutional allocation of powers. The difference between the two is intelligently surveyed by Christoph Henkel, 'The Allocation of Powers in the European Union: A Closer Look at the Principle of Subsidiary', 20 *Berkeley J. Int'l L.* 359 (2002), 359-386.

in the sociality of diverse group-persons. It focuses rather upon efficiency, which is the common coin of public policy and discourse. It matters little whether the efficiencies have this or that social form. The key insight is that the state be limited by the private sphere. If we ask why the state should be so limited, the answer will be that it increases liberty and that such an arrangement is more efficient.

Along these lines, perhaps the most astute and powerful argument for civil society was made by Ernest Gellner, in *Conditions of Liberty: Civil Society and its Rivals* (1994). Gellner points out that 'civil society' is ambiguous. From one point of view, civil society can mean the 'social residue left when the state is subtracted'.[59] Consisting of strong bonds of solidarity in family, tribes, and religious institutions, this 'residue' can prove to be very potent. The polycentric nature of traditional societies is very effective if we were only interested in checking the power of the modern state. In a modern, democratic culture, however, civil society must not only check state power, but must also liberate the individual from the suffocating obligations of common faith and kinship. The 'miracle of civil society' requires loose associations which protect individual liberty from the solidaric bonds of the state and traditional communities. Once the strong solidarities from above and below are weakened, we enjoy the kind of society suitable to what he calls the 'modular man'.

> The [western conception of civil society] has not committed itself either to a set of prescribed roles and relations, or to a set of practices. The same goes for knowledge: conviction can change, without any stigma of apostasy. Yet these highly specific, unsanctified, instrumental, revocable links or bonds are effective. The associations of modular man can be effective without being rigid.[60]

Gellner's work is important because he delineates the full implications of the 'counterweight' theory of civil society: *devolution from above and disincorporation from below*. His sociology is at once descriptive and normative – at least for us, who live in a market culture, and who prize the associational life of 'modular man'. That human nature is sociable, and that sociability is capable of strong solidarities from above and from below are not in question. The question, rather, is whether such strong solidarities are

---

[59] Ernest Gellner, *Conditions of Liberty: Civil Society and its Rivals* (New York: The Penguin Press, 1994), 212.
[60] *Ibid.*, 100.

useful and agreeable to the democratic culture. Gellner has emphasized what we have called partnerships rather that a plurality of societies possessing intrinsic common goods. I will now go on to argue that this position, though perhaps descriptively accurate of contemporary society, should not be confused with subsidiarity.

3.C. *Summary*

– The concession-model regards group-persons other than the state as legitimate only insofar as they receive the state's concession or imprimatur. Though it enjoys a monopoly on group-personhood, the state can out-source its power to other groups, depending upon the state's estimation of the public utilities of so doing. This model, therefore, should be called devolution.

– The fiction-model reduces societies to their non-social properties. Whereas the concession model insists that the group is illegitimate until it receives the legal mask (*persona*), the fiction model holds that there is nothing but the legal mask. In modern states, these two models often work in tandem.

– The model of intermediate powers holds that the existence of group persons other than the state is useful: (1) for checking the power of the state, (2) for distributing more efficiently certain goods and services, and (3) for checking the power of strong solidarities from below, which tend to restrict individual liberties.[61] It, too, tends to understand subsidiarity as devolution.

IV. THE SUBSIDIARITY MODEL IN CATHOLIC THOUGHT

The existence of social persons distinct in dignity, reducible neither to the individual nor the state, stands at the outset of Catholic social doctrine. As well it should, for the Church claimed to be a *persona moralis* instituted

---

[61] We do not suggest that efficiency is of no importance. The first question, however, is efficient 'to whom?' Every genuine society, which, as we have emphasized, has both an intrinsic common good (the order) and an extrinsic common good (the victory of army, to use Aristotle's example), will take interest in the efficiencies touching upon the division of labor and the extrinsic results. Indeed, deliberate mutations of societies often occur because of new estimations of efficiency.

by Christ. Moreover, nested within this trans-jurisdictional ecclesial society were a host of subsidiary societies: families, religious orders and congregations, sodalities, colleges, associations of pilgrims, warrior orders, and a myriad of other associations, like guilds, which overlapped with municipal and temporal societies. Even into 18th century, the Catholic Church was an extraordinarily diversified and interdependent social order.

Catholic sovereigns were deemed to be junior apostles, receiving privileges to govern much of the temporal estates and life within their realms. The French Revolution's *Civil Constitution of the Clergy* (1790) unilaterally overturned the common law of political Christendom. Church governance was handed over *not* to the mischievous but familiar Catholic ruling families, but instead was given to the nation. The clergy became civil servants elected by democratic vote. This model spread to the former colonies, particularly in Latin America. Rights once belonging to the Church had been transferred to kings, and now to the nation. The state was no longer governed by anointed laity, but by a new doctrine of *laicism*.

Once the modern states asserted their monopoly on group-personhood, they were bound to collide with the Church. In Europe and in her former colonies, the Catholic Church not only lost its political privilege in the new nation-states. The Church, along with her religious orders, schools, seminaries, and sodalities was stripped of juridic personality – except such as remained by concession of the states. A society of monks, for example, could not hold themselves out to the rest of society as monks, but rather as makers of pottery. The monastic society was given the status of a business partnership – which is not only an act of concession but also of fiction. Article 27 of the 1917 Mexican constitution was more severe: 'The law recognizes no juridical personality in the religious institutions known as churches'.

To be sure, the principles of social order were ancient. But the post-1789 church-state crisis is what gave the Church real incentive to develop a body of social doctrine. On this score it is important to understand that the social doctrine did not begin with the industrial revolution and the problems of benighted and dislocated workers. It began with the need to defend the institutions of the Church. Catholic social doctrine, accordingly, emerged in defense of two propositions: first, that the state does not enjoy a monopoly over group-personhood; second, that societies other than the state not only possess real dignity as rights-and-duties bearing unities, but that they also enjoy modes of authority proper to their own society.

In his famous encyclical *Rerum novarum* (1891), Pope Leo XIII defended the right of workers to form associations. The following passage touches the nerve of the issue:

> 'Private societies, then, although they exist within the body politic, and are severally part of the commonwealth, cannot nevertheless be absolutely, and as such, prohibited by public authority. For, to enter into a 'society' of this kind is the natural right of man; and the *civitas* has for its office to protect natural rights, not to destroy them; and, if it forbid its citizens to form associations, it contradicts the very principle of its own existence, for both they and it exist in virtue of the like principle, namely, the natural tendency of man to dwell in society. There are occasions, doubtless, when it is fitting that the law should intervene to prevent certain associations, as when men join together for purposes which are evidently bad, unlawful, or dangerous to the *respublica*. In such cases, public authority may justly forbid the formation of such associations, and may dissolve them if they already exist. But every precaution should be taken not to violate the rights of individuals and not to impose unreasonable regulations under pretense of public benefit...The State should watch over these societies of citizens banded together in accordance with their rights, but it should not thrust itself into their peculiar concerns and their organization, for things move and live by the spirit inspiring them, and may be killed by the rough grasp of a hand from without'.[62]

According to Leo, such societies spring from the same source as the state, the 'tendency of man to dwell in society'. Society does not devolve from the state or come into existence because of the state's need to outsource powers for socially useful ends. Notice Leo's swipe at the 'public

---

[62] *Rerum novarum* (15 May 1891), §§51-53, 55, *Leonis XIII P.M. Acta* XI, 135-137. Leo here defends the rights of private associations on the basis of Thomas's defense of Mendicant poverty in *Contra Impugnantes*, written in 1256. In Thomas's works, every analogous use of the word *societas* is mirrored by uses of the word *communicatio*: *communicatio oeconomica*, *communicatio spiritualis*, *communicatio civilis*, and so forth. The word *communicatio* simply means making something common, one rational agent participating in the life of another. Society, for Thomas, is not a thing, but a communication. He quotes Augustine's *De Doctrina Christiana*: 'Everything that is not lessened by being imparted, is not, if it be possessed without being communicated, possessed as it ought to be possessed'. *Contra Impugnantes*, I.4. §14 A83 1265-70.

benefit' argument, which recalls the problem of concession theory. The key point is that, whatever the differences obtaining between political union, ecclesiastical union, familial union, and the many kinds of voluntary unions about which Leo speaks in this passage, they have something in common: the natural social tendency of the human person. True enough, there are qualitative differences between a state, a church, and a family. Yet no one of these societies uniquely instantiates the genus 'social'. The state, for example, does not represent the genus 'social' under which are arrayed the church or family as 'species'. This also holds in the opposite direction. The state is not a species of the Church's solidarity, although the state's unique order may be assisted and inspired by the Church's union.

Every social formation embodies diversity (*pluritas et inaequalitas*), for such is necessary for a unity of order in which the members each enjoy their own operations. We can think of Durkheim's distinction between (1) a 'mechanical' expression of the *conscience collective*, in which the group conscience is co-extensive with, and coincides at all points with, the individual's, and (2) an 'organic' solidarity in which individuals are grouped by their different activities or functions. The latter kind of solidarity approximates a 'unity of order'. Yet the same principle holds when we ask what kind of order obtains among qualitatively different societies. This is preeminently a political question. How does the state function as a union of social unions without reducing society to 'powers' which differ only quantitatively? It was precisely on this problem that the 'intermediate powers' analysis of the French and the American thinkers stumbled. Social diversity was reduced to a thermodynamics of power. Leo puts the issue differently. Even if the state has the special and very august function of ordering its members to a common good, that common good, in turn, must protect the common goods of diverse societies within it.

Leo introduces another issue. He writes: 'In order that an association may be carried on with unity of purpose and harmony of action, its administration and government should be firm and wise. All such societies, being free to exist, have the further right to adopt such rules and organization as may best conduce to the attainment of their respective objects'.[63] Wherever is a society marked by common ends and unity (or harmony) of action, there must be authority. Leo's point is that the state will do an injustice if it allows societies to exist, but denies their capacity for self-government.

---

[63] *Rerum novarum*, §56.

Where there is no right to group authority, common action will depend entirely on spontaneous unanimity. This is hardly possible in a family, much less in an economic corporation, a university faculty, a church, or even a sports team. Hence, a state that recognizes the existence of civil society, but not the diverse modes of authority appropriate to those societies, reduces civil society to mere partnerships. Recall our earlier point that partnerships have no inherent need of authority, except accidentally, when breach of contract requires the ministry of the courts.

Now, at last, we can address the principle of subsidiarity and distinguish it from devolution. The term was coined by the nineteenth-century Italian Jesuit, Luigi Taparelli. For Taparelli and the tradition of Catholic social doctrine, subsidiarity is not a free-standing concept. As a principle regulating and coordinating a plurality of group-persons, subsidiarity presupposes a plurality of such persons, each having distinct common ends, kinds of united action, and modes of authority. It is not, therefore, a question of whether there shall be group-persons, or whether they are efficient or immediately useful to the state. Rather, the question is how these groups stand to one another and to the state. In its negative formulation, subsidiarity demands that when assistance (*subsidium*) is given, it be done is such a way that the sociality proper to the group (family, school, corporation, etc.) is not subverted. Taparelli, used the term *ipotattico*, taken from the Greek *hypotaxis*, the rules governing the order of clauses within a sentence. Rendered in Latin as *sub sedeo*, subsidiarity evokes the concept not only of subordinate clauses in a sentence, but also of auxiliary troops in the Roman legion which 'sat below', ready and duty-bound to render service.

Hence, it describes the right (*diritto ipotattico*) of social groups, each enjoying its own proper mode of action. While sometimes identified with the word *subsidium* (help, assistance), the point of subsidiarity is a normative structure of plural social forms, not necessarily a trickling down of power or aid.[64] Taparelli used the expression *associazione ipotattica* to emphasize the interdependence of societies, each maintaining its own unity (*conservare la propria unità*) without prejudice to the whole.[65]

---

[64] The history and philosophy of subsidiarity are covered with unusual clarity by Thomas C. Behr, 'Luigi Taparelli D'Azeglio, S.J. (1793-1862) and the Development of Scholastic Natural-Law Thought As a Science of Society and Politics', *Journal of Markets & Morality*, Volume 6, Number 1 (Spring 2003), 99-115.

[65] Luigi Taparelli D'Azeglio, *Saggio teoretico di diritto naturale appoggiato sul fatto*. 8th edition (Rome, 1949), 685, 694.

On this view, subsidiarity, cannot be construed as judgments, decisions, actions at the 'lowest level'. The notion of a 'lowest' level perverts the concept of subsidiarity. The better term is *proper* level. The term 'proper' is taken from the Latin word *proprium*, denoting what belongs to, or what is possessed by, a thing or person. On the modern view of the state, there are only two persons having *propria*: the artificial person of the state, and natural, individual persons. The 'lowest' level can only mean the individual, or, perhaps, partnerships. Subsidiarity, on the other hand, presupposes that there are plural authorities and agents having their 'proper' (not necessarily, lowest) duties and rights with regard to the common good – immediately, the common good of the particular society, but also the common good of the body politic. Pius XII noted that 'every social activity is for its nature subsidiary; it must serve as a support to the members of the social body and never destroy or absorb them'.[66] Just as no society should destroy or absorb the individual person, so too no particular society should destroy the personhood of other societies.

To be sure, subsidiarity is often described and deployed in a defensive sense – as to what the state may *not* do or try to accomplish – but the principle is not so much a theory about state institutions, nor of checks and balances, as it is an account of the pluralism and sociality of society.[67] Once we

---

[66] *La elevatezza e la nobilità* (20 Feb. 1946), AAS 38, 144f.

[67] As we pointed out earlier, Thomas taught, there are two ways to imitate God: as *bonum universale in essendo* (just as he is good in himself) and *bonum universale in causando* (causing goodness in others), S.t. I, 103.4. In the order of the operations of secondary causes, creatures are executors of providence (Scg I, 22.3.2). The more extensively the creature communicates its own goodness to others, the more perfect its participation (Scg III.24). But this presupposes diversity – *pluritas et inaequalitas* (Scg II.45.4): 'Then, too, a thing approaches to God's likeness the more perfectly as it resembles Him in more things. Now, goodness is in God, and the outpouring of goodness into other things. Hence, the creature approaches more perfectly to God's likeness if it is not only good, but can also act for the good of other things, than if it were good only in itself; that which both shines and casts light is more like the sun than that which only shines. But no creature could act for the benefit of another creature unless Plurality and inequality existed in created things. For the agent is distinct from the patient and superior to it. In order that there might be in created things a perfect representation of God, the existence of diverse grades among them was therefore necessary'.

Thomas is speaking here *not* of the inequality of freedom or humanity, but rather one of diverse talents, grades, and functions (S.t. I, 96.4; and see II *Scriptum super Libros Sent*. 44, 1, 3 [solutio]). The Social Magisterium has repeatedly insisted that a society of any kind presupposes such diversity. In *Rerum novarum*, for example: 'It must be first of all recog-

distinguish subsidiarity from the similar but misleading notions of devolution, it is easier to grasp why it was introduced in Catholic circles as an aspect of social justice. For Pius XI, social justice is that kind of order than ensues when each person is capacitated to 'exercise his social *munus'*, to contribute to the common good according to his proper office and role (function).[68] This may or may not require the giving of aid, the correction of a deficiency, or the removal of barrier to the performance of social duties, but what it always entails is respect for a pluriform social order in which the various societies are intrinsically valuable as 'persons' distinct in dignity. The state may award a certain legal mask. Indeed, this can count as

---

nized that the condition of things inherent in human affairs must be borne with, for it is impossible to reduce civil society to one dead level. Socialists may in that intent do their utmost, but all striving against nature is in vain. There naturally exist among mankind manifold differences of the most important kind [*Sunt enim in hominibus maximae plurimaeque natura dissimilitudines*]; people differ in capacity, skill, health, strength; and unequal fortune is a necessary result of unequal condition. Such unequality is far from being disadvantageous either to individuals or to the community. Social and public life can only be maintained by means of various kinds of capacity for business and the playing of many parts [*ad res gerendas facultate diversisque muneribus vita communis*]; and each man, as a rule, chooses the part which suits his own peculiar domestic condition'. *Rerum novarum*, §17, Acta XI, 108.

And in Pius XI's *Divini redemptoris*: 'But God has likewise destined man for civil society according to the dictates of his very nature. In the plan of the Creator, society is a natural means which man can and must use to reach his destined end. Society is for man and not vice versa. This must not be understood in the sense of liberalistic individualism, which subordinates society to the selfish use of the individual; but only in the sense that by means of an organic union with society and by mutual collaboration the attainment of earthly happiness is placed within the reach of all. In a further sense, it is society which affords the opportunities for the development of all the individual and social gifts bestowed on human nature. These natural gifts have a value surpassing the immediate interests of the moment, for in society they reflect the divine perfection, which would not be true were man to live alone [*divinamque praeferunt in civili ordinatione perfectionem, quod quidem in singulis hominibus contingere ullo modo nequit*]'. *Divini redemptoris* (19 March 1937), §29, AAS 29 (1937), 79.

In §29 of *Divini redemptoris*, Pius adds the following sentences. 'But on final analysis, even in this latter function, society is made for man, that he may recognize this reflection of God's perfection [*ut hanc divinae perfectionis imaginem*], and refer it in praise and adoration to the Creator. Only man, the human person, and not society in any form is endowed with reason and a morally free will'. *Ibid*. A decade later, Jacques Maritain argued that the political 'madness' of the twentieth century could be traced to the ideology of 'substantialism', the doctrine that the state is a moral person in the proper (substantial) sense of the term. *Man and the State* (Chicago: University of Chicago Press, 1951), at 14, note 11 at 16.

[68] *Divini redemptoris* (19 March 1937), §51, AAS 29 (1937) at 92.

an example of aid or *subsidium* required by commutative or distributive justice. But this should not be confused with the doctrine that societies are constructed by the state as out-sourced facets of the state's need to devolve.

Now we are prepared to explain why the 18th century category, *doctrina civilis*, came in the 20th century to be called *doctrina socialis* – social doctrine. With the triumph of the modern nation states, equipped with an exaggerated premise of state sovereignty, it was a given that man is a citizen, but it was not so clear how, or whether, he ought to be a member of other societies – from vocational and trade associations, to churches, families, sodalities – even to what could be called nations. We cannot forget that Pius XI began to use the terms 'social justice' and 'social doctrine' just when the totalitarian regimes had the wind at their backs, and when the free polities had to intervene extensively and deeply in their national economies. Both the totalitarians and the imperatives of the post-1929 economic crisis made precarious the predicate 'social'.

In his encyclical *Centesimus annus* (1991), Pope John Paul II weaves together the different strands of these ideas:

> [The] primary responsibility in [social justice] belongs not to the State but to individuals and to the various groups and associations which make up society...In addition to the tasks of harmonizing and guiding development, in exceptional circumstances the State can also exercise a *substitute function*...Such supplementary interventions, which are justified by urgent reasons touching the common good, must be as brief as possible, so as to avoid removing permanently from society and business systems the gifts of service which are properly theirs [*propria munera*]...Here again the principle of subsidiarity must be respected: a community of a higher order should not interfere in the internal life of a community of a lower order, depriving it of the functions which properly belong to it [*propriis officiis*].[69]

We must notice that JPII speaks of higher and lower *communities*.[70] This passage helps to illuminate how solidarity and subsidiarity, in Catholic

---

[69] *Centesimus annus* (1991), §48.

[70] See Pius XII's Speech to the secret consistory of Feb. 18, 1946 (AAS 38, 144ff; MA-I, 76ff). Pius says that 'every social activity is for its nature subsidiary; it must serve as a support to members of the social body and never destroy or absorb them. These are surely enlightened words, valid for social life *in all its grades* and also *for the life of the Church without prejudice to its hierarchical structure*'. [emphasis mine]. Pius does refer to 'what individual men can do for themselves and by their own forces', which of course 'should not

thought, stem from the same principle. Both presuppose the existence of a society – as Maitland said, an '*n* + 1' unity, where the unity is an intransitive good. Recall our earlier point that a society ordinarily survives defeat or failure of one or more of its purposes; it does not, however, survive the dissolution of united action. Since united action cannot depend entirely on unanimity, authority has an essential function within a society. This is why the principle of subsidiarity cannot be expressed adequately as the imperative that decisions be made at the *lowest possible level*.

Subsidiarity is nothing other than the principle that, when aid be given, it not remove or destroy the authority or functions (*munera*) proper to the society being assisted.[71] As Pope John Paul noted, in 'exceptional circumstances' the state may exercise a 'substitute function', but not in such a manner as to deprive the society of its 'proper' modes of union.[72] Subsidiar-

---

be taken from them and assigned to the community'. Though this might appear to be a reduction to the lowest level in an individualist sense, the whole context of the discussion suggests otherwise. Pius was speaking of the diverse and complex parts of the social structure; moreover, he does not refer just to individuals but also to 'members' of the social body. The whole point of the speech, indeed, was to warn about gigantic organizations with their flattening effect toward uniformity, which by centralizing destroy the equilibrium of social institutions. Calvez and Perrin, rightly alert their readers to the fact that Pius XI and Pius XII insisted that society is not a substantial or material body; it cannot have that kind of existence or unity. As Pius XI said, 'a society can exercise no personal function save through its members'. In *Divini redemptoris* he reminded his readers that while social order reflects the divine perfection (a diversity of members causing good in others), only 'the human person, and not society in any form is endowed with reason and a morally free will'. The letter was written against atheistic communism, so Pius had a special need to deny that society is not a natural or physical person. DR (19 March 1937), §29, AAS 29, p. 79. In his 1956 Speech to Catholic physicians, Pius XII reiterated this point. Catholic teaching does not consider man in his relationship with society as if he were put into the 'organic mind of the physical organism' (AAS 48, p. 679). All of this depends on keeping in view Thomas's idea of a unity of order. When, by creeping metaphors and political ideology, both man and society are regarded as physical organisms, one or the other must be destroyed if there is to be unity. For several papal admonitions in this regard, see Jean-Yves Calvez, S.J. and Jacques Perrin, S.J., *The Church and Social Justice: The Social Teachings of the Popes from Leo XIII to Pius XII (1878-1958)*, (London: Burns & Oates, 1961), 123-132.

[71] On this notion of *munera* as functions, roles, and offices, and its connection to both Roman law and the sacramental theology of the Roman Church, see my essay: 'Social Roles and Ruling Virtues in Catholic Social Doctrine'. *Annales theologici* 16 (2002), 385-408.

[72] 'In every government the best thing is that provision be made for the things governed, according to their mode: for in this consists the justice of the regime. Consequently even as it would be contrary to the right notion of human rule, if the governor of a state were to forbid men to act according to their various duties, – except perhaps for the time

ity requires that the sociality of society be preserved. No argument to good results external to the society will suffice, unless one has moral reason to dissolve a society, regime, or party.

But this 'aid' must be sharply distinguished from the from the idea of the state imparting, out-sourcing, or conceding the social forms and functions of other groups. In *Mater et magistra*, John XXIII refers to the state's work as 'directing, stimulating, co-ordinating, supplying and integrating' a plurality of societies. 'Of its very nature', he concludes, 'the true aim of all social activity should be to help members of the social body, but never to destroy or absorb them'.[73] These groups 'must be really autonomous [*suis legibus re ipsa regantur*], and loyally collaborate in pursuit of their own specific interests and those of the common good. For these groups must themselves necessarily present the form and substance of a true community'.[74]

Thus, the Social Magisterium regarded social justice as a new way of presenting Thomas's understanding of general or legal justice. Thomas held that as charity 'may be called a general virtue in so far as it directs the acts of all the virtues to the Divine good, so too is legal justice, in so far as it directs the acts of all the virtues to the common good. Accordingly, just as charity which regards the Divine good as its proper object, is a special virtue in respect of its essence, so too legal justice is a special virtue in respect of its essence, in so far as it regards the common good as its proper object' (II-II, 58.6).

Every juridical proposition implies an inter-subjective relation, *sub specie alteritatis*. Justice always requires a relation to 'the other'. Therefore, all issues of justice have a social aspect. The cardinal virtue of justice pertains to particular justice, either bilaterally (commutative) or by distribution on the basis of merit (distributive). But there is another virtue that orders the myriad acts of the other virtues to the common good. It does not substitute for, or cancel-out, the justice of commutation and distribution. Rather, it is the practice of virtue 'looked at from the social point of view' – *sub specie societatis*.[75] We can also describe general justice as the harmonization of a heterogeneous whole which consists, in a unity of order, of other wholes:

---

being, on account of some particular urgency, – so would it be contrary to the notion of God's government, if He did not allow creatures to act in accordance with their respective natures'. Contra impugnantes, *op. cit*.

[73] John XXIII, *Mater et magistra* (15 May 1961), §53, AAS 53 (1961), 414.

[74] *Ibid.*, §65, 417.

[75] Jeremiah Newman, *Foundations of Justice* (Cork: Cork Univ. Press, 1954), 5.

both natural persons and social persons. This what is traditionally meant by polity, but it pertains analogically to every society *ad intra*.

To be sure, these subsidiary 'wholes' are the subjects of justice at both the level of commutation and distribution. Recognizing the natural right of parents as the primary educators of their children is not, in the first place, a question of social justice but rather of their rights vis-à-vis other individuals or societies. Strict justice, whether commutative or distributive, has as its object 'a person equalized',[76] whether the person be a natural individual or a society. But whenever we speak of a common good, we are not referring to a private right but rather membership and participation in a social order. Because the order is, itself, the common good, it is not amenable to commutation or distribution. This holds true analogously for any society possessing an intrinsic common good. A family, a church, or a polity cannot rightfully exchange or distribute the common good into private hands. Any relatively complex social unity of order will abound with commutations and distributions; but the common order is *not* divisible in this sense.

Consequently the way to get the common good into the possession of the members, the way to share among them the virtuous social life, is to develop that life, to serve the common good. There is no need for another direction to legal justice; what is good for the whole is good for the parts.[77]

No matter how different their respective ends and modes of unity, every society will require its members to learn how to participate rather than divide the common order.

Social justice is the virtue whereby all persons (not just the state) refer the ensemble of their relations to the common good. This is why subsidiarity is not merely an issue of commutation or distribution, but rather manifests itself in the arranging of things in such wise that the operations of a heterogeneous whole are harmonized with regard to the common good. If the operations proper to the parts are destroyed, one has violated both particular and social justice.[78] At the same time, it is not enough are simply to do

[76] Leo W. Shields, *The History and Meaning of the Term Social Justice* (Notre Dame Press, 1941), 39.

[77] *Ibid.*, 39-40.

[78] Within a given polity, any number of things are distributed from the whole to the parts (diverse groups): status, proportional representation, monies, and so forth. These goods are enjoyed privately. Here, however, the term *private* means that this or that particular group is the terminal recipient – this family enjoys the tax relief, or that association enjoys use of the public building, and so forth. These societies themselves are deemed pri-

justice to the parts; the fact that parents enjoy a proper right to raise their
children, that corporations have a proper right to organize capital and
property, that national communities have a right to retain their traditional
forms of unity, that individuals enjoy a right to religious conscience, are
necessary but not sufficient conditions for the common good which is the
object of the virtue of legal or social justice.

John Paul II made a similar point in his Address to the Fiftieth Assem-
bly of the United Nations (5 Oct. 1995). Recalling the rather artificial polit-
ical boundaries imposed upon the diverse peoples and nations after both

vate in comparison to the political 'whole'. Thomas refers to the sub-political group as a
member of the 'whole' – a *unitas particularis*, which becomes disruptive insofar as it sepa-
rates itself from the *unitas principalis*. (S.t. II-II, 39.1).

The particular unity of a subordinate group is still referable to a *unitas principalis*.
What kind? Thomas is clear. The polity (*civitas vel regni*) which is constituted as a *unitas
iuris*. To disrupt the unity of the political common good is a sin against justice in the sense
of legal (or social) justice. Interestingly, Thomas notes that some discord within the polity
is licit so long as the disputes are not contrary to the common good of all [*quod discordia
ab eo quod non est manifeste bonum potest esse sine peccato*] (II-II, 42.2 ad 2). In other
words, we should expect some friction and issues amongst the particular societies within
the body politic. See *Centesimus annus* at §14: 'The Church is well aware that in the course
of history conflicts of interest between different social groups inevitably arise, and that in
the face of such conflicts Christians must often take a position, honestly and decisively.
The Encyclical *Laborem exercens* moreover clearly recognized the positive role of conflict
when it takes the form of a "struggle for social justice"'.

There is nothing in the nature of polity, rightly considered, that entails social homo-
geneity. John Finnis rightly points out that general justice cannot require us to regard 'the
state (rather than any and every community to which one is related) as the only direct
object of general justice' (*Aquinas* [Oxford University Press, 1998], at 217). By the same
token, there is nothing in the natures of diverse groups, rightly considered, that is opposed
to being 'referred' once again to the wider unity of order. Again, Finnis points out that the
'common good which is the object(ive) of all justice logically cannot be distributed' (*Nat-
ural Law and Natural Rights* [Oxford: Oxford University Press, 1980], at 194). As he says,
the common good is not 'a common stock' (at 168).

See, for example, Thomas's comparison of the common good of polity and of marriage.

'Just as the civic life denotes not the individual act of this or that one, but the things
that concern the common action of the citizens [*sicut vita civilis non importat actum sin-
gularem hius vel illius, sed ea quae ad communicationem civilem pertinent*], so the conjugal
life is nothing else than a particular kind of companionship pertaining to that common
action. Wherefore as regards this same life the partnership of married persons is always
indivisible, although it is divisible as regards the act belonging to each party'. (*Sent. Lib*.
IV, d. XXXVII, 1.1 ad 3.)

Thus, any society consisting of common action for a common end enjoys an indivisi-
ble unity of order brought about by diverse actions of its members.

great wars of the 20th century, he quoted the remark of Pope Benedict XV, who in the midst of the First World War reminded everyone that 'nations do not die' [*riflettasi che le Nazioni non muoiono*].[79] The sense of this remark is that nations can constitute genuine social entities which may or may not, in the contingency of history, be constituted as states. However they are arranged within the broader juridical and geographical compass of states, they nevertheless have a right to exist in their own unique social forms. Nations are not mere aggregations of individuals nor temporary partnerships. The Pope went on to say:

> But while the 'rights of the nation' express the vital requirements of 'particularity', it is no less important to emphasize the requirements of universality, expressed through a clear awareness of the duties which nations have vis-à-vis other nations and humanity as a whole. Foremost among these duties is certainly that of living in a spirit of peace, respect and solidarity with other nations. Thus the exercise of the rights of nations, balanced by the acknowledgement and the practice of duties, promotes a fruitful 'exchange of gifts', which strengthens the unity of all mankind.[80]

Importantly, the Pope is not suggesting that the social forms of these peoples have an absolute right to resist being ordered toward a broader polity, and with that polity, being harmonized with the other nationalities and groups. Rather, he is putting in play two distinct but interrelated notions of solidarity. On the one hand, the unity-of-order called a 'nation' has its own solidarity, and, in the order of strict justice, has a right to be regarded as something 'one'. On the other hand, the nation, like every other subsidiary unity, is to be referred to the broader order – to the common good enjoyed by all groups within the polity. This is nothing other than the solidarity of social justice. Moreover, the Pope makes clear that this solidarity is referable once again to an international common good in which each polity enjoys the good of order with a multiplicity other polities.

In answer to the question why the traditional term general (or legal) justice was dropped in favor of social justice, at least one thing can be said. In modern times legal justice was confused with the virtue of obedience to the positive law of the state. Given the disposition and organization of the mod-

---

[79] John Paul II, *Address to the Fiftieth Assembly of the United Nations* (5 Oct. 1995), §6. Quoting *Allorché fummo chiamati* (28 July 1915), AAS 7 (1915), 367.
[80] *Ibid.*, §8.

ern states circa 1930, this confusion would have had drastic and grotesque consequences. The state then becomes the exclusive agent of social justice, as though the virtue resides entirely in the state, which then has the right to compel other persons (natural and social) to do what they have no natural inclination to do: namely, to consider their acts in relation to the common good. For his part, Leo XIII never relinquished the older term, general justice. But during the pontificates of Pius XI[81] and Pius XII, many Thomists, having given serious consideration to the situation, agreed that social justice should replace the older rubric. In view of the omnicompetent state of their era, and in view of the pressing need to articulate and defend an organic pluralism of society, it was not an unreasonable position to jettison the term 'legal' in favor of 'social' lest the common good of order be understood as exclusively the order of the state.[82] In short, it was more necessary to insist that the state is 'social' than to insist that the plural societies are 'political'.

In retrospect, we are entitled to question whether it achieved the right results. For one thing, social justice increasingly became associated with relations which ensue upon economic activity. From there, it became all too easy to regard social justice as chiefly concerned with economic commutations and distributions. Pius XI's dictum '[I]t is of the essence of social justice to demand from each individual all that is necessary for the common good' could only be obscured.[83]

While the common good includes commutations and distributions, the common good cannot, strictly speaking, be distributed but only participated. Undoubtedly, there are common goods distributed into private hands. 'Before distribution such goods are part of the common stock and belong to no one in particular, but after distribution they are private goods. The water, for example, in the city reservoir is neither mine nor yours except indeterminately. But once it flows through my tap it is mine'.[84] Traditional-

---

[81] In *Studiorum ducem* (29 June 1923), Pius XI makes explicit that Thomas is to be studied in order to formulate exactly *de justitia legale aut de sociali, itemque de commutative aut de distributive*. AAS 15 (1923), 322.

[82] For example, legal justice 'would be a most misleading and dangerous term today when the subordination of civil law to natural law is no longer generally recognized'. Alfred O'Rahilly, *Aquinas versus Marx* (Cork: Cork Univ. Press, 1948). At 36. But also Leo W. Shields, *op. cit.*, 47-64; and Jeremiah Newman, *op. cit.*, 99-121.

[83] QA §51.

[84] Froelich, *op. cit.*, 54.

ly, such utilities have been called *bona communia* (in the plural) in order to distinguish them from the *bonum commune* (the common good). Without common utilities privately used there could be no society. Nonetheless, utilities are 'means' for the purpose of a well-ordered community, which is not something private. Unless this point is kept firmly in mind, societies of all kinds will become nothing but stockpiles of resources coordinated and distributed to individuals. This, in turn, is the justice of a partnership, distributing private shares rather than the justice of a common good to which each member is ordered.

Summary

– The sin of the modern state is the injustice of its claiming a monopoly over group-personhood – reserving what is 'distinct in dignity' for itself and for individual persons. The Catholic position holds that the political sovereign is limited by the very existence of real group persons, of which the state (or polity) is not an exception. A normal society, then, will evince a multiplication of authorities embedded in group persons.

– Unlike the devolution position(s), subsidiarity is not a policy decision whether there ought to be social pluralism. Subsidiarity depends upon there already being a plurality of group-persons. Take away social plurality and there is nothing that can correspond to the principle of subsidiarity. Devolution, when prudentially called for, is a policy, not the principle, of social unity and diversity. Decentralization might be compatible with, or even advantageous to, subsidiarity; but they should not be confused. In certain cases, decentralization can amount to the same thing as subsidiarity, particularly in polities enjoying a federal system in which the 'states' (provinces) have a specifically social and political identity – that is to say, where the 'states' are something more than merely convenient administrative units of the polity. Issues of decentralization will depend not only on the living social identity of the 'states' but also upon the juridical organization of the constitution. In such cases, there is ordinarily a constitutional law governing the association of these federated polities. However, where the constitution leaves room for prudential policies, the principle of subsidiarity will dictate, very generally, that when the central or national polity either intervenes in the political life of the 'states', or when it for reasons of policy devolves or decentralizes on a particular scope of issues, it should not subvert the polity and sociality of the 'states'. 'It is important to note that although

subsidiarity is usually invoked in the case of a larger or superior socie-
ty helping a lower one, in our age of devolution out-sourcing of power
or responsibilities to smaller social units can create great burdens on
the lower societies. Not every devolution or decentralization protects
social pluralism. For example, in American politics we speak of "unfund-
ed mandates", by which the U.S. government forces its own burdens
downward to the states and municipalities without adequate funding'.

– Subsidiarity requires the just treatment of self-governing societies.
Since every society seeks not only to achieve certain ends, but also to
pursue those ends in their own mode of unity, it is to no avail to argue
that some other power can get the job done better or more efficiently.
Societies have their own internal agency. Therefore, if aid is to be given
to a society, it must be done in such a way that preserves the sociality
of the group being assisted.

– Yet there is nothing in the nature of a particular society that makes it
incapable of being ordered (and ordering itself) to a wider society. Just
as individuals must be right with their neighbor, so too must group-per-
sons be right with other group-persons. If a plurality of group persons
is natural, so too is political order in which a number of societies enjoy
a common order. And if political order is natural, so too is internation-
al order. In each case, we find a diverse 'whole' referred once again to a
wider common good. The virtue that brings about that wider order is
called social justice.

– Because social justice is bringing actions (of individuals and groups)
into harmony with a wider common good, it should not be confused
with distributive justice lest we fall into the trap of dividing and distrib-
uting something common. However, it is permissible to say that a soci-
ety, of whatever magnitude, will distribute common utilities. In this
sense, social justice does involve distribution. Even so, when a state
makes available free legal counsel to the indigent, we do not say that the
rule of law is distributed to private persons. When the international
order distributes resources for the development of peoples, the
resources are distributed, not the international order itself.

V. CONCLUSION

Hence, we have arrived at the coherence of the four principles. There
are natural persons and group-persons. In different ways, each is distinct in

dignity, possessing rights and responsibilities. The human tendency to 'dwell in society', to use Pope Leo's words, cannot be exhausted by membership in a single group. It is not the accidental forces of society and history that alone account for the diversity of group persons, but rather human nature itself. Solidarity is never a single thing, but a multitude of relations. On these facts, subsidiarity counts as an authentic principle of social life. When one power assists another, it must not subvert the solidarity of the group. These particular groups, in turn, need the virtue of ordering themselves in harmony with others, and thus is brought into existence the common good called polity. The ordering of members to a society, and of societies to still wider societies, is called social justice.

The foregoing exposition would seem to be a rather neat picture of the four basic principles. I am fairly confident that I have given an accurate presentation of what they originally meant, and how they are supposed to be configured to one another. In sum, they affirm a *principled pluralism* that respects the rights of individuals in their own dignity, and in their membership within various groups. The principles were never meant to be anything like an 'ideal' model proposed by some 19th century sociologists, much less from 20th century economists.

At the same time, we must admit that our exposition is philosophical. It is complete only in the sense that the principles of any architecture are complete. Nothing can be built or achieved without returning to the concrete terrain of social reality. Here, a philosopher is not the best guide. Even so, I shall offer a few concluding observations.

Let us assume, for the sake of argument, that we have a correct and coherent understanding of the four basic principles, and that we are prepared to apply them to the concrete social, economic, and political world. The first thing that must be conceded is that social change comes not only from impersonal forces, but also from a myriad of decisions and adjustments made by individuals within communities. For example, no impersonal force of history was solely responsible for the fact that, in most of the western societies, family is regarded as the so-called nuclear family rather than an extended network of uncles and aunts and cousins. Nor did anyone dictate by law that, in Catholic life, a god-parent usually denotes a liturgical rather than an ordinary social function. Because social relations and offices change through the medium of free adaptation, it is the beginning of wisdom to understand that they cannot be changed easily by dictates from on high (of law, social policy, etc.). To be sure, 'things' can be organized and reorganized by public policy; but this

does not necessarily bring about a social change. The current predicament in Iraq would be the case in point.

Moreover, the social changes with which we must reckon are not uniform. Among some peoples, we see a chronic inability to achieve a common good that transcends tribes, if not organized gangs. They have not achieved the order of polity, and they do not have the luxury of worrying about subsidiarity. Still other peoples have a toe-hold on political order, but lack the utilities for *vivere bene*, the good life. Without polity, and without adequate utilities, the most rudimentary aspects of social harmony (domestically and internationally) are precarious, to say the least.

Our history in western societies, however, is marked by the achievement of political order in the state and by the achievement of affluence, which depended to a considerable extent upon the nation-state. This particular political 'form' called the nation-state was the engine for the development of modern science and technology international trade, mandatory education, and the rule of law as we understand it today. But the nation-states and their economies and wars made it difficult for traditional, subsidiary societies to flourish. States used the very awkward legal principles of concession and fiction to situate sub-political societies within the nation-state. Until the 1960s, when the issue of developing peoples became pressing, Catholic social doctrine was formed almost entirely in response to the achievements, but more often, to the problems of relatively advanced western peoples. This doctrine could take it for granted that these peoples had political order (though much too strong and all-encompassing) and subsidiary societies (which had to struggle for recognition within the nation-state).

To my knowledge, no institution sounded such an early and persistent warning about the state as *Volksköper* (a nation body) than the Catholic Church. Catholic thought de-substantialized the state in favor of the idea of societies as unities of order. Now, however, we must ask what happens when this modern, omnicompetent state dwindles in authority? This, in fact, was the question posed by John Paul II in *Centesimus annus*. With the passing of the totalitarian regimes, would society move in the opposite direction, reconstituting itself as a set of market-like relations?

Of the many things which have changed in our life-time, the most notable is the fact that the western nation states are not interested in actively persecuting or legally incapacitating associational life – nothing, at least, on the scale of the pre-1945 regimes, and in central and eastern Europe the pre-1989 regimes. Indeed, governments are very reluctant to enforce a 'public' morality, preferring instead to leave strong moral notions to the private sphere. Popes from Leo XIII through Pius XII would hardly recognize such

a diminished ambition on the part of governments. Think for example of Bismarck, Gladstone, and Teddy Roosevelt, and then think of the current crop of political leaders who are more liable to apologize for any notion that the state should be a primary object of loyalty, much less an agent for civilizing the world. Cardinal Ratzinger's remark about the 'dictatorship of relativism' applies to this new reality, to societies which are diffident about any assertions of moral order.

The Protestant theologian Karl Barth referred to the post-1945 west as a society of 'disillusioned sovereignty'.[85] Peoples wanted their nation-states to be more friendly to private life, less belligerent, and more of a coordinating device for enhancing life-styles. Especially in our time of globalization, it becomes quite easy to imagine a good life based upon what Ernest Gellner calls the loose and revocable associations of 'modular man'. Nowhere does this manifest itself more strongly than in matrimonial and familial societies, which tend to function in the manner of partnerships. In a recent case about gay marriage that came before the California Supreme Court (Mar. 5, 2008), members of the Court expressed astonishment that anyone would worry about the words 'marriage' or 'partnership' so long as individuals are legally free to have their own relationship.

Finally, I conclude with an empirical question. How is the preference for loose associations related to the decline of the moral authority of the state? The great hope of Catholic social doctrine was that, once the state is properly limited, we would see a flourishing of other societies and modes of solidarity. But it is not evident that this happened, or that it is about to happen any time soon. What is the correlation, if any, between the decline of the nation-state and the rise of partnerships rather than societies?[86] How we situate the principles of solidarity and subsidiarity today will depend upon how we answer this question.

---

[85] *Church Dogmatics*, Vol. III part IV (German 467, English 410).

[86] We are witnessing, what Pierre Manent has dubbed 'culture without borders'. Markets, globalized communications, and the international aspiration for the rights of man can make polity a bit player on the stage of human happiness.

'Commerce, right, morality: these are the three systems, the three empires that promise the exit from the political. Each in its own form: commerce, according to the realism, the prosaic character of interests rightly understood; right, according to the intellectual coherence of a network of rights rigorously deduced from individual autonomy; and finally, morality, according to the sublime aim of pure human dignity to which one is joined by the purely spiritual sentiment of respect'.

Pierre Manent, *A World beyond Politics? A Defense of the Nation-State*. Trans. Marc LePain. Princeton University Press, 2006.

COMMENTS ON THE PAPER
OF PROF. RUSSELL HITTINGER

DIARMUID MARTIN

In my comments on the paper of Prof. Hittinger I wish to address especially the relationship between the principle of Subsidiarity and Pope John Paul II's use of the term 'subjectivity of society'. Prof. Hittinger refers to this question on page 88 of the paper.

Pope John Paul's major philosophical writing was dedicated to human person as an 'acting person'. His philosophical insights and his experience of totalitarian regimes contributed to his understanding that subjectivity is a basic element in the nature of the human person. The concept of the subjectivity of society is something demanded therefore by the essential subjectivity of the human person. What is the relationship between the concept of the subjectivity of society and that of the principle of Subsidiarity?

The idea of the subjectivity of society is taken up by Pope John Paul in the Encyclical *Sollicitudo Rei Socialis* (#15) in the specific context of his reflection on the right to economic activity. Pope John Paul notes that the affirmation of this right is 'important not only for the individual but also for the common good'. The suppression of this right to economic activity diminishes or destroys the spirit of initiative 'that is to say the creative subjectivity of the citizen'. Where creative initiative is suppressed, the human person is damaged; it produces passivity, dependence and submission to bureaucracy. The Pope's thought, and that elaborated by Prof. Hittinger, make it clear that where the subjectivity of the person and the subjectivity of society are not respected and fostered, the State or the 'bureaucratic apparatus' becomes totalitarian, that is it sets itself up as 'the only ordering and decision-making body – if not also the owner – of the entire totality of the goods of production' and puts everyone in a position of almost absolute dependence and passivity.

Pope John Paul applies this principle to the totalitarianism of the political parties of the one party States of the communist model of the times

which he well knew, which damaged the true subjectivity of society to such a degree that people were unconsciously reduced to the role of objects. The long term effects were indeed to render the lack of true subjectivity within the totalitarian regime a contributing factor to the revival of a civil and economic free system in the years after the fall of communism.

Pope John Paul makes the concept of the 'subjectivity of society' into one the underlying principles of his concept of development. The denial or the limitation of the right to take initiative in economic matters impoverishes the person as much as the deprivation of material goods. To overcome the deficit that had emerged requires a response which activates a culture of creative activity and subjectivity with the whole of society.

The subjectivity of society and the right to participation are based then on an essential dimension of the human person: subjectivity. Human persons 'enjoy their own spheres of autonomy and sovereignty', according to *Centesimus Annus*. In *Centesimus Annus*, Pope John Paul states that authentic democracy:

> requires that the necessary conditions be present for the advancement both of the individual through education and formation in true ideals, and of the 'subjectivity' of society through the creation of structures of participation and shared responsibility.

He thus stresses the principle of Subsidiarity, while primarily an organizational principle regarding society, is not a simple pragmatic principle but one with clear anthropological roots.

It is in interrelationships on many levels that a person lives, and that society becomes more 'personalized'. Inter-subjectivity enables persons to form a society and thus to act in solidarity, but individuality is not subordinated totally to the common good and respect for individual subjectivity requires a principle of Subsidiarity which allows such subjectivity to be respected and to flourish:

> The social nature of man...is realized in various intermediary groups, beginning with the family and including economic, social, political, and cultural groups which stem from human nature itself and have their own autonomy, always with a view to the common good.

In the free society, the state is one institution, one player, among others. It is an indispensable player in its service to all the other players, but it is subject to the subjectivity of society, and the subjectivity of society consists in free persons and in free persons in community living in obedience to God and solidarity with one another.

The individual today often feels trapped between the traditional poles two poles of the State and the marketplace. This sense of entrapment and

disorientation is accentuated by the fact of a globalization in which the market exists without boundaries and the international community exists still only in an embryonic framework and is thus inadequate to provide for the effective governance of global economic goods and global security. The challenge today is then to establish new forms of networks of intermediate communities which give life to specific networks of solidarity on a global level.

Where do such forms exist? There is already in embryonic form the emergence of a global public opinion. This can be seen in the achievements in the area of public opinion in movements such as the Jubilee campaign for the fight against the external debt of poor countries, the campaign against landmines, or the international campaign against the death penalty.

Pope John Paul II especially in his Encyclical *Centesimus Annus* addressed a wide range of areas in the context of international economics. The Encyclical is much more, however, than an encyclical on economics; it is about the free society, including economic freedom. It stresses that economic activity is indeed but one sector in a great variety of human activities, and like every other sector, it includes the right to freedom, as well as the duty of making responsible use of freedom:

> The economy in fact is only one aspect and one dimension of the whole of human activity. If economic life is absolutized, if the production and consumption of goods become the centre of social life and society's only value, not subject to any other value, the reason is to be found not so much in the economic system itself as in the fact that the entire socio-cultural system, by ignoring the ethical and religious dimension, has been weakened, and ends by limiting itself to the production of goods and services alone. All of this can be summed up by repeating once more that economic freedom is only one element of human freedom. When it becomes autonomous, when man is seen more as a producer or consumer of goods than as a subject who produces and consumes in order to live, then economic freedom loses its necessary relationship to the human person and ends up by alienating and oppressing him.

This has consequences the regarding the relationship between the market and the other forces in society. The market cannot respond to all needs:

> It would appear that, on the level of individual nations and of international relations, the *free market* is the most efficient instrument for utilizing resources and effectively responding to needs. But this is true only for those needs which are 'solvent', insofar as they are endowed with purchasing power, and for those resources which are

'marketable', insofar as they are capable of obtaining a satisfactory price. But there are many human needs which find no place on the market. It is a strict duty of justice and truth not to allow fundamental human needs to remain unsatisfied and not to allow those burdened by such needs to perish.

For Subsidiarity to flourish within a market economy, it is important to invest in the enhancement of human capacity, so that people can flourish in their subjectivity and creative capacity within the economy and society in a manner worthy of their dignity:

It is also necessary to help these needy people to acquire expertise, to enter the circle of exchange, and to develop their skills in order to make the best use of their capacities and resources. Even prior to the logic of a fair exchange of goods and the forms of justice appropriate to it, there exists *something which is due to man because he is man,* by reason of his lofty dignity. Inseparable from that required 'something' is the possibility to survive and, at the same time, to make an active contribution to the common good of humanity.

The principle of Subsidiarity limits the legitimacy of State intervention in the economic field. *Centesimus Annus* (#49) indicates, as one example, intervention to regulate monopolies. Unfair monopolies are obstacles to Subsidiarity, hindering the ability of smaller enterprises to enter the market. At times, large international business enterprises can use their political power to establish quasi-monopolies in developing countries, by negotiating guarantees against risk which place them in an advantageous position over and above local businesses. Where development aid is tied to the use of services from the lending nation, this can simply be a means of privileged entry into the markets of developing countries, once again to the detriment of local enterprise and indeed to a true sense of development.

Centesimus Annus (#49) while criticising the abuse of influence by monopolies, is also highly critical of social assistance models which creates a dependency on the part of its recipients:

By intervening directly and depriving society of its responsibility, the Social Assistance State leads to a loss of human energies and an inordinate increase of public agencies, which are dominated more by bureaucratic ways of thinking than by concern for serving their clients, and which are accompanied by an enormous increase in spending.

Here again the principle of *subsidiarity* must be respected: a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but

rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good.

The response to need in society will be more effective then when it is inspired within the framework of the subjectivity of society.

In fact, it would appear that needs are best understood and satisfied by people who are closest to them and who act as neighbours to those in need.

This kind of response which springs from the local community will be qualitatively superior:

It should be added that certain kinds of demands often call for a response which is not simply material but which is capable of perceiving the deeper human need. One thinks of the condition of refugees, immigrants, the elderly, the sick, and all those in circumstances which call for assistance, such as drug abusers: all these people can be helped effectively only by those who offer them genuine fraternal support, in addition to the necessary care.

The concept is almost identical with a similar reflection of Pope Benedict XVI in *Deus Caritas Est*:

Love – *caritas* – will always prove necessary, even in the most just society. There is no ordering of the State so just that it can eliminate the need for a service of love. Whoever wants to eliminate love is preparing to eliminate man as such. There will always be suffering which cries out for consolation and help. There will always be loneliness. There will always be situations of material need where help in the form of concrete love of neighbour is indispensable. The State which would provide everything, absorbing everything into itself, would ultimately become a mere bureaucracy incapable of guaranteeing the very thing which the suffering person – every person – needs: namely, loving personal concern.

We do not need a State which regulates and controls everything, but a State which, in accordance with the principle of subsidiarity, generously acknowledges and supports initiatives arising from the different social forces and combines spontaneity with closeness to those in need. The Church is one of those living forces: she is alive with the love enkindled by the Spirit of Christ. This love does not simply offer people material help, but refreshment and care for their souls, something which often is even more necessary than material support. In the end, the claim that just social structures would make works of

charity superfluous masks a materialist conception of man: the mistaken notion that man can live 'by bread alone' (*Mt* 4:4; cf. *Dt* 8:3) – a conviction that demeans man and ultimately disregards all that is specifically human.

The principle of Subsidiarity must also be linked with the principle of responsibility. There has been a move away from a stress on the role of the State to one in which the positive aspects of the market and of human economic initiative are stressed, albeit with due reservations regarding the limits of the market. In a knowledge-based society the human person, human initiative and human creativity are the driving force of economic development. Such a vision of economic development requires a new understanding of investing in human capacity and the subjectivity of society.

Poverty is the inability to realise God-given potential. Fighting poverty is above all about investing in people. It is about finding the ways – financial and technical – to ensure that people can realise their talents and improve their capacity. Perhaps the Church had not got it so wrong in the past when so much of its development work was in the field of education.

Today Subsidiarity has to be envisaged within the context of a globalised economy, of global goods and of a global common good. While this is the case, it is also true that still States make up the backbone of international relations. International Organizations are made up of Member States who act often primarily on the basis of the primacy of national interest. Even within the most evolved form of international cooperation ever known, namely the European Union, national interest can still be a major driving force for its members. International Conventions are ratified by States. They relinquish voluntarily their own sovereignty – but in most cases not definitively and more and more often States are prepared to ignore obligations assumed or defy internationally recognised norms.

Global realities and interests exist today more than ever. But we do not have adequate governance structures, to cope with the political and economic interests involved. International norms, like any other system of norms and laws, are needed to protect the weak, to curb the arrogance of the powerful and, in a spirit of Subsidiarity, to foster the participation of all.

The universal destination of created goods applies in its own way to equitable access to be active participants in the mechanisms of the international structures which govern and regulate global realities. There has been progress towards the elaboration of certain norms which constitute international law, but there are few sanctions available to apply to those who do not respect that law, especially if the non-respect if by a powerful nations.

In this context, the World Trade Organization – despite all its imperfections – is perhaps one of the most advanced Organizations in this area in that it has shown that it can tackle large as well as small offenders.

A system based on Subsidiarity will require not just rules but a framework of values and ethical norms based on the truth about the human person. A democracy without values easily turns into open or thinly disguised totalitarianism.

Democracy cannot be limited to a series of rules concerning human interaction; it must be founded on the basis of a correct conception of the human person and of his or her right to participation. The subjectivity of society requires Subsidiarity that is a framework of bodies which contribute to the fostering of the truth and of honesty in public life. Once again in *Centesimus Annus:*

> It must be observed in this regard that if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism.
>
> The State or the party which claims to be able to lead history towards perfect goodness, and which sets itself above all values, cannot tolerate the affirmation of an *objective criterion of good and evil* beyond the will of those in power, since such a criterion, in given circumstances, could be used to judge their actions. This explains why totalitarianism attempts to destroy the Church, or at least to reduce her to submission, making her an instrument of its own ideological apparatus.

Pope Benedict in his Encyclical *Spe Salvi* (#22) stresses even more clearly the consequences of a political framework which moves forward without values:

> The ambiguity of progress becomes evident. Without doubt, [progress] offers new possibilities for good, but it also opens up appalling possibilities for evil – possibilities that formerly did not exist. We have all witnessed the way in which progress, in the wrong hands, can become and has indeed become a terrifying progress in evil. If technical progress is not matched by corresponding progress in man's ethical formation, in man's inner growth (cf. *Eph* 3:16; *2 Cor* 4:16), then it is not progress at all, but a threat for man and for the world. There is no doubt, therefore, that a 'Kingdom of God' accomplished without God – a kingdom therefore of man alone – inevitably ends up as the 'perverse end' of all things as described by Kant: we have seen it, and we see it over and over again.

'A kingdom of accomplished without God'! The challenge to this Academy is to foster a new form of dialogue between the social sciences and all those concerned with development and human advancement to focus on how the fact of openness to the transcendent can foster new forms of solidarity and Subsidiarity truly at the service of a participatory vision of community and participation.

Such an openness will only succeed in the context of a society which truly respects its own subjectivity and thus the principle of active Subsidiarity.

DON, SOLIDARITÉ ET SUBSIDIARITÉ

JACQUES T. GODBOUT

Idéalement, la subsidiarité et la solidarité sont complémentaires. Mais dans la réalité, il y aura toujours une tension entre ces deux exigences éthiques, soit entre l'autonomie nécessaire des êtres humains et de leurs institutions et la juste répartition de ce qui circule entre nous. Pourquoi? À cause de la liberté essentielle à l'action humaine, et donc de l'indétermination et du risque qui seront toujours au cœur de toute société.

Dans la société moderne, cette tension est exacerbée par une double réduction. La solidarité tend à passer par les institutions étatiques. Elles sont essentielles, mais leur action se fonde sur des principes de justice qui se réduisent souvent à la règle de l'égalité appliquée de manière centralisée. Quant à la subsidiarité, elle est souvent accaparée par une conception de l'autonomie de la personne réduite à l'individu rationnel poursuivant son propre intérêt (*self interest*).

Comment accroître l'autonomie de l'ensemble de la personne, dans sa totalité, tout en la rendant solidaire et en assurant la justice la plus grande possible dans la répartition des biens? Comment tenir compte de cette tension entre la solidarité et la subsidiarité? Telle est la question du symposium, telle que je l'ai comprise.

L'approche par le don peut-elle contribuer à y répondre? Je souhaite défendre la thèse suivante: le don comme mode de circulation des choses entre nous tient compte de cette tension entre solidarité et subsidiarité, alors que l'État et le marché ne conçoivent cette tension que négativement. Le don permet d'appréhender cette tension comme une dynamique positive, tout en étant risquée. Le don fait circuler les choses en reliant les personnes complètes, et de ce fait non seulement reconnaît-il ce risque de la relation, mais il assume ce risque. Il en fait même une condition d'existence d'une relation complète, à la différence des autres systèmes de circulation des choses qui tendent à l'éliminer.

Mais l'approche par le don reconnaît également l'importance des autres systèmes de circulation, malgré leurs limites. Elle reconnaît même que le don n'est pas toujours souhaitable. Le don n'est pas toujours préférable aux autres systèmes de circulation des choses, même à efficacité égale. Comme l'écrit Zamagni:[1] "It is not enough to affirm, as the horizontal version of subsidiarity does, that '(t)he State shall not do that which reciprocity can do'; in a civil welfare perspective we have to add that 'the contract shall not do that which reciprocity can do'". Mais il serait sans doute nécessaire d'ajouter que le don "shall not do what sometimes the market or the state can do better".

Pour justifier cette affirmation, j'ai voulu insister sur les dangers et les limites du don, du côté de celui qui reçoit. Limites non pas du don unilatéral, mais du don *voulu* comme unilatéral. C'est le thème principal de mon exposé. Plutôt que d'élaborer sur les aspects théoriques d'une théorie du don, j'ai voulu, dans ce texte, montrer comment le don fonctionne dans la société actuelle en illustrant le plus possible mon propos, et en insistant sur cette idée de don unilatéral et de gratuité. Elle est la source de plusieurs malentendus et est à l'origine des nombreux pièges du don.

1 – Qu'est-ce que le don?

Comme l'a mis en évidence Marcel Mauss (Mauss 2007) dans son célèbre *Essai sur le don*, nous considérons le don comme un système fondé sur trois "moments": donner, recevoir, rendre. Le don demeure aujourd'hui un principe fondamental de circulation des choses. Il est présent dans toutes les sphères de la société sous la forme, certes, de la philanthropie et du bénévolat, mais aussi des cadeaux, de l'hospitalité, des services rendus, du don de sang et d'organes, et il prend une importance nouvelle dans des domaines comme l'*open source* et le *peer to peer*.

Qu'est-ce qui distingue cette forme de circulation des choses qu'est le don? Lorsque quelqu'un pense au don dans la société en général aujourd'hui, ce qui vient à l'esprit spontanément, c'est la philanthropie, le don humanitaire, le "donnez généreusement" ... des collectes de fonds. Ce type de don a le vent en poupe. Bill Clinton le met en évidence dans son livre

---

[1] Texte présenté au Symposium, p. 467-502.

récent intitulé justement: *Giving* (Clinton 2007). Pendant 200 pages, il nous présente des personnages extraordinaires, généreux, qui veulent "make a difference" ... et réussissent. Il nous invite à les imiter pour "changer le monde" (C'est le sous-titre de son livre: "How each of us can change the world").

La question du retour

Ce don est défini comme nécessairement gratuit au sens de sans retour. Cette définition correspond à la conception courante du don: ce qui circule dans un seul sens. C'est la définition de la plupart des dictionnaires: "Ce qu'on abandonne à quelqu'un sans rien recevoir de lui en retour", dit le Petit Robert. Or, lorsqu'il se met à observer le don, le chercheur ne peut pas retenir cette définition. Il constate vite qu'il peut ne pas y avoir retour, mais que le plus souvent il y a un retour.

C'est d'ailleurs ce que les anthropologues avaient déjà constaté dans les sociétés archaïques, constat à l'origine de l'ouvrage fondateur de Marcel Mauss (Mauss 2007) sur le don. Et c'est aussi ce que nous constatons tous dans nos pratiques de don les plus courantes: hospitalité, cadeaux, services. Enfin, c'est aussi ce que nous observons même dans les dons les plus apparemment unilatéraux. Cette logique du retour y est présente, à condition d'observer des cycles assez longs. Donnons-en deux exemples.

À l'hiver 1997, la région de Montréal a connu une catastrophe naturelle qu'on a appelée "la tempête de verglas". Une des régions du Québec qui a le plus aidé les résidents de la zone sinistrée a été le Saguenay. Lorsque les Saguenéens étaient interrogés sur la raison de leur geste, ils répondaient qu'ils avaient reçu beaucoup d'aide des Montréalais quelques années plus tôt, lors de graves inondations qu'ils avaient connues, et étaient d'autant plus contents de les aider aujourd'hui.

Dans le même ordre d'idée, le cas suivant[2] illustre encore plus la force de résistance au temps de ce principe. En 1985 la Croix-Rouge d'Éthiopie (peut-être le pays le plus pauvre de la planète à ce moment) envoie un chèque de 5000$ au Mexique pour aider les victimes d'un terrible tremblement de terre. Lorsque les Mexicains, étonnés, s'enquièrent de la raison, ils s'entendent répondre qu'en 1935, le Mexique avait aidé l'Éthiopie envahie par l'Italie fasciste! Lorsqu'on observe le don sur des périodes suffisamment

---

[2] Cialdini, R.B. (2001). *Influence. Science and Practice*. Boston, Allyn and Bacon.

longues, je ne crois donc pas qu'on puisse le définir par l'absence de retour, comme le font les dictionnaires.

Si le don ne peut pas être défini comme ce qui circule de façon unilatérale, qu'est-ce qui caractérise le don? Pour tenter d'y voir plus clair, partons de la définition très simple d'un économiste. "A gift is a noncontracted good".[3] Un don est un bien (ou un service) qui circule entre des personnes sans être régi par un contrat. Cette définition ne se prononce pas sur l'existence ou non d'un retour. Elle affirme toutefois que s'il y a retour, il sera libre, au sens légal. Le retour n'est pas inclus dans l'acte initial de donner, à la manière du contrat qui "actualise" la transaction en tentant de prévoir tous les transferts qu'elle suppose. Le retour est incertain, indéterminé. Il y a toujours un risque de non retour.

Cette liberté n'est pas absolue. Car au lieu d'être régi par un contrat, ce qui circule est régi par la nature, l'intensité, la qualité du lien entre les personnes. Et il nourrit ce lien. Le don, c'est donc ce qui circule entre les humains comme résultat de la dynamique du lien social, réel ou symbolique, par opposition à ce qui circule en s'appuyant d'abord sur une logique et une dynamique externe au lien social, comme le principe du droit et l'appareil étatique ou la dynamique contractuelle du rapport marchand. Dans ce dernier type de rapport, à la limite, aucun lien n'est nécessaire. Les règles du marché décident pour nous. La main invisible, écrivait A. Smith. Au contraire, le don laisse une trace chez ceux qui le font circuler. C'est pourquoi il a la mémoire très longue, comme ont pu le constater les Mexicains en recevant le don de la Croix-Rouge éthiopienne.

Le moment de recevoir

C'est pourquoi aussi, par comparaison avec les autres façons de faire circuler les choses, il se passe quelque chose de fondamentalement différent au moment de recevoir un don. Dans les autres façons de faire circuler les choses, le moment de recevoir met fin à la transaction. Il met fin à la circulation. Dans l'échange marchand, après avoir payé pour la marchandise, tout est terminé. En anglais on utilise le mot "clearing" pour décrire cette caractéristique de l'échange marchand.

[3] "Un don est un bien qui n'est pas l'objet d'un contrat". Stark, O. and I. Falk (1998). "Transfers, Empathy Formation, and Reverse Transfers". *The American Economic Review* 88(2): 271-276.

Par comparaison avec cette façon de faire circuler les choses, le don a de quoi étonner. Le fait de recevoir quelque chose sous forme de don provoque chez celui qui reçoit une envie de donner à son tour. Recevoir un don déclenche généralement un désir de donner. C'est un fait que chacun peut vérifier par sa propre expérience. Mais ce phénomène a été observé aussi dans des cas de figure les plus inattendus. Ainsi, dans le secteur de la philanthropie, on a constaté que le fait de recevoir un petit don purement symbolique au moment de la sollicitation postale peut doubler l'importance des dons que l'organisme qui sollicite recevra. En observant le don, on constate donc non seulement qu'il y a retour, mais on en arrive à postuler la présence d'une sorte de "force" qui incite celui qui reçoit à donner à son tour, soit à celui qui lui a donné, soit à un tiers. On a même constaté que le simple fait d'être témoin d'un don, même s'il n'est pas pour nous, peut inciter à donner à son tour (Kestemont 2007). Le don transporte avec lui une impulsion à donner chez celui qui reçoit. Ce n'est pas banal. En un sens, c'est même très étonnant. Pourquoi? Puisque, comme on vient de le voir, la circulation sous le mode du don est libre au sens où elle est sans obligation contractuelle de rendre, le receveur devrait normalement en profiter. C'est en tout cas ce qu'affirme et prédit, dans de telles circonstances, la théorie qui domine actuellement l'explication des comportements humains. La théorie de l'intérêt (*self interest*) prédit que le receveur, étant libre, va se dire: "ah, quelle bonne affaire!", et poursuivre son chemin. Or les humains, en permanence, ne se comportent pas de cette manière en situation de don, et ce, quel que soit le type de don: philanthropie, cadeaux, hospitalité ... Une autre façon de décrire cette propension à donner quand on a reçu, c'est de dire que le don incite à la réplique (Hénaff 2002). Il y a une dimension, visible ou latente, de défi dans tout don. Cette dimension a été beaucoup étudiée par les anthropologues, mais souvent considérée inexistante dans le don aujourd'hui. Nous croyons pourtant que cette dimension n'est jamais totalement absente. Lorsqu'elle l'est, elle définit un don négatif, et non un don pur. Elle introduit un malaise, comme dans l'aumône.

Notons que ce désir de donner à son tour est indépendant de l'intention du donneur de vouloir ou non un retour, objet de tant de discussions autour de la "pureté du don". Nous nous intéressons ici à celui qui reçoit. Ce désir de donner concerne le receveur et n'est donc pas relié à l'idée habituelle de réciprocité. Cette propension à donner nous a conduit à faire le postulat d'un *homo donator* (plutôt que *reciprocus*). L'*homo donator* constitue une force sociale élémentaire et un moteur important de l'action humaine. Il n'exclut pas cet autre moteur qu'est l'*homo oeconomicus*. Le *self interest*

constitue aussi de toute évidence un moteur important de l'action humaine. Mais il n'est pas le seul.

Cette impulsion est-elle d'origine sociale, culturelle ou génétique? Les travaux actuels vont dans le sens d'un possible fondement génétique. Les sociobiologistes croient avoir découvert un gêne de l'altruisme.[4] Il serait trop long de m'attarder sur ce point. Je souhaite plutôt mettre en évidence le fait que ce désir de donner à son tour en recevant un don entraîne des conséquences importantes en ce qui a trait aux caractéristiques d'un système de don. J'aimerais en mentionner deux.

Un système de dettes

Une première conséquence réside dans le fait que, contrairement à un échange marchand, ce qui circule par le don n'est jamais équilibré à un moment X. Il n'y a pas cette recherche d'équivalence propre au rapport marchand, point focal de tout échange marchand réussi. Au contraire, l'idée d'être quitte marque plutôt la fin d'un rapport de don. C'est pourquoi on peut affirmer que le don est un système de dette.[5] Mais une mise en garde s'impose ici. La dette de don ne correspond pas à la notion habituelle de dette issue de l'approche économique, et définissant l'individu moderne. L'individu moderne souhaite se libérer de toute dette. La dette est perçue par lui négativement. Elle doit être liquidée. Or, dans le rapport de don, la dette n'est pas nécessairement négative. Elle peut être négative ou positive. Si elle est positive, les partenaires n'ont aucune envie de s'en acquitter. La dette peut même être positive chez les deux partenaires, chacun considérant avoir reçu plus de l'autre que ce qu'il a donné[6] (Godbout 2000). "Je lui dois tellement" entend-on souvent dans ces circonstances, ce qui signifie: "Il m'a beaucoup donné. Je lui donne le plus possible à mon tour, mais jamais je ne pourrai lui rendre tout ce que j'ai reçu, et c'est bien ainsi". L'idée d'être quitte est à la limite étrangère à ce type de rapport. La dette désigne ici un état de la relation plutôt qu'une mesure précise de ce qui circule.

---

[4] Judson, O. (2007). The selfless gene. *Atlantic Monthly*.

[5] Il se distingue ainsi du système marchand fondé sur *l'équivalence*, et du système distributif étatique fondé sur le principe *d'égalité* et de justice.

[6] Ce que nous avons appelé un état d'endettement mutuel positif. Jacques T. Godbout, *Le don, la dette et l'identité*, Paris, la Découverte, 2000.

Cette idée du don comme système de dette a une portée très large. Le premier, et le plus grand don que nous recevons tous, c'est la vie. La vie n'est ni un droit, ni une marchandise (du moins pas encore ...). Nous sommes au départ des êtres en dette: nous recevons la vie, et nous commençons par recevoir des dons, pendant des années. Nous sommes donc d'abord des receveurs, pas des donneurs. "Finally, all gifts are but shadows of the original gift from the gods – the gift of our existence".[7] Ce que nous sommes, nous le devons en grande partie aux autres.

Cette conception de l'être en dette s'oppose à la vision dominante d'un individu auto-suffisant qui ne doit rien à personne. En ce sens, donner, c'est rendre actif ce que nous avons reçu en donnant à notre tour.

L'identité en jeu

Cette notion de dette *positive* constitue une première caractérisation du don. Mais elle demeure insuffisante. L'idée de dette reste encore trop attachée à la valeur de ce qui circule: valeur d'échange ou valeur d'usage. Lorsqu'on reçoit un cadeau, on ne considère pas que sa valeur en soi. Sa valeur pour soi est souvent plus importante et est en partie indépendante de la notion de dette. Car au-delà de la valeur en soi de l'objet, le don contient un message. Ainsi, lorsqu'une femme se fait offrir un vêtement trop grand, elle n'est pas seulement déçue par la faible valeur d'usage, mais d'abord par le message qu'elle perçoit chez le donneur. C'est ce que nous avons appelé la *valeur de lien*.[8] Le message transporté par le don sur ce que le donneur pense que le receveur est représente une dimension essentielle du don, une dimension qui échappe en partie à la notion de dette. Autre chose se joue, à un niveau encore plus fondamental que la dette, dont la dette est l'expression. Le don fait tomber les masques et révèle la personne.[9] Il n'est pas neutre comme le commerce. La circulation des choses par le don affecte ce que nous sommes. Elle touche à notre identité. C'est pourquoi tout don est dans une certaine mesure un don de soi. Cette expression courante à propos du don doit être prise au sens littéral. *"Le seul présent, le seul don est un fragment de toi-même"* écrit Emerson (Emerson 1950c 1844).

---

[7] Osteen, Mark, 2002, *The Question of the Gift*, London, Routledge, p. 20.

[8] Godbout, Jacques T., *Ce qui circule entre nous*, Paris, Seuil, 2007, chap. 4.

[9] Shapiro, G. (1997). The Metaphysics of Presents: Nietzsche's Gifts, the Debt to Emerson, Heidegger's Values. *The Logic of the Gift*. A.D. Schrift. New York, London, Routledge: 274-291.

2. LE DON NÉGATIF

Résumons. Après avoir fait le postulat d'un *homo donator*, nous avons caractérisé le don comme un rapport de dette qui affecte l'identité des partenaires. Nous sommes donc loin de la définition habituelle du "don pur" comme étant sans retour. Non seulement le don n'est pas gratuit au sens d'unilatéral, mais compte tenu de ces caractéristiques du don, on peut maintenant affirmer que le don *voulu*, pensé comme étant sans retour, loin d'être l'idéal, peut être le pire des dons.

Pourquoi? S'il est vrai que recevoir incite à donner, comme on l'a vu, alors le plus grand problème du don ne pourrait-il pas être de ne pas pouvoir satisfaire ce désir de donner qui fonde l'*homo donator*? Autrement dit, de ne pas pouvoir donner à son tour quand on a reçu? Car comme tout don véhicule un message, quel message transmet au receveur un don qui *se veut* sans retour? Il signifie au receveur qu'il n'a rien à me donner et donc que, à la limite, il n'est rien. Il humilie le receveur en le niant comme donneur potentiel. Le don pur n'est pas un modèle de don complet, car c'est un don solitaire. Le don pur ne crée pas de lien social. Le théologien italien Sequeri décrit ainsi cette tendance "à fantasmer d'un 'don pur', parfaitement étranger à toute forme d'échange, de lien, (...) de tension dramatique. Un tel don (...) ne peut pas exister: ni comme relation affective ni comme expérience morale. Il représente tout au plus le gadget publicitaire, ou la mystique d'une auto-confirmation narcissique (et ultimement despotique) de sa propre auto-suffisance". "Il est la figure nihiliste inversée du don, et non la pureté idéale de sa vérité".[10]

Nous reconnaissons là facilement le modèle historique du rapport de l'Occident avec le reste du monde, et notamment le rapport colonial, comme l'illustrent les deux cas de figure suivants.

Marie de l'Incarnation

Une des grandes figures de la colonisation du Canada par la France au XVIIe siècle fut Marie de l'Incarnation. Elle vient au Canada pour sauver les "sauvages", animée par une pure intention de bonté pour répondre à leur

---

[10] *Ibid.* p. 152-153. Sur ce point important, voir Pulcini, *L'individuo senza passioni. Individualismo moderno e perdita del legame sociale*, p. 201-202. Eisenberg, "The World of Contract and the World of Gift", p. 823-824.

besoin de salut. Elle s'occupe en particulier des jeunes amérindiennes. Selon Robert,[11] elle vient leur "donner sans compter", et sans vouloir de retour; mais aussi sans imaginer un instant qu'elle puisse recevoir quelque chose d'elles, sauf le salut éternel dont elles peuvent être les instruments. En conséquence de cette attitude, les jeunes amérindiennes dont elle s'occupe sont littéralement dépouillées de leur identité pour accueillir celle du donneur.

Un exemple parmi d'autres: "Elle apprend à broder à ces filles du peuple réputées pourtant pour leur art de la broderie! (...) . Elle-même brodeuse réputée, Marie de l'Incarnation aurait dû reconnaître le caractère exclusif et exceptionnel de la broderie amérindienne et demander plutôt à ses pensionnaires de lui en dévoiler les secrets".[12] Mais, pour cette grande mystique, il était impensable d'imaginer pouvoir recevoir quoi que ce soit des amérindiennes.

Marie de l'Incarnation illustre le pouvoir destructeur du don quand il attaque l'identité du receveur défini comme sans autre valeur que celle de récepteur potentiel des offres du receveur, dans un "échange" niant la valeur de tout ce qu'il peut donner. Cet exemple se déroule certes au XVIIe siècle. Il symbolise le rapport colonial. Mais l'aide au tiers monde d'aujourd'hui a-t-elle beaucoup changé? "Plus encore que par le marché, c'est par les dons non rendus que les sociétés dominées finissent par s'identifier à l'Occident et perdent leur âme", affirme Serge Latouche dans *L'Occidentalisation du monde.*[13] L'exemple suivant, plus récent, est tout aussi pertinent.

Les Suédois donnent aux Estoniens

Un auteur suédois, Rausing (Rausing 1998), raconte l'histoire récente du jumelage d'une ville suédoise avec une ville estonienne. À la fin de la guerre froide, l'Estonie passe du côté occidental. Les Suédois décident alors d'aider leurs voisins Estoniens. Au sein de l'Union soviétique, les Estoniens avaient un peu le statut "'d'Occidentaux' relativement aisés. Ils sont maintenant devenus des habitants d'un 'pays de l'Est' appauvri situé au sein de l'Occident". (*id*. p. 529) "Ils subissent donc un difficile changement de statut". Les donateurs suédois, pour leur part, n'attendent rien en retour. "Ils

---

[11] Robert, S. (2001). "Mère Marie de la Désincarnation ou le mysticisme qui tue ... les autres". *Liberté* 43(2): 125-140.

[12] *Ibid.*, p. 128.

[13] Latouche, S. (1992). *L'occidentalisation du monde*. Paris, La Découverte.

parlent de l'aspect 'soviétique' et 'irrationnel''' des façons de faire des Estoniens" (*id*.). "On peut postuler que ce programme d'aide trouve sa 'récompense' dans le fait qu'y est confirmée la supériorité suédoise".

Il en résulte que cette "charité" est essentiellement perçue comme humiliante par les Estoniens. "Les membres les plus respectés de la communauté évitent d'avoir des contacts avec les Suédois, laissant les moins respectables d'entre eux entretenir des relations avec ceux-ci" (*id*. p. 530). L'effet sur le lien social est négatif: les Estoniens se sentent méprisés par leur donateur, et les Suédois trouvent les Estoniens ingrats. Le désir de donner à son tour est rendu impossible par l'attitude des Suédois. "En réaction, les Estoniens pensent qu'eux-mêmes devraient envoyer de l'aide dans d'autres pays, en Arménie ou en Géorgie" (*id*. p. 529), pays encore plus pauvres qu'eux. Un rapport de dette négatif s'instaure. Pourquoi? Encore une fois parce que le donneur n'imagine pas pouvoir recevoir quelque chose des receveurs. Il nie cet *homo donator*.

Ce cas de figure est malheureusement représentatif d'une part importante de l'aide internationale. Le receveur qui se retrouve au bout de la chaîne, incapable d'identifier un receveur potentiel plus démuni que lui, n'est-ce pas ce qu'on appelle aujourd'hui un exclus?

La question se pose alors: dans ces circonstances, vaut-il mieux passer à un autre système de circulation des choses? Passer par exemple du don au marché? Le commerce plutôt que l'aide (*trade not aid*)? Le marché peut-il être, pour le receveur, un substitut souhaitable au don dans certaines circonstances?

Pour répondre à cette question, il est ici nécessaire d'ouvrir une brève parenthèse historique.

La révolution du receveur

Au cours des derniers siècles, l'Occident est passé de la charité à la bienveillance, puis à des systèmes mixtes de sécurité sociale fondés sur la fraternité, la solidarité et la justice,[14] tout en étant envahi par la circulation marchande. L'utilitarisme, philosophie de la bourgeoisie montante s'opposant à l'aristocratie, est à l'origine de ce modèle et de ce mouvement. Cette idéologie affirme qu'il n'y a pas de valeur en soi. La valeur de quelque cho-

---

[14] Pappas, J. (1993). "Le XVIIIe siècle, de la charité à la fraternité". Autrement: "La charité" (11): 66-86.

se, c'est son utilité; c'est l'intérêt qu'elle a pour quelqu'un. Et cette utilité est évaluée par celui qui l'utilise. C'est donc le receveur qui décide de l'intérêt et donc ultimement de la valeur de ce qui circule. Cette idée est à l'origine du modèle où, comme on l'affirme aujourd'hui, le client est roi.

Nous avons critiqué ailleurs cette philosophie (Godbout 2007). Mais elle comporte un aspect important du point de vue du problème qui nous occupe, celui du receveur. Cette approche valorise celui qui reçoit. L'utilitarisme est une révolution du receveur. Il rompt avec le modèle traditionnel du don. Dans un rapport de don, le receveur n'est pas souverain, parce que le donateur choisit le don que le receveur recevra. Ce n'est pas lui qui décide et, dans ses formes les plus extrêmes, le receveur n'est rien, il doit tout à la grâce de Dieu.

Sous cet aspect, l'utilitarisme peut être vu comme une des réponses au problème le plus important du modèle du don: ses effets négatifs possibles sur le receveur, comme on vient de le mettre en évidence. À certains égards, cette philosophie contient des éléments de respect de l'autre, – en l'occurrence du receveur – qui relèvent peut-être de la subsidiarité elle-même. "If Ego wants to help Alter without oppressing him or her, then *subsidiary and solidary* must co-exist between them" (Donati, *Prospect*, 2008, p. 670). Tout se passe comme si, d'une certaine façon, la solidarité et la subsidiarité sont atteintes, mais en quelque sorte sans que les acteurs le veuillent, à leur insue, sans l'intention.

Cette dimension a été trop souvent négligée par les critiques de l'utilitarisme. Elle implique qu'avec l'arrivée du modèle marchand consacrant la souveraineté du consommateur, le don ne pourra probablement plus jamais être pareil. Il a pour ainsi dire un "concurrent". Le receveur peut toujours aller vers le marché, ou vers le droit, car ce pouvoir du receveur se développe aussi sur le plan politique avec la démocratie. Dorénavant, il y a une légitimité du receveur qui peut revendiquer ses droits, ou payer, au lieu de demander la charité.

Cette révolution du receveur – qui est au fond la révolution démocratique – fait que les membres des sociétés démocratiques sont plus sensibles aux dimensions négatives de la circulation par le don. Ils préféreront souvent d'autres systèmes de circulation. Voilà pourquoi je disais plus haut que le recours à d'autres systèmes de circulation est parfois souhaitable.

Mais posons-nous la question: est-il possible d'éviter l'humiliation et la perte de dignité du receveur qui caractérise souvent le don unilatéral? Est-il possible d'éviter tous ces aspects négatifs du don sans recourir à chaque fois au marché ou aux droits? (lesquels, comme chacun sait, posent aussi de grands problèmes, le modèle marchand productiviste menaçant la planète

entière en transformant tout bien en marchandises). Est-ce la seule solution aux problèmes que pose le don au receveur lorsque ce dernier ne peut pas donner à son tour? Lorsque cette "loi" du don ne peut pas être respectée?

Dans de telles circonstances, Sénèque suggérait de déposer le don sous l'oreiller du receveur pendant son sommeil. "Sous son chevet, à son insu, Arcésilas glissa un petit sac afin que cet homme (...) pût trouver – et non recevoir – ce dont il avait besoin" (Sénèque 1972). Reconnaissons que cette règle n'est pas toujours d'application facile ... Donati répond à cette question théoriquement en disant que la subsidiarité doit aller de pair avec la solidarité. "Subsidiarity (...) requires an act of solidarity. In this case, solidarity is neither (unilateral) beneficence nor charity, but the assumption and practice of the joint responsibility that both Ego and Alter must have towards the common good (this is also the meaning of solidarity as interdependence), which is still valid when one party cannot give anything material to the other party".[15] Ce qui suit peut être considéré comme des illustrations de cette interdépendance.

3 – LES RUSES DU DON

Il est important de rappeler d'abord que le problème est avant tout dans l'esprit du don, dans le sens de ce qui circule et non pas dans son caractère "objectivement" unilatéral, dans l'unilatéralité de ce qui circule "matériellement", comme l'écrit Donati. Autrement dit, la source du problème est dans la *volonté* du donneur de ne rien recevoir plutôt que dans le *fait* de ne rien recevoir. En effet, dans les cas de figure présentés plus haut, nous avons constaté que ce n'est pas l'absence de retour immédiat qui est la source du problème, mais l'attitude des donneurs qui consiste à ne pas vouloir de retour. Les Suédois, comme Marie de l'Incarnation, percevaient les receveurs comme n'ayant rien à leur donner. Les jeunes amérindiennes avaient pourtant beaucoup à offrir. Mais le donneur ne le voyait pas, ou ne voulait pas le voir, à cause de son image *a priori* du receveur.

On peut donc penser que même lorsque les circonstances font que le retour est momentanément impossible, différents encadrements du don, différents sens donnés au don peuvent le rendre positif même en l'absence de retour. L'esprit dans lequel on donne peut tout changer. C'est ce que nous allons maintenant illustrer.

---

[15] Donati, P.P., *Discovering the Relational Character of the Common Good*, 2008, p. 9.

Aide d'urgence

L'aide d'urgence (en cas de catastrophe, naturelle ou autre) est le plus souvent unilatérale. Mais étant perçue comme temporaire, elle ne définit pas le receveur comme incapable de donner. Elle est unilatérale dans l'immédiat, mais pas nécessairement à terme. Dans ce contexte, le don, même unilatéral, n'est ni humiliant ni négatif. C'est un geste qui se situe dans l'esprit du don. Il génère une dette positive dans le cadre de la solidarité humaine. La solidarité transmet le double message suivant: "Je te donne parce que nous sommes semblables et qu'en conséquence, rien ne dit que je ne pourrai pas avoir moi aussi besoin de toi un jour. Tu es dans une mauvaise passe maintenant, mais cela peut m'arriver. Le retour est donc toujours possible, car je sais que tu ferais la même chose pour moi". Nous avons vu combien cette vision était réaliste et combien le receveur avait la mémoire longue avec le don de l'Éthiopie au Mexique. C'est pour la même raison que le fait de recevoir du sang n'est pas non plus humiliant. Répétons le. Le problème n'est pas dans l'unilatéralité réelle, mais dans le sens de ce qui circule, tel que perçu par le receveur. Le problème est dans l'esprit du don.

Rôle des intermédiaires

Les problèmes liés aux intermédiaires sont connus depuis toujours: corruption, détournement du don, disparition du don. Insistons plutôt ici sur un aspect moins souvent mis en évidence: leur rôle positif de tampon (*buffer*) entre donneur et receveur. À titre de responsable de la distribution des dons, les intermédiaires jouent plusieurs rôles, dont celui de "receveur premier" dans l'esprit des donneurs. En jouant ce rôle, ils font souvent en sorte que le don devienne acceptable (recevable) par le receveur à qui le don est destiné, parce que ce sont eux – les intermédiaires – qui sollicitent les donneurs, eux qui font la demande, et eux qui peuvent ainsi absorber en quelque sorte la dimension négative potentielle du don lorsqu'elle signifie l'impossibilité de donner à son tour pour le receveur. La demande de don devient sans danger pour le receveur parce que ce sont les intermédiaires qui absorbent l'aspect négatif de la demande.

Justice et solidarité dans le don

Un donneur peut aussi mettre l'accent sur la norme de justice. Ainsi, personne ne mettrait en doute que l'œuvre de l'abbé Pierre est sous le signe

du don. Il affirmait pourtant constamment qu'il ne faisait que réparer des injustices. "Nous ne sommes pas une œuvre de bienfaisance", dit-il, et il va jusqu'à affirmer: "une question de justice ... et nous sommes des lâches si nous en faisons une question de bienfaisance".[16] Le principe de justice dispense le receveur de l'obligation de rendre. Il ne fait que recevoir ce qui lui est dû. Cette attitude s'inspire de l'esprit de solidarité. En faisant appel à la justice, on peut penser que l'abbé Pierre relie la subsidiarité à la solidarité.

Mettre en avant la contribution du receveur

Certains intermédiaires mettent l'accent sur l'utilité du receveur. Ils font appel à l'esprit utilitariste! Un organisme de placement pour les aveugles affirme travailler dans un esprit d'efficacité, de plus-value pour les entreprises, et non de charité envers les aveugles. "Un handicapé change l'atmosphère d'une entreprise, vous n'avez pas idée. C'est une force", me dit le directeur de l'organisme,[17] qui ne met en avant que l'utilité des aveugles, leur contribution, ce qu'ils donnent plutôt que ce que l'organisme leur donne.

Les aveugles sont très contents de cette approche. Ils sont satisfaits parce qu'on leur donne en fait ce dont ils sont le plus privés: la possibilité de donner. Ils ne sont plus vus seulement comme des receveurs ayant besoin d'aide. Cette "méta-intention" d'aider les personnes aveugles est évidemment présente, mais elle est tue. C'est en donnant apparemment le moins qu'on donne souvent le plus. Les apparences sont importantes dans le don.

Le receveur donne: Emmaüs

Ce dernier cas va encore plus loin dans le même sens. À l'hiver 1954, à Paris, l'abbé Pierre lance un appel aux Français pour qu'ils aident les mal logés. Dans son préambule, le manifeste du Mouvement exprime la nécessaire rencontre de la solidarité et de la subsidiarité. On y affirme que le mouvement est né "de la rencontre d'hommes ayant pris conscience de (...) leurs responsabilités sociales devant l'injustice, et d'hommes qui ne possé-

---

[16] Eme, B. (1992). *L'Institution communautaire: de la réhabilitation à la réinsertion?*, "Analyse socio-institutionnelle de l'Union Centrale des Communautés Emmaüs". Paris, CRIDA – LSCI.

[17] Colloque HEC, septembre 1998.

daient plus de raisons de vivre, (...) les uns et les autres décidant d'unir leur volonté et leurs actes pour s'entraider ...".[18]

En outre, le fondateur des compagnons d'Emmaüs aime bien raconter que le mouvement a commencé un jour qu'un individu suicidaire, sortant de prison, est venu lui demander de l'aide. L'abbé Pierre lui a répondu: "Viens d'abord m'aider à reloger ces familles qui sont dans la rue, ensuite on s'occupera de toi". Cette personne est devenue son plus proche collaborateur et a contribué à la naissance du mouvement.

Au lieu d'offrir quelque chose à un individu suicidaire qui venait lui demander de l'aide, l'abbé Pierre lui a plutôt demandé de venir l'aider. "Sans réflexion, sans calcul, j'ai fait, pour ainsi dire, le contraire de la bienfaisance", écrit l'abbé Pierre en commentant cet épisode.[19] Le mythe fondateur des communautés d'Emmaüs postule que même les plus démunis ont d'abord besoin de donner plutôt que de recevoir. Ce mouvement s'adresse à ceux qui n'ont rien, et leur demandent de ... donner. Autrement dit, l'abbé Pierre fait le postulat de l'*homo donator*.

Le don moral

Tous ces cas de figure me semblent montrer concrètement comment la solidarité et la subsidiarité peuvent être complémentaires même dans le don objectivement – et souvent temporairement – unilatéral. Le don moral fournit au receveur la possibilité et la capacité de donner à son tour. Et lorsque cette possibilité est compromise par les circonstances, ces cas de figure montrent que le donneur invente différentes modalités pour remédier à cette situation. Ainsi, les dons les plus appréciés par les aveugles sont justement ceux qui réussissent à faire en sorte qu'ils puissent donner à leur tour, ceux où on leur demande de contribuer, ceux qui les font pénétrer dans le mouvement de la réplique, entrer dans la danse du don.

Il est donc injustifiable de faire du don unilatéral le don moral par excellence, en le désignant comme un don pur. Le don pur oublie le receveur. Le don qui s'interrompt avec la réception en est une forme tronquée. Le passage du don unilatéral au don de réplique serait donc en fait une injonction morale, et le dilemme du don gratuit est peut-être même le

[18] Emmaüs (1969). *Manifeste universel du Mouvement Emmaüs*. Paris, Emmaüs France.
[19] Le Ru, H. (1986). *De l'Amour au management. Emmaüs en héritage*. Paris, Les Éditions ouvrières.

problème moral de notre siècle. L'aumône aux itinérants les encourage à rester dans leur état, disent les conservateurs, non sans quelque raison. Mais doit-on laisser quelqu'un mourir de faim pour autant, répondent les progressistes, avec au moins autant de raison? Le modèle du don nous enseigne que, moralement, ce don, même s'il est parfois nécessaire, est le plus bas dans la hiérarchie des dons, le plus incomplet. C'est celui qui interrompt le cycle du don. Le donneur qui agit par pure bonté envers le receveur cherchera d'abord à faire en sorte que l'autre puisse donner à son tour. Il respectera la loi du don.

Pourquoi alors a-t-on eu tellement tendance à faire du don gratuit unilatéral le modèle idéal du don? Mentionnons très rapidement deux raisons. La première tient au fait qu'on définit le don en ne tenant compte que du donneur. Dans cette conception, la seule chose importante est que le donneur agisse par pure bonté, sans intention de retour. Or le don a beau être fait dans la bonté, dans la meilleure des intentions, si le donneur ne se demande pas ce que le receveur est et veut, ce beau geste entraîne des effets pervers. Il ne tient pas compte de ce que le donneur est et du désir de donner que déclenche le fait de recevoir un don. Oubliant que le don est une relation, le receveur n'a d'autre statut que celui de permettre au donneur d'effectuer son "beau geste", sauf peut-être – ultime cas de figure – chez les saints qui arrivent à entrer en communion avec le receveur – tel le Samaritain présenté en introduction au symposium. Mais l'histoire montre malheureusement que ce cas de figure est très rare. Ne pas désirer de retour devient le plus souvent synonyme de refuser tout retour faute d'en percevoir l'autre capable.

Une seconde raison explique cette conception du don: l'observateur du don ne s'intéresse souvent qu'à la qualité de l'intention. Comment être sûr de la qualité de l'intention, se demandent en permanence les moralistes du don pur? Et ils répondent par l'absence de retour. Or l'étude du don montre non seulement qu'il peut y avoir retour et "pureté" de l'intention, comme on l'a vu. Mais elle montre surtout qu'il n'est ni possible ni même souhaitable de parvenir à une connaissance certaine de l'intention, ou plutôt des intentions. Pourquoi? Parce que le don repose sur l'incertitude et la confiance. Donner, c'est prendre et assumer le risque de la relation. Le modèle du don assume la liberté systémique, soit non seulement la sienne, mais aussi celle des autres. C'est pourquoi il est le modèle le plus éloigné des modèles mécanistes et déterministes.

Don pur d'un côté, marché pur de l'autre: seraient-ce les deux mythes complémentaires de l'Occident? Et si l'on s'apercevait aujourd'hui que ces

deux manières de penser la circulation des choses qui ont caractérisé l'Occident depuis quelques siècles étaient au fond aussi impossibles l'une que l'autre, aucune des deux ne rendant compte de ce qui se passe dans un échange de manière satisfaisante? Les deux modèles évacuent le risque de la relation.

Le don est une invitation. Dans l'idée d'invitation – qui nous éloigne de l'obligation, et surtout de la détermination – résident l'ambiguïté et la richesse de la circulation par le don. Une invitation à quoi? À recevoir, certes; à la réplique, aussi; mais d'abord et avant tout, une invitation à faire partie, à appartenir, à exister comme être vivant. Or le don qui ne tient pas compte de la propension à donner du receveur a l'effet contraire: il exclut. Lors des attentats du 11 Septembre, Julie Salamon (Salamon 2003) raconte que les occupants d'un centre pour itinérants ont été amenés à aider des victimes qui fuyaient le World Trade Center. "Habituellement ignorés, évités ou bénéficiaires d'aide, la rupture de l'ordre normal avait fait en sorte qu'ils avaient été invités à participer aux échanges humains à titre d'égaux".[20]

CONCLUSION

Dans la société actuelle, la circulation des choses repose sur trois principaux principes: la justice et l'*égalité* sont les principes qui régissent le système de (re)distribution étatique. L'*équivalence* entre les choses régit le système marchand. La *dette* est le principe fondateur de la circulation par le don. Mais outre les principes éthiques qui constituent les piliers de la société, principes présentés dans les textes des professeurs Minnerath et Hittinger, on peut se demander: qu'est-ce qui conduit les humains à interagir? Quel est le moteur (ou les moteurs) de l'action humaine, la force derrière ces principes? La société doit être orientée vers l'action. Mais qu'est-ce qui l'active?

Le professeur Hittinger a rappelé l'importance d'un moteur fondamental de l'action humaine: la tendance des humains à s'associer, à vivre en société "the natural tendency of man to dwell in society" (see Hittinger, p. 107, citation de Léon XIII).

L'être humain est aussi mu par un désir de justice. C'est à la fois un moteur important et un principe essentiel de la circulation des choses. Il est

[20] Salamon, *Ramban's Ladder. A Meditation on Generosity and Why It Is Necessary to Give*, p. 146.

fondamental à l'action de redistribution de l'État et à l'égalité des citoyens. Après avoir connu une grande expansion après la seconde guerre mondiale, la circulation et la redistribution étatiques ont été remises en question avec ce qu'on a appelé la crise de l'État-providence. Le professeur Hittinger affirme que "The Great hope of Catholic social doctrine was that, once the state is properly limited, we would see a florishing of other societies and modes of solidarity" (p. 123). Cet espoir était partagé par de nombreux observateurs. En lieu et place, nous avons assisté à l'extension apparemment sans limites du modèle marchand néo-libéral, "the rise of partnership rather than societies" pour utiliser les mots du professeur Hittinger.

Ce modèle tend à imposer une vision de l'être humain comme étant mu par un seul moteur: l'intérêt. *Homo oeconomicus*. On ne peut en faire fi car, dès sa naissance, cette idéologie a prétendu – fascinante utopie – que, grâce à ce moteur de l'action humaine, l'humanité pourrait dorénavant se passer des principes moraux pour contrôler les passions. Ce moteur de l'action est également important parce qu'il a été à l'origine de ce que nous avons appelé la révolution du receveur. Le don, avons-nous conclu, ne pourra plus être pareil.

Mais il ne disparaît pas pour autant. Le désir de donner à son tour lorsqu'on a reçu un don demeure omniprésent, si bien que nous avons affirmé l'existence d'un autre moteur de l'action humaine: à côté de l'*homo oeconomicus*, il y a aussi l'*homo donator*. À côté de la justice (car le don n'est pas nécessairement juste) et de l'intérêt, le don est un puissant moteur de l'action humaine. Il comprend la philanthropie et le bénévolat, certes, qui ont le vent en poupe. Mais il est aussi un des principes moteurs de plusieurs institutions comme la famille, et en particulier la famille moderne, moins fondée sur le principe d'autorité que la famille traditionnelle.

Imaginons un monde sans don. Nous assisterions certes à la disparition d'organismes comme Médecins sans frontières, la Croix rouge, les grandes fondations, les millions d'actions bénévoles, le don d'organes, et les innombrables autres formes de don aux inconnus. Ce serait dramatique, mais cela ne s'arrêterait pas là. Notre vie quotidienne serait aussi transformée. Nous ferions payer nos hôtes à la fin du repas, ou nous leur ferions signer un contrat les engageant à nous inviter. Les cadeaux disparaîtraient, avec le personnage mythique du Père Noël. Le temps des Fêtes serait bien triste.

Mais, pourrait-on objecter, ce personnage mythique de plus en plus commercialisé n'illustre-t-il pas que la fête de Noël est déjà dominée par l'idéologie marchande? Et si cette période illustrait plutôt la tension permanente qui existe dans les sociétés actuelles entre le don et le marché? Le

marché tente constamment de coloniser le don. Mais dans la mesure même où il réussit, il tue la poule aux œufs d'or. Si le marché réussit trop bien à commercialiser Noël et à transformer les consommateurs en pur *homo oeconomicus*, ces derniers ne se feront plus de cadeaux, ce qui se retournera contre le marché.

Un monde privé de ce mode de circulation des choses serait un monde sans reconnaissance, sans gratitude envers personne, puisqu'on ne recevra plus rien sous forme de don. Comme l'écrit Fukuyama, si un *homo oeconomicus* "nous offrait un bienfait, nous pourrions l'accepter, mais nous ne ressentirions nulle gratitude parce que nous saurions que c'est le résultat d'un calcul rationnel de sa part, non de la bonne volonté" (Fukuyama 2002, p. 252). Y aurait-il encore des sentiments? Serions-nous encore humains? Post-humains?

Bref, sans nier l'existence et l'importance d'un *homo oeconomicus* et de l'intérêt comme moteur de l'action, il existe aussi un *homo donator* plus fondamental que l'*homo oeconomicus* pour définir l'être humain.

La raison de donner

Mais cet *homo donator* ne se réduit pas au don pur, au don sans retour propre à la définition courante du don. Selon cette conception, le don n'est pas d'abord une relation, mais un "beau geste". Le donneur est en quelque sorte défini comme étant à l'origine de tout. Le don devient une sorte d'expérience individuelle. Or rien n'est plus éloigné du don. Car quelle est la raison fondamentale, non pas de tel ou tel geste de don, mais de ce phénomène du don chez les humains? Si on postule cet être en dette qu'est l'*homo donator*, quelle est la raison (pas l'intention) pour laquelle on donne? Fondamentalement, on donne parce qu'on a reçu. C'est ce qui est constaté empiriquement: que l'on interroge les bénévoles ou les grands donateurs rencontrés par le président Clinton dans son ouvrage, c'est la réponse la plus courante: j'ai beaucoup reçu; voilà pourquoi je donne. Mais c'est également ce qui découle de la vision théorique du don présentée ici. Le don n'est plus conçu comme un geste isolé, comme un "beau geste". Il est situé dans le cycle du don. Au fond, qu'est-ce qu'un donneur? C'est un receveur qui transmet. Donner, c'est rendre actif ce que l'on a reçu en le donnant à son tour.

Pourquoi on ne donne pas

Pourquoi donne-t-on? Si on accepte ce postulat d'un *homo donator*, d'une tendance à donner chez les humains, d'un appât du don, d'un être en

dette, le sens de cette question est inversé. La question à poser à propos du don n'est plus celle qu'on se pose généralement: qu'est-ce qui fait que nous donnons bien que nous soyons fondamentalement des égoïstes motivés par l'appât du gain? La question est inversée et devient: puisqu'il y a telle chose qu'un *homo donator*, qu'une tendance à donner quand on a reçu, qu'est-ce qui empêche de donner lorsqu'on a reçu un don? Qu'est-ce qui fait qu'un certain nombre de personnes ne donnent pas, ou donnent peu? Ou: qu'est-ce qui fait que dans certaines circonstances on ne donne pas, alors que dans d'autres on est plus porté à donner? Qu'est-ce qui fait que l'on résiste au don? Qu'est-ce qui freine l'appât du don? Qu'est-ce qui fait que l'on retient les choses au lieu de les faire circuler?

Les raisons sont nombreuses. Un rapport de don est en effet toujours risqué. Il peut être négatif. On peut préférer les droits, ou le marché, comme on l'a vu et comme l'affirmait déjà Montaigne qui disait préférer acheter un office royal plutôt que de se le faire offrir, car en l'achetant, ajoutait-il, "je ne donne que de l'argent; autrement, c'est moi-même que je donne" (Davis 2000, p. 74). Les être humains choisissent en permanence entre l'alternative suivante: retenir ou laisser aller; dépenser ou accumuler; se préserver ou se risquer; se retirer ou s'exposer.

Aujourd'hui, une des raisons pour lesquelles on ne donne pas est certainement le système dominant et sa vision du monde fondée sur l'intérêt, l'accumulation, la croissance. Il incite à se fonder sur ses propres forces et à ne rien devoir à personne. Cette vision du monde s'étend à la nature elle-même. Nous sommes de plus en plus "maîtres et possesseurs de la nature" (Descartes). Elle ne nous donne plus rien: nous prenons et transformons tout en marchandise. Tout doit être produit par l'homme et circuler sous forme de marchandise. Ce qui signifie que, à la limite, rien ne doit plus être donné. Le paradigme marchand tend à éliminer le don. Hier, aux Etats-Unis, on tentait d'interdire le don du sang sous prétexte de concurrence déloyale avec le marché (Titmuss 1972). Aujourd'hui, on s'attaque au dernier don de la nature dans le système de production: les semences. Les tentatives des multinationales comme Monsanto pour imposer aux agriculteurs des semences stériles constituent à cet égard une image très forte. Comment ne pas se rappeler Hannah Arendt et le début de *La condition de l'homme moderne*: "... l'époque moderne, qui commença par le refus non pas de Dieu nécessairement, mais d'un dieu Père dans les cieux, doit-elle s'achever dans la répudiation plus fatale encore d'une Terre Mère de toute créature vivante? (...) Cet homme futur, que les savants produiront ... paraît en proie à la révolte contre l'existen-

ce humaine telle qu'elle est donnée, cadeau venu de nulle part et qu'il veut pour ainsi dire échanger contre un ouvrage de ses propres mains" (Arendt 2007c 1961, p. 34-35). Tout produire, telle semble être l'obsession de l'individu moderne.

La vision du monde du don se situe à l'opposé: la production économique doit être soumise aux exigences de la nature, et non l'inverse. Cette vision du monde progresse actuellement. Produire toujours plus pour consommer toujours plus est de plus en plus remis en question. Le don redevient pertinent pour la circulation des choses, et ce en dehors des liens primaires comme la famille où il est toujours demeuré fondamental. Le marché a facilement transformé en marchandises les biens matériels qui l'ont fait se répandre. Mais de nouveaux secteurs de l'économie semblent de plus en plus difficilement régis par la transaction marchande de manière efficace. Dans ces nouveaux secteurs que le marché veut coloniser, le don est souvent plus efficace. Dans des secteurs où ce qui circule ce sont des connaissances, des liens, de l'art, le recours au marché apparaît pour ainsi dire "forcé". Pensons au partage de la connaissance, aux logiciels libres, à l'open source, au copyleft, à la peer production.[21] On redécouvre que la forme normale de circulation peut être le don dans de nombreux domaines en dehors des liens primaires comme la famille. C'est peut-être une des raisons, comme l'écrit Donati, pour lesquelles la société se retrouvera devant la nécessité de libérer le don. "Our society finds itself in absolute need of *liberating free giving*, after having imprisoned it in order to liberate all that is not free giving" (Donati 2003).

Le don comme expérience

Les autres modes de circulation – marché et État – sont aussi nécessaires. Ils tempèrent le don. Le don a même aussi été libéré par la présence de ces autres systèmes. Le marché et l'État réduisent le risque du lien social. Mais ils ont souvent été vus comme des façons non pas de réduire le risque, ce qui est souhaitable, mais de l'éliminer, ce qui impossible et entraîne toujours des effets pervers. Le lien social étant libre, il est toujours risqué. Le don étant un mode de circulation des choses qui est le résultat de la dynamique du lien social, il assume ce risque de la relation. Il assume cette liberté. C'est pourquoi nous croyons que ce mode de circulation des

---

[21] Voir le chapitre de Michel Bauwens, p. 247-262.

choses assume la tension existant entre les principes de solidarité et de sub-
sidiarité, et reconnaît leur complémentarité.

Le don est une relation fondée sur la confiance. L'*homo donator* ne se
voit pas comme origine, comme source, mais comme un receveur qui don-
ne à son tour. Le donneur n'est jamais la source; il a toujours reçu. C'est
pourquoi faire l'expérience du don, c'est faire l'expérience d'être dépassé
par ce qui passe par nous. Notons que cette expérience n'est pas centrée sur
le fait de donner, mais sur le fait que nous recevons et nous faisons passer.
C'est une expérience anti-individualiste. Elle exprime le fait que fondamen-
talement, notre identité d'être humain se construit dans la mesure où nous
rendons actif ce que nous avons reçu en donnant à notre tour.

RÉFÉRENCES

Arendt, H. (2007c1961). *Condition de l'homme moderne*. Paris, Calmann-
    Lévy.
Cialdini, R.B. (2001). *Influence. Science and Practice*. Boston, Allyn and
    Bacon.
Clinton, B. (2007). *Giving. How each of us can change the world*. New York,
    Alfred A. Knopf.
Davis, N.Z. (2000). *The Gift in Sixteenth-Century France*. Madison, Universi-
    ty of Wisconsin Press.
Donati, P. (2003). "Giving and Social Relations". *International Review of
    Sociology* 13(2): 243-272.
Eme, B. (1992). L'Institution communautaire: de la réhabilitation à la réin-
    sertion? Analyse socio-institutionnelle de l'Union Centrale des Commu-
    nautés Emmaüs. Paris, CRIDA – LSCI.
Emerson, R. W. (1950c1844). *The Complete Essays and other writings of Ral-
    ph Waldo Emerson*, Random House.
Emmaüs (1969). *Manifeste universel du Mouvement Emmaüs*. Paris,
    Emmaüs France.
Fukuyama, F. (2002). *La fin de l'homme. Les conséquences de la révolution
    biotechnique*. Paris, La Table Ronde.
Godbout, J.T. (2000). *Le don, la dette et l'identité*. Montréal et Paris,
    Boréal/La Découverte.
Godbout, J.T. (2007). *Ce qui circule entre nous*. Paris, Seuil.
Hénaff, M. (2002). *Le Prix de la vérité. Le don, l'argent, la philosophie*. Paris,
    Seuil.

Judson, O. (2007). The selfless gene. *Atlantic Monthly*.

Kestemont, B. (2007). "Les fondements utilitariste et anti-utilitariste de la coopération en biologie". *Revue du MAUSS permanente* (8 mai 2007).

Latouche, S. (1992). *L'occidentalisation du monde*. Paris, La Découverte.

Le Ru, H. (1986). *De l'Amour au management. Emmaüs en héritage*. Paris, Les Éditions ouvrières.

Mauss, M. (2007). *Essai sur le don*. Paris, PUF.

Pappas, J. (1993). "Le XVIIIe siècle, de la charité à la fraternité". *Autrement: La charité* (11): 66-86.

Rausing, S. (1998). "L'impossible retour. Dons, aides et échanges dans le nord-est de l'Estonie". *Ethnologie française* XXVIII (4): 525-531.

Robert, S. (2001). "Mère Marie de la Désincarnation ou le mysticisme qui tue ... les autres". *Liberté* 43(2): 125-140.

Salamon, J. (2003). *Ramban's Ladder. A Meditation on Generosity and Why It Is Necessary to Give*. New York, Workman Publishing.

Sénèque (1972). *Des Bienfaits*. Paris, Les Belles Lettres.

Shapiro, G. (1997). The Metaphysics of Presents: Nietzsche's Gifts, the Debt to Emerson, Heidegger's Values. *The Logic of the Gift*. A.D. Schrift. New York, London, Routledge**:** 274-291.

Stark, O. and I. Falk (1998). "Transfers, Empathy Formation, and Reverse Transfers". *The American Economic Review* 88(2): 271-276.

Titmuss, R. (1972). *The Gift Relationship. From Human Blood to Social Policy*. New York, Vintage Books.

CONDITIONS DE POSSIBILITÉ
D'UNE SUBSIDIARITÉ SOLIDARISTE.
ÉLÉMENTS D'UNE THÉORIE DE L'ACTION

ALAIN CAILLÉ

Tous les participants à cette XIVème session plénière de l'Académie Pontificale des sciences sociales seront très certainement d'accord pour penser que lier solidarité et subsidiarité représente un idéal éminemment désirable. Et d'autant plus que cet idéal peut être formulé dans les termes et dans le langage de traditions religieuses ou de philosophies politiques bien différentes. De ce point de vue il pourrait être intéressant de s'interroger ici sur le degré de convergence existant en la matière entre la doctrine de l'Église catholique, telle qu'elle a évolué à travers le temps, et ce qu'amène à penser le "paradigme du don" développé par le MAUSS (Mouvement anti-utilitariste en science sociale)[1] dans le sillage de l'*Essai sur le don* de Marcel Mauss et, en amont de cet *Essai*, de toute la tradition du socialisme associationnisme français du XIXème siècle qui a connu son plus haut point d'aboutissement avec Jean Jaurès au début du XXème siècle.

Mais cet idéal éminemment désirable est-il effectivement possible, plausible, effectivement réalisable et à quelles conditions? Qu'est ce qui permet d'espérer et de croire que des hommes et des femmes de bonne volonté puissent exister et viser à atteindre ensemble une forme ou une autre de bien commun, sur un mode associatif, au lieu de déléguer et d'abandonner cette tâche à la puissance de l'État ou aux séductions du Marché? Pas grand-chose, si l'on doit en croire l'énorme littérature consacrée à la théorie de l'action collective depuis une trentaine d'années.[2] Pas grand-chose, en tout cas, aus-

---

[1] Cf. www.revuedumauss.com et www.journaldumauss.net.

[2] Signalons sur ce point l'impressionnante synthèse que représente le livre de Daniel Cefaï, *Pourquoi se mobilise-ton? Les théories de l'action collective,* La Découverte/MAUSS, Paris, 2007, 727 p.

si longtemps que l'on continue à penser l'action sociale sur un mode utilitariste, dans les termes d'un modèle économique généralisé, d'une Théorie des
choix rationnels (*Rational Choice Theory* ou *Rational Action Theory*) qui pose
en axiome que les acteurs sociaux ne peuvent rien viser d'autre que la satisfaction de leurs propres intérêts ou préférences. Mancur Olson avait en somme bien établi, dès le départ l'impossibilité où se trouvent des acteurs définis comme rationnels de s'intéresser au bien commun, sauf à y être
contraints ou à y trouver une forme d'intérêt particulier spécifique.

Toute la littérature qui a suivi *The Logic of Collective Action* s'est
employée à tenter de surmonter le paradoxe du *free rider* en recourant à une
infinie variété de stratégies conceptuelles. La ligne théorique la plus prometteuse est celle qui, s'inscrivant dans le cadre du renouveau mondial de
la thématique hégélienne de la lutte pour la reconnaissance impulsée par
Axel Honneth avec son *Kampf um Anerkennung* permet de poser que les
acteurs sociaux ne visent pas tant à satisfaire leurs intérêts propres, sur un
mode utilitariste, qu'à être reconnus.[3] Dans ce débat un point à vrai dire
essentiel reste toutefois en suspens. Ce qu'on pourrait appeler le paradigme
de la reconnaissance fait-il vraiment sortir de l'axiomatique de l'intérêt?
Voilà qui n'a rien d'évident. Rien n'interdit en effet *a priori* de poser qu'il
existe des intérêts de reconnaissance comme il existe des intérêts de possession ou de bien être. Ou encore, des "préférences" pour la reconnaissance
comme il y a des "préférences" pour le chocolat noir, la choucroute, le gorgonzola ou les Alfa Romeo. Et cela pourrait d'ailleurs suffire, peut-être, à
fonder une théorie de l'engagement dans les associations et pour le bien
commun dans le cadre d'une économie politique générale de l'estime telle
que l'esquissent par exemple G. Brennan et Ph. Pettit.[4]

Il y de bonnes raisons de penser malgré tout que des engagements associatifs – seuls à même en principe de fonder une solidarité active dans le

---

[3] Il existe désormais, principalement en philosophie morale et politique mais aussi
en sociologie une gigantesque littérature mondiale sur le thème de la lutte pour la reconnaissance qui est en train de supplanter peu à peu les innombrables discussions du quart
de siècle passé autour de la *Théorie de la justice* de John Rawls. Cf. en France le débat,
principalement entre sociologues, in A. Caillé (sous la direction de), *La quête de reconnaissance, nouveau phénomène social total*, 2007, La Découverte/MAUSS, Paris et le
débat, principalement entre philosophes in A. Caillé et Ch. Lazzeri (sous la direction de),
La reconnaissance aujourd'hui, 2008, Éditions du CNRS, Paris.

[4] Geoffrey Brennan et Philip Pettit, *The Economy of Esteem. An Essay on Civil and
Political Society*, Oxford University Press, 2004.

cadre d'une logique de la subsidiarité – qui auraient l'avantage de minimiser le rôle des motivations d'intérêt matériel et financier, mais l'inconvénient de conférer du coup encore plus d'importance aux intérêts narcissiques, resteraient en définitive bien fragiles. Ne rêvons pas. Que l'engagement associatif soit ouvert à toutes les possibilités de corruption financière imaginables, que les associations ne soient pas plus immunisées *a priori* et par principe contre la lutte des *ego*, voire moins que les entreprises ou les administrations, voilà qui ne fait pas l'ombre d'un doute. Et il est permis de se demander si la corruption narcissique n'est pas à certains égards pire que la corruption financière. Reste que si les mobiles de l'action humaine se réduisaient en effet et sans reste(s) aux seuls intérêts de possession ou d'affirmation de soi, il y aurait bien peu d'espoirs à nourrir quant aux chances de succès d'une subsidiarité solidariste.

Si nous voulons avancer dans notre réflexion sur ce point, il semble donc crucial de se demander quelle anthropologie, quelle théorie de l'action anti-utilitariste il est possible d'opposer à la théorie des choix rationnels, qui fasse place au désir de reconnaissance sans le rabattre systématiquement sur l'axiomatique de l'intérêt. Je présente ici une première version d'un travail en cours sur ce point. Il comporte trois parties. La première détaille les raisons qui rendent nécessaire de s'affranchir de l'axiomatique de l'intérêt et présente le cadre général d'une théorie non moniste, tétradimensionnelle en l'occurrence de l'action. La seconde approfondit la réflexion sur les quatre dimensions de l'action isolées dans la première partie. La troisième, encore largement embryonnaire et programmatique explore la manière dont il serait alors possible de faire retour sur la question du statut de la quête de reconnaissance.

PREMIÈRE PARTIE: AU DELÀ DE L'INTÉRÊT
VERS UNE THÉORIE ANTI-UTILITARISTE DE L'ACTION

La profusion récente de textes philosophiques ou sociologiques qui, dans le sillage notamment du livre de Axel Honneth *La lutte pour la reconnaissance* montrent comment la lutte sociale ne s'organise pas tant en vue de la satisfaction des intérêts, et plus particulièrement des intérêts matériels, que de l'obtention d'une reconnaissance, relègue au second plan l'individualisme méthodologique, les théories du choix rationnel, bref le modèle économique généralisé qui régnait en maîtres presque absolu sur ces disciplines depuis un bon quart de siècle.

Mais poser que les sujets humains – justement en tant qu'ils sont humains et entendent devenir des sujets –, plus que par le besoin ou par un désir intrinsèque d'accumulation de biens matériels, sont animés par une quête incessante de reconnaissance, suffit-il à nous faire sortir de l'utilitarisme et de l'axiomatique de l'intérêt? Et, plus profondément, au nom de quoi faudrait-il rompre d'ailleurs avec le discours de l'intérêt? Voilà qui ne va apparemment pas de soi. Pour la grande majorité des chercheurs en science sociale ou en philosophie morale et politique, abandonner l'explication de l'action humaine par l'intérêt reviendrait à rien moins qu'à renoncer au principe de raison. Rendre raison d'une action, pour eux, suppose nécessairement de reconstituer l'intérêt qui l'a motivée, quelque sens qu'on donne à ce terme. Inversement, renoncer à expliquer l'action par l'intérêt équivaudrait à basculer dans l'irrationalisme.

Dans cet attachement très largement partagé à la force explicative de l'intérêt il est possible de distinguer deux grandes variantes. La première, très majoritaire là encore, situe l'intérêt du côté de la volonté de survie, avec toutes ses variantes: le souci de la conservation de soi (Hobbes), de persévérer dans son être (Spinoza), d'améliorer ses conditions de vie, *to better one's own condition* (A. Smith) etc. Retraduit dans le langage de la maximisation des plaisirs par rapport aux peines, de la recherche de l'utilité, de l'aspiration au bonheur ou à la satisfaction des préférences, c'est cette première représentation de la toute puissance de l'intérêt qui alimente au plus profond les doctrines utilitaristes, quelque sophistication qu'elles puissent éventuellement apporter à ce thème initial.[5]

Mais il est possible, plus subtilement, de défendre une vision de la souveraineté de l'intérêt qui ne le dériverait pas du souci de la conservation de soi et le ferait donc sortir du champ de l'utilitarisme. On sait comment toute la pensée des moralistes français du XVIIème et XVIIIème siècles, avant de les fusionner sous le concept indistinct d'intérêt, aura oscillé entre deux repré-

---

[5] Lorsqu'un Frédéric Lordon, par exemple, défend une théorie de l'"intérêt souverain", attribuée à Spinoza, pour expliquer que toutes les aspirations "altruistes" ou généreuses n'en sont qu'autant de modalités secondaires, il ne fait que reconduire par son versant néomarxiste, et malgré qu'il en ait l'utilitarisme constitutif de la science économique standard Frédéric Lordon, *L'intérêt souverain*, 2006, La Découverte. Cf. également F. Lordon, "Le don tel qu'il est et non tel qu'on voudrait qu'il fût", *La Revue du MAUSS semestrielle* n°22, 1er semestre 2006, De l'anti-utilitarisme, p. 105-126, et la réponse de Falafil, "Quel paradigme du don? En clé d'intérêt ou en clé de don? Réponse à F. Lordon", *id.* p. 127-137.

sentations bien différentes de ce qui fait agir les hommes: l'amour de soi (*i.e.* le souci de sa propre survie) ou l'amour-propre (*i.e.* le souci de sa face), pour le formuler dans les termes systématisés par Rousseau; les intérêts de bien ou les intérêts de gloire, pour le dire dans le langage du XVIIème siècle.

Cette opposition classique est très utile pour éclairer le problème dont nous aimerions partir ici: dire que les hommes recherchent la reconnaissance, loin de nous faire sortir du discours et de l'axiomatique de l'intérêt, ne devrait-il pas nous conduire plutôt à dire que ce qui les meut ce sont des intérêts de face, de prestige, des intérêts narcissiques, des intérêts égotistes plutôt qu'égoïstes? Si nous répondions oui, comme il peut sembler de prime abord tentant de le faire parce que cette version du discours de l'intérêt est empiriquement plus juste que sa version utilitariste simple, nous aurions alors une deuxième variante de l'axiomatique de l'intérêt souverain, celle qui fait procéder l'intérêt non pas du rapport de soi à soi dans le souci de se conserver mais, à l'inverse, du rapport de soi aux autres humains; non pas de la fermeture première du soi sur lui-même, mais de l'ouverture constitutive du soi à l'altérité, non pas de l'amour de soi sûr de lui-même et de ses désirs mais de l'amour propre qui cherche dans le regard de l'autre la confirmation de son incertaine existence.

Quelque tentante et partiellement justifiée que puisse apparaître cette seconde solution nous voudrions montrer ici qu'elle n'est en définitive pas satisfaisante dans la mesure où elle reste prisonnière d'une axiomatique de l'intérêt que la réflexion sur la quête de reconnaissance doit au contraire nous pousser à fortement relativiser et même pour l'essentiel à abandonner. Ou plutôt à dépasser. Car si, en effet, l'explication de l'action humaine par le souci de la face et de la reconnaissance apparaît plus plausible que celle qui la réfère aux seuls intérêts de possession et de conservation, il reste qu'elle perd beaucoup de son tranchant et de sa profondeur aussi longtemps qu'on la cantonne dans le registre exclusif du discours de l'intérêt. Il faut alors nous demander ce qu'il convient de mettre à la place de l'explication de l'action sociale par le seul intérêt.

Nous tenterons pour cela tout d'abord de mettre en place les éléments d'une grammaire de l'action plus complexe que les diverses théories utilitaristes ou individualistes méthodologiques disponibles, en suggérant qu'il convient de penser l'action non pas à partir du pôle unique de l'intérêt mais à partir de quatre polarités irréductibles. Dans cette vision l'intérêt apparaît bien comme un ressort important de l'action, mais comme un ressort toujours combiné à trois autres ressorts. Dans un deuxième temps, il faudra tenter de dépasser le repérage approximatif de ces quatre pôles de l'action pour nous demander en quoi consiste spécifiquement chacun d'entre eux.

C'est alors seulement que nous pourrons faire retour à notre question ini-
tiale sur les rapports entre intérêt et reconnaissance en esquissant une théo-
rie du sujet de l'action.[6]

DE QUELQUES RAISONS DE SE DÉPRENDRE DU DISCOURS DE L'INTÉRÊT

1. *Une axiomatique tautologique toujours trop vraie*

Ce qui est problématique dans le discours qui veut voir dans la
recherche de l'intérêt la clé enfin trouvée et unique de l'action des
humains, dans ce qu'il est possible d'appeler l'axiomatique de l'intérêt,
c'est qu'il est soit purement formel, sous-déterminé, toujours vrai et donc
jamais vrai; Ou, au contraire, bien substantiel, surdéterminé, mais alors,
largement incertain ou tout bonnement faux. Si, en effet, on entend tout
d'abord par "intérêt" le concept qui désigne les mobiles qui poussent à l'ac-
tion, alors, par définition, puisqu'il n'y a pas d'action sans mobile, sans
quelque dimension propre au sujet de l'action qui la déclenche, toute
action est nécessairement "intéressée" en ce premier sens. Mais cette expli-
cation, aussi tautologique que la vertu dormitive de l'opium des scholas-
tiques ou que les "préférences" des économistes – qui se bornent à nous
dire en somme que les hommes préfèrent ce qu'ils préfèrent - ne nous
explique rien de déterminé. Loin de permettre de prévoir un comporte-
ment quelconque, l'intérêt invoqué (ou l'utilité, ou les préférences etc.) est
ce qu'on déduira après coup de l'action observée: "C'était donc ça!".[7]

2. *Des axiomatiques substantialistes jamais assez vraies*

Les variantes substantialistes du discours de l'intérêt souverain se carac-
térisent au contraire par la mise en avant d'un intérêt spécifique unique, sup-

---

[6] Sous le titre général *Éléments d'une théorie de l'action* (I, II et III) nous présentons
aux laitiers trois textes distincts mais étroitement liés, "Au delà de l'intérêt", "Les res-
sorts de l'action", et "Vers une théorie du sujet".

[7] Une variante empiriste de cet usage purement tautologique formel pourrait être
qualifiée de tautologie empiriste. C'est celle que développe par exemple Ehrard Fried-
berg (in *Le pouvoir de la règle*, Le Seuil) dans le sillage de R. March, lorsqu'il explique
qu'il existe autant d'intérêts distincts que de situations empiriques différentes, que l'ana-
lyste découvre après coup.

posé déterminant en dernière instance: les intérêts économiques de classe chez Marx, l'amour propre ou la vanité chez La Rochefoucauld, l'intérêt modelé par l'*habitus* chez le premier Bourdieu ou l'*illusio* chez le second, le désir sexuel, la *libido* chez Freud, la volonté de puissance chez Nietzsche, le désir d'accumuler les biens matériels chez les économistes classiques etc. Impossible et inutile de discuter ici ces différentes théories dont il suffira de dire que recélant chacune une part de vérité elles deviennent systématiquement fausses – et automatiquement réfutées par les autres – dès lors qu'elles se présentent comme détentrices de l'unique vérité générale.

3. *La triple confusion des intérêts*

Il est par ailleurs possible de montrer que l'enfermement dans la rhétorique de l'intérêt reconduit systématiquement et quoi qu'on fasse pour s'en affranchir à une double, voire à une triple confusion.

3.1. La plus facile à déceler est celle qui tend à rabattre toutes les formes d'intérêt sur *l'intérêt égoïste.* Or on voit bien qu'il y a là un coup de force. Sans doute l'intérêt amoureux, par exemple, est-il suprêmement "égoïste" mais il est aussi suprêmement "altruiste", constitutivement ouvert à l'altérité. Et les "intérêts de gloire", ceux qui dans le cas de l'*ethos* aristocratique ou de l'amour de la patrie poussent à risquer sa vie sont manifestement aux antipodes du souci de la conservation de soi que le discours de l'intérêt place généralement à la racine de l'intérêt égoïste. Pourtant, les champions de la version égoïste de l'intérêt souverain auront toujours beau jeu de soutenir qu'"en dernière instance", si le sujet obéit à de motivations en apparence "altruistes", c'est bien parce qu'"il y trouve son compte". L'ouverture à l'altérité est ainsi reconduite à l'égoïsme. La tentative d'entrer dans le discours de l'intérêt souverain par le biais de l'ouverture principielle à l'altérité, à la louange et au regard des autres a donc de fortes chances de rester à jamais submergée par la toute puissance de la thématique de l'égoïsme premier et du souci de la conservation de soi.[8]

---

[8] A ce stade la discussion reste brouillée par l'indétermination et la réversibilité du terme même d'égoïsme. Il y a en fait deux égoïsmes entre lesquels la discussion oscille en permanence: un égoïsme de l'autosuffisance et de l'autoconsistance, et un égoïsme de la dépendance et de la rivalité avec autrui. Je suis redevable à Christian Lazzeri de la mise au point qui suit: "On peut partir d'une distinction clairement formulée et utilisée

3.2. Par ailleurs la rhétorique de l'intérêt télescope systématiquement deux formes de l'intérêt diamétralement opposées au plan conceptuel même si elles sont le plus souvent étroitement intriquées en pratique. Dire de quelqu'un qu'il éprouve de *l'intérêt pour* les mathématiques, l'art, la littérature oui la philosophie, c'est dire qu'il y trouve de l'intérêt, autrement dit qu'il y prend du plaisir. Mais on pourrait dire aussi bien, et en fait mieux, qu'il éprouve pour ces diverses activités, s'il s'y investit vraiment, une passion. Admettons que cette même personne, mathématicien, écrivain, artiste ou sportif y ait pris tellement de plaisir qu'elle soit devenue un bon professionnel, elle aura alors à gérer un autre type d'intérêt, un *intérêt à* bien réussir sa carrière ou à gagner de l'argent. Il est d'autant plus gênant de confondre ces deux types d'intérêt, *l'intérêt pour* et *l'intérêt à*, i.e. l'intérêt passionnel et l'intérêt instrumental que cela reproduit automatiquement l'éternelle et absurde querelle du désintéressement qui repose sur une confusion symétrique entre désintérêt et désintéressement Un acte désintéressé est-il possible? Certainement pas si on entend par là que l'action pourrait être entreprise sans qu'on s'y intéresse le moins du monde, dans le désintérêt, la pure et simple absence d'intérêt. Évidemment oui, si l'on veut dire que certaines actions peuvent être entreprises au-delà de l'intérêt instrumental ou du seul intérêt égoïste matériel du sujet qui l'entreprend. Comme le disait John.

---

par Mandeville, Hume et Rousseau, mais dont on trouve déjà l'énoncé chez Spinoza. Cette distinction est celle du *self liking* et du *self love* qui reprend à la vieille distinction médiévale de l'*amor sui* et de l'*amor proprius* (qui traduit elle-même les deux versants de la *philautia* aristotélicienne) et que le français traduit par amour de soi et amour-propre ou bien, selon les théologiens du XVIIᵉ siècle, par intérêt nôtre et intérêt propre. La distinction entre les deux peut être formulée de la manière suivante: l'amour de soi (ou "intérêt nôtre") témoigne fondamentalement du désir de l'agent centré sur lui-même et sur les avantages qu'il cherche à obtenir pour soi, mais sans que cela se traduise par une attention exclusive accordée à ceux-ci. Autrement dit, on ne se situe pas ici dans une attitude comparative de supériorité qui rend impossible toute attention à l'intérêt d'autrui. Cela signifie que l'amour de soi conduit certainement à ne pas sacrifier ses propres intérêts à ceux d'autrui, car ils possèdent un caractère indépassable, mais que cela ne conduit pas non plus à une ignorance ou à un désintérêt pour ceux d'autrui, pas plus qu'ils ne conduisent à une rivalité permanente. Il peut donc exister un rapport de composition entre les intérêts selon des modalités variables qui peuvent engendrer des rapports de coopération. L'amour-propre (ou "intérêt propre"), à l'inverse, témoigne d'une attention exclusivement consacrée à ses propres intérêts considérés comme incommensurables au regard de ceux des autres, lesquels sont systématiquement négligés ou niés de telle sorte que la coopération, lorsqu'elle existe, se trouve en permanence menacée de défection, lorsque celle-ci ne possède pas un coût dissuasif.

Dewey, agir par soi même n'implique nullement d'agir nécessairement pour soi-même. Ou, comme le montrait Amartya Sen dans son célèbre article, "Rational Fools", il n'est en rien irrationnel de sacrifier ses intérêts instrumentaux ou de bien être matériel au souci du bien commun; ou encore, pourrait-on ajouter, au souci des autres. Il est au contraire idiot, rationnellement et étymologiquement idiot, de rester bloqué à la perspective de ne satisfaire que ses propres intérêts individuels.[9]

3.3. Il convient par ailleurs d'ajouter à cette dissociation entre *intérêt pour* et *intérêt à* une autre modalité de *l'intérêt à*. Si un adjudant dit: "Tu as intérêt à obéir, sinon ça va barder", on n'est plus là dans l'intérêt instrumental activement et stratégiquement calculé mais dans le registre de l'obéissance forcée ou de ce qu'on pourrait appeler un intérêt égoïste passif.

4. *Les quatre modalités de l'intérêt*

Résumons et synthétisons cette première discussion. Partis d'un concept unique d'intérêt nous nous retrouvons avec 4 types d'intérêt bien différents qu'il est possible de désigner ainsi:
– *l'intérêt à* n°1, *i.e.* l'intérêt instrumental, stratégique, égoïste, actif. Appelons-le l'intérêt pour soi,
– *l'intérêt à* n°2, *i.e.* l'intérêt à obéir passif. Appelons le l'intérêt-obéissance,
– *l'intérêt pour* n°1, l'intérêt pour autrui,
– *l'intérêt pour* n°2, l'intérêt pour une activité plaisante. Appelons le l'intérêt passionnel.

Or le problème des diverses axiomatiques de l'intérêt possibles c'est que par construction elles tendent systématiquement à dissoudre l'intérêt-obéissance, l'intérêt pour autrui et l'intérêt-passion dans l'intérêt pour soi instrumental. Mieux vaut donc rompre radicalement avec toute axiomatique générale de l'intérêt en restreignant l'usage du concept au seul intérêt pour soi instrumental (puisque de toutes façons c'est toujours lui qui absorbe tous les autres usages possibles du terme) pour penser les autres dimensions de l'action sous des appellations et des concepts clairement distincts.

---

[9] Nous avons présenté cette distinction entre intérêt pour et intérêt à, et entre désintérêt et désintéressement in A. Caillé, *Don, intérêt et désintéressement. Bourdieu, Mauss, Platon et quelques autres*, La Découverte, 1993, réédition 2005, pp. 243-284.

Si donc l'intérêt ne règne pas seul et si l'on ne veut pas se contenter de la solution paresseuse et stérile qui consiste à poser qu'il existe autant de mobiles de l'action, autant d'intérêts qu'il y a de situations et d'humains différents, demandons-nous quels sont les autres pôles depuis et entre lesquels l'action se partage. Il faudra nous demander après comment les humains tentent de trouver leur unité ou/et leur singularité à partir de cette pluralité de mobiles. C'est à ce niveau là que se pose la question de leur rapport à la quête de reconnaissance. Que nous ne pourrons aborder à nouveau de manière pas trop insatisfaisante qu'après avoir forcément abstrait – divisé l'action en ses composantes élémentaires, présentées dans leur séparation alors qu'elles sont toujours liées en fait – avant de recomposer le tout.

UNE THÉORIE TÉTRADIMENSIONNELLE DE L'ACTION

Dans son *Essai sur le don* qui fait apparaître une certaine universalité anthropologique de la triple obligation de donner, recevoir et rendre, Marcel Mauss montre comment le don, qui témoigne par hypothèse d'une ouverture à autrui en manifestant un désintéressement est également intéressé – il satisfait à la fois les intérêts de face et les intérêts matériels du donateur –, et comment par ailleurs ce geste qui met en scène de la "libéralité", c'est-à-dire à la fois de la liberté et de la spontanéité, obéit autant ou plus à une obligation sociale première, cette obligation qui nous "force à être libre" pourrait-on dire dans le langage de Rousseau. Voilà, mis en lumière dès les premières lignes de l'*Essai sur le don* les quatre dimensions premières, irréductibles de tout acte de don, organisées en deux paires d'opposés: l'intérêt égoïste et le désintéressement altruiste, l'obligation et la liberté. Pour échapper aux éternels débats sur l'égoïsme et l'altruisme, il vaut mieux opposer ce qu'il est permis d'appeler l'intérêt pour soi et l'intérêt pour autrui, et, pour échapper une bonne fois à l'hégémonie du concept d'intérêt, dont nous venons de lister les dangers théoriques, il est préférable de rebaptiser l'intérêt pour autrui d'un pseudonyme (et néologisme) neutre, l'aimance.

5. *Les quatre pôles du don et de l'action*

Intérêt pour soi et aimance, obligation et liberté, voilà donc les quatre pôles du don. Toujours étroitement imbriqués. Le don est hybride, soutient Mauss. Non seulement l'intérêt pour autrui y ramène à l'intérêt pour soi, et réciproquement, non seulement l'obligation est-elle celle de la liberté et la

liberté permet-elle de s'acquitter de ses obligations, mais *il faut* qu'il en soit ainsi. Un don purement instrumental et "intéressé" échoue à nouer le lien social nécessaire à la satisfaction des intérêts de tous. Un don purement altruiste, auquel le donateur ne trouverait pas son compte et qui humilie le donataire tournerait au sacrifice et potentiellement au massacre généralisé. Un don purement obligé, mécanique et rituel perdrait toute sa magie, et un don purement gratuit s'abîmerait dans le non-sens. Essayons d'éclairer davantage le statut de ces quatre pôles de l'action.

6. *Leur représentation spatiale en termes de points cardinaux*

Il faut les comprendre tout d'abord comme les équivalents des quatre points cardinaux. Si nous voulions disposer d'une représentation plus fine et plus réaliste de l'action, on pourrait tenter de construire une sorte de rose des vents de l'action, permettant de dégager tous les degrés intermédiaires et toutes les compositions possibles entre les pôles. Supposons que l'intérêt pour soi se trouve à l'Est et l'aimance à l'Ouest, l'obligation au Nord et la liberté au Sud, on pourrait de demander: de combien à l'Est, à l'Ouest, au Nord ou au Sud est chaque type de don ou d'action? Et qu'est-ce que l'on situe, par exemple en Nord-Nord-Ouest ou en Sud-Sud-Est etc.? Il n'est pas sûr qu'il vaille la peine de s'engager à dessiner effectivement une telle rose
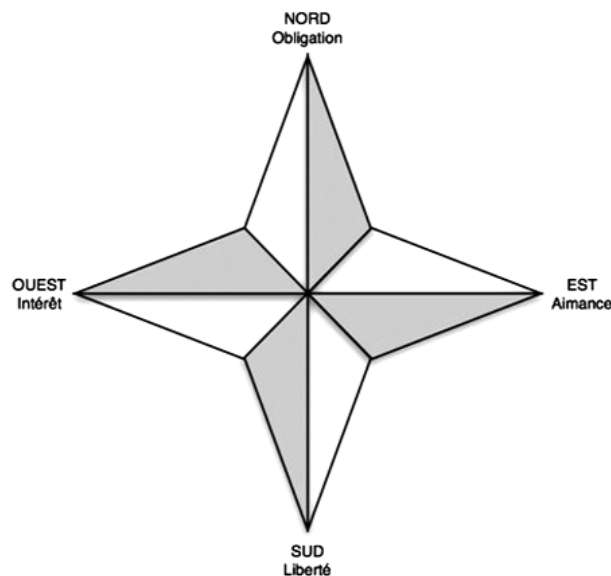
des vents de l'action, non seulement parce qu'elle serait très difficile à réaliser et incertaine, mais aussi parce qu'elle nous donnerait vite un profusion de notions et d'étiquettes trop abondante pour être réellement utile et maniable. Sans donc tenter de les ordonner de manière un peu précise, bornons-nous à repérer tout un ensemble de mobiles ou de logiques d'action qui se trouvent du côté, respectivement, de chacun de ces quatre pôles et qui sont apparus sous des désignations ou des formes de réalisation différentes selon les cultures, les périodes de l'histoire ou les individus.

7. *Ce qu'on trouve aux alentours de chaque pôle de l'action*

Du côté de *l'intérêt (pour soi)*, on trouvera alors: la préservation de soi et la survie, l'amour de soi ou l'amour propre, l'avidité et la vanité, la rivalité (l'*eris*) et la concurrence ou, au contraire, l'indifférence aux autres, les intérêts de gloire ou de biens, l'égoïsme ou l'égotisme, le désir de possession, l'âpreté au gain ou le souci de soi, l'*artha*, l'utilité, le calcul instrumental, le conflit, les ennemis, la guerre, etc.

Du côte de *l'aimance*: l'amitié, la filiale, la camaraderie, l'*eros*, l'amour, la *caritas*, la compassion, le *ren*, la sollicitude, la pitié, la solidarité, la générosité, l'altruisme, l'agapè, l'harmonie, le don, la confiance, l'association, l'alliance, les amis, la paix, etc.

Du côté de *l'obligation*: la contrainte physique, biologique ou proprement sociale, le rituel, la coutume, la Loi, la Dette, les institutions, les normes, les règles et règlements, la morale, l'éthique, l'ethos, le jugement, la justice, l'obéissance, la nécessité, le déterminisme, la structure, les fonctions, les valeurs, les ancêtres, les ascendants, le *dharma,* la tradition, le passé, la mort, etc.

Du côté de *la liberté*: la spontanéité, le plaisir (la *kama* par exemple), la fécondité, la générosité dans l'effort de l'artiste, du sportif ou du savant, le don (au sens du don des muses), la créativité, l'inventivité, l'action, la grâce, le charisme, le jeu, les dons, la révolte, les enfants, les descendants, l'avenir, la *moksa*,[10] la vie, etc.

---

[10] La théorie hindouiste des buts de l'homme, étrangement proche de la théorie maussienne tétradimensionnelle de l'action, explique que la vie commence par les plaisirs, la *kama*, se cristallise en recherche de l'intérêt, *artha*, en soumission au devoir, *dharma*, pour enfin viser la libération, *moksa*. Dans notre présentation, plaisir de l'action libre, du jeu, et libération se retrouvent indexés au même pôle de la liberté.

8. *Premières insatisfactions typologiques*

Aussitôt énoncée, cette liste (à la Prévert ou à la Borges, diront certains) fait évidemment problème puisqu'elle regroupe sous un même chapeau des réalités bien distinctes, voire antithétiques, que nous avions jusque là distinguées. Ainsi en est-il par exemple du regroupement de l'amour de soi et de l'amour propre sous le signe de l'intérêt pour soi. Au terme de notre parcours nous retrouverons leur différence. Mais pour l'instant il nous faut bien procéder à un premier tri, à un premier tamisage nécessairement grossier. La seule chose à ce stade dont il faille être sûr est qu'amour de soi et amour propre, pour en rester à cette seule illustration, sont plus proches l'un de l'autre que de la compassion, du rituel ou de la créativité par exemple. Pour démêler davantage ce fouillis et cet entrelacs de notions, il faudrait distinguer ce qui à chaque pôle se tient au plus près de son essence spécifique et ce qui au contraire résulte de son interaction avec les pôles opposés ou contraires.[11] Mais il n'est pas possible d'avancer dans cette discussion avant d'avoir éclairé davantage la consistance propre et spécifique de chacun des quatre pôles. Demandons-nous tout d'abord que faire de cette typologie de l'action, et quel statut lui accorder même en l'absence de réponses sur la nature des réalités ultimes.

9. *Don et action*

Ces quatre pôles ne sont pas seulement ceux du don mais tout autant, et plus généralement, ceux de l'action sociale. Ce qui spécifie le don au sein de l'action en général, ce qui la fait basculer dans le registre du don – *i.e.* ce qui fait passer du prendre-refuser-garder au donner-recevoir-rendre –, c'est le primat des motivations actives de l'aimance et de la liberté sur leurs conditions passives que sont l'intérêt pour soi et l'obligation. Pour filer la métaphore spatiale et cartographique, on entre dans la zone du don de générosité, dans l'obligation de donner, recevoir et rendre- en passant à la droite de l'axe nord-sud, dans celle du don de la liberté-créativité en passant en dessous de l'axe Est-ouest. Il apparaît ainsi que le quadrant spécifique

---

[11] Une bonne manière d'opérer ces différenciations serait de distinguer dans chacun des registres de l'action ce qui se joue en clé d'avoir, en clé d'être et en clé d'apparaître. Supposons par exemple qu'on interprète l'intérêt pour soi en termes de tendance à persévérer dans son être, on pourra alors distinguer entre ce souci de persévérance en tant que telle, le désir d'acquiérir propre à l'alimenter et celui de se manifester.

du don, celui qui allie l'ouverture à autrui et au possible est le quadrant sud-est. Inversement, à la gauche de l'axe Nord-Sud, on se trouve dans le champ du prendre, refuser, garder.

10. *Irréductibilité, enchevêtrement et réversibilité des quatre pôles de l'action*

En quoi et comment ces quatre pôles sont-ils à la fois irréductibles et liés? Ils sont irréductibles en droit, toujours mêlés en fait, et réversibles en droit et en fait.

Irréductibles: Tous sont également premiers. Aucun d'entre eux n'est déductible d'un des autres. La grande erreur des doctrines utilitaristes n'est pas de méconnaître les plaisirs de l'amitié ou de l'altruisme, ni la nécessité des règles (l'utilitarisme a beaucoup plus de mal avec la liberté), mais de prétendre les déduire des calculs guidés par l'intérêt pour soi ou les y ramener. Ainsi diront-elles que certains sujets égoïstes sont ainsi faits que leur satisfaction passe par celle des autres. L'altruisme est présent mais en position seconde. Ou bien, on prétendra transformer des égoïstes rationnels et toujours prompts à trahir en coopérateurs fidèles et respectueux des contrats par la magie du dilemme du prisonnier répété, etc. La théorie tétradimensionnelle de l'action postule au contraire que l'ouverture à autrui est aussi première, donnée dès l'origine – comme le démontrent les découvertes récentes sur la biologie et la psychologie de l'imitation (cf. *infra*)- que la fermeture sur soi, et la liberté, l'ouverture au possible et à l'inadvenu tout autant originelle que la soumission à la nécessité.

Enchevêtrement: Pour autant, on l'a dit, aucune action ne peut se déployer dans le seul registre de l'intérêt, de l'aimance, de l'obligation ou de la liberté. Ne serait-ce d'ailleurs que parce qu'il ne peut exister de liberté que par rapport à une obligation (et réciproquement), et d'aimance que comme sortie de l'intérêt pour soi (et réciproquement) et que comme liberté etc.

Réversibilité: Pour ces raisons entre autres, chaque pôle est toujours susceptible de basculer en son opposé ou en son contraire: l'aimance en intérêt (et réciproquement), l'obligation en liberté (et réciproquement etc.). Et, d'une certaine manière, chacun "contient" son opposé. Au moins jusqu'à ce qu'il n'y parvienne plus…

11. *Leur réductibilité relative. Tout déduire à partir d'un pôle?*

Le fait que ces quatre dimensions de l'action soient toujours mêlées en fait, dans des proportions infiniment variables, explique assez les séductions

exercées par les théories monistes. Jusqu'à un certain point (jusqu'au constat de leur irréductibilité ultime – ou première, si l'on préfère), il est en effet légitime de tenter de tout déduire depuis la logique d'un des seuls pôles.

Depuis le pôle de l'intérêt. Il est clair, en effet, qu'on a souvent "intérêt à obéir" et que, symétriquement, il faut bien que la loi commune satisfasse peu ou prou les intérêts de ceux qui y sont soumis. Clair encore qu'il est des amitiés "intéressées", qu'on l'entende au sens cynique des amitiés utiles ou des amitiés qui font partager les plaisirs de l'existence. Clair, enfin qu'on trouve son compte à être fécond et productif, ou que la satisfaction de ses intérêts passe par la liberté.

Depuis le pôle de l'aimance. Mais le même raisonnement peut et doit être inversé. Peut-on vraiment s'intéresser à soi-même, s'aimer soi-même, avoir des intérêts, éprouver de l'intérêt pour la vie et l'action, si l'on n'intéresse pas les autres et si l'on n'en est pas aimé ? La Loi commune, celle qui s'impose à tous, ne tire-t-elle pas sa force de la confiance et du sentiment d'amitié et de solidarité qui unit les membres d'une communauté politique ou civilisationnelle autant ou plus que de la somme des contrats qu'ils passent entre eux? Le cœur et l'origine de l'intérêt pour soi ne résident-ils pas dans l'intérêt porté au sujet par les autres?

Depuis le pôle de l'obligation. Ne pourrait-on pas dire pourtant comme E. Goffman, par exemple, qu'on ne voue un culte à son moi que par obligation sociale? Que c'est le *dharma*, le devoir à la fois cosmique et social qui oblige, au moins jusqu'à un âge avancé de la vie, à veiller sur ses intérêts, à se vouer à l'*artha*? "Aimez-vous les uns les autres". Peut-on rêver plus belle illustration que ce précepte de l'idée que l'aimance ne va pas de soi, qu'il faut s'y forcer par sens du devoir et pour obéir à une prescription divine? N'est-ce pas d'ailleurs la visée de toutes les grandes religions que de prescrire la charité, la solidarité ou la compassion? De ranger l'aimance sous l'égide de l'obligation? Et d'affirmer que c'est là, dans cette soumission à l'obligation d'aimer, que se trouve la liberté suprême?

Depuis le pôle de la liberté. Mais les modernes, les modernes surtout, ceux qui n'en finissent pas de pousser toujours plus loin la révolution individualiste, font-ils autre chose qu'affirmer le primat irréductible de la liberté individuelle sur toutes les lois, tous les engagements, toutes les solidarités. Ensemble? Associés? Oui, mais libres. Libres de cesser de l'être à tout moment. Respectueux de la Loi? Oui, mais seulement pour autant qu'elle me donne de nouveaux droits d'affirmer ma liberté. Mon seul intérêt est en définitive d'être libre et d'affirmer ainsi mon absolue souveraineté individuelle.

Chacune de ces réductions systématiques à l'un des pôles est légitime puisque éclairante et faisant voir ce qu'on ne verrait pas sans elle. Mais dès lors que l'on constate qu'il n'y pas en fait pas une mais quatre réductions possibles, la question rebondit: en quoi consiste la spécificité ultime et irréductible de chacun des pôles? Avant de l'aborder, demandons-nous s'il est possible de mieux représenter et visualiser l'enchevêtrement et la réversibilité des pôles de l'action.

COMMENT REPRÉSENTER ET FIGURER L'ACTION. QUESTIONS D'ÉCHELLES.

12. *Nécessité et contingence des figurations graphiques*

Il est utile et éclairant de se donner une représentation visuelle de toutes les notions qu'on vient de mobiliser, d'élaborer une cartographie conceptuelle qui permette de se donner une mesure approximative de leurs homologies et de leurs distances relatives. Le problème est que, comme dans toute cartographie ou dans toute schématisation, les conventions adoptées, si elles aident à percevoir ce qu'on ne voyait pas bien autrement, introduisent par ailleurs des biais problématiques. Par exemple, l'inconvénient de la représentation bi-dimensionnelle et plane que nous avons utilisée jusqu'ici est qu'elle ne permet pas de faire apparaître clairement les ambivalences et les réversibilités. *Réversibilités*: la présence d'autrui en moi, ou de l'obligation dans la liberté, et réciproquement. *Ambivalences*: la positivité, même du point de vue du don, de l'amour de soi, ou la négativité de la compassion mal placée. Plus généralement, chacun des quatre pôles, outre sa teneur propre et irréductible peut se charger, en positif ou en négatif des valences de son pôle opposé, de son contraire ou de l'opposé de son contraire. Pour tenir compte de toutes ces dimensions, plutôt que de représenter deux pôles opposés comme les deux extrémités d'une droite, mieux vaudrait les penser comme les points opposés d'un cercle. Au-delà de chacun des termes chacun des pôles se rapproche de son opposé par une voie symétrique. La voie non visible, sans doute, ou peu claire, la voie de l'ambivalence. Moi devient alors un autre, l'autre est moi-même. Le chat *est* la souris. La souris *est* le chat, comme le suggèrent les théories récentes de l'imitation et de la sympathie (cf. *infra*). Le rapport à la Loi se fait liberté ou la liberté devient ma loi.

13. *De la représentation plane à une représentation circulaire. Guerre et Paix. Vie et Mort*

llustrons ces propos trop abstraits par un exemple. Désigner à la suite de Mauss nos deux oppositions comme celle de l'obligation et de la liberté, de l'intérêt pour soi et de l'intérêt pour autrui (aimance) est commode car chacun de ces termes est à la fois suffisamment concret pour faire voir ce dont on parle et suffisamment général et abstrait pour permettre de subsumer même de manière lâche nombre d'autres notions avec lesquelles elles présentent un air de famille. Mais en allant au-delà de ces polarités on peut trouver deux oppositions plus primordiales et universelles, celle de la mort (le "maître absolu" selon Hegel) et de la vie (la liberté et la générosité par excellence), celle de la guerre et de la paix. Dit ainsi, notre première opposition, l'opposition de l'intérêt et de l'aimance, d'abord représentée par une droite peut avantageusement être figurée par une opposition circulaire plus vaste et englobante entre moi et autrui selon les modalités possibles de la guerre et la paix:
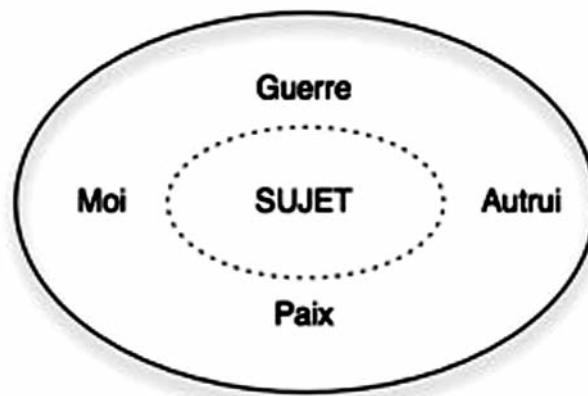
On voit ainsi que le sujet peut s'identifier à son moi ou à autrui, et se rapporter respectivement à eux sur le registre de la guerre ou de la paix, de la haine ou de l'amour, de l'affection, de l'indifférence ou de l'inimitié. De même comprend-on mieux comment l'identification au moi peut être immédiate ou/et au contraire médiatisée par le rapport à autrui. Dans ce second cas, plus on se rapproche d'autrui et plus on se rapproche de soi. L'amitié, et *a fortiori* l'amour font coïncider moi et autrui dans l'aimance.

Mais ce peut être également le contraire. On ne se rapproche de soi que dans l'écart à autrui. Et la même chose est vraie, dans les deux sens également du rapport à la guerre et à la paix. D'ailleurs susceptibles elles-mêmes de se présenter dans leur opposition maximale ou au contraire en combinaison voire en identification.

14. *Au-delà ou en deçà de la réciprocité*

Mais cette représentation est encore trop idyllique et trompeuse. Elle ne vaut qu'aussi longtemps que le sujet se tient dans le registre de la réciprocité-réversibilité entre moi et autrui, et entre la guerre et la paix. Elle ne vaut plus dans le sans-limites. Considérons la société sauvage: un de ses traits le plus frappant y est celui de la réversibilité de la vie et de la mort. Il faut tuer et se venger, non par plaisir de tuer mais par devoir de réengendrer la vie. De la même manière, on y bascule régulièrement et cycliquement de la paix à la guerre et inversement, de l'inimitié à la concorde et réciproquement. Mais la guerre elle-même y connaît deux modalités bien distinctes: celle de la guerre mesurée, cyclique réciproque et maîtrisée, qu'on vient de rappeler, et celle de la guerre d'extermination. De même, le moi peut être multiple, éclaté, disséminé, non constitué, infra-moi, ou, au contraire démesurément amplifié, sorti de lui-même par la fureur de l'*amok*, par la magie de quelque possession ou dans l'*hubris*. La relation circulaire entre deux opposés plus ou moins réversibles s'inscrit alors dans une opposition plus vaste dans laquelle chacun des termes s'écarte de l'autre tendanciellement à l'infini, vers la haine ou l'amour absolu, la guerre d'extermination et le génocide, ou bien la communion parfaite.
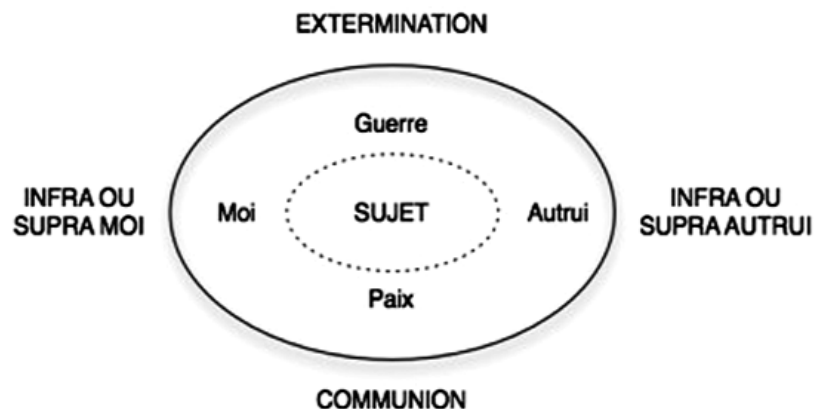
Dans le premier cercle, on reste en quelque sorte sur orbite, dans la possibilité du retour. Dans le deuxième on en sort et il peut se passer n'importe quoi. Une troisième dimension intervient ainsi dans le cercle que nous avions dessiné entre moi et autrui, entre la guerre et la paix. Une torsion infléchit chacun des pôles, les verticalise, replie tendanciellement l'un sur l'autre et produit la confusion de moi et autrui, comme dans la schizophrénie, ou l'indistinction de la guerre et de la paix qui se rabattent directement sur l'opposition de la mort et de la vie.

15. *D'une représentation circulaire à une représentation sphérique*

Une même mise en cercle peut et doit être effectuée pour notre deuxième opposition, celle de l'obligation et de la liberté, inscrite dans le rapport plus générale entre la vie et la mort, lui aussi soumis à une telle possibilité de torsion.[12]

---
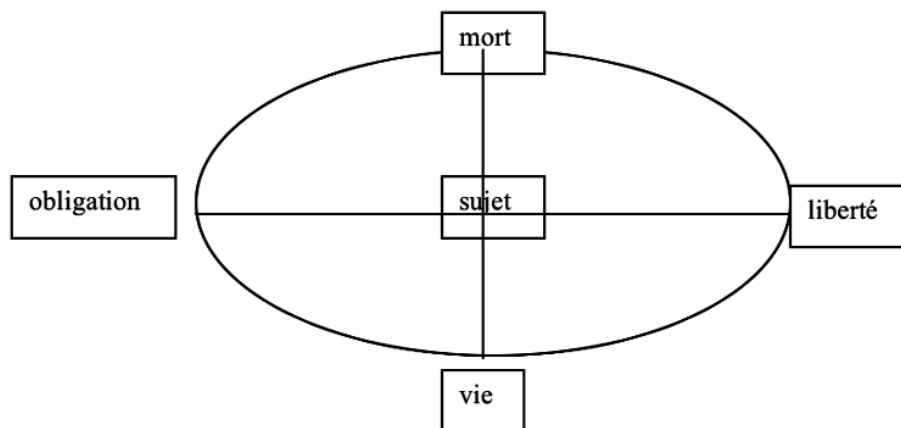
[12] On n'essaie pas de représenter ici l'au-delà ou l'en deçà de la vie et de la mort, tout ce qui se rapporte à l'éternité, à la vie éternelle, à la renaissance, aux réincarnations, aux limbes, à l'embryonnaire, au passé le plus ancien, aux aïeux les plus éloignés, à Saturne, à Cronos, ou au contraire à l'avenir radieux des générations futures etc. Ce qui fait l'intérêt et en même temps le caractère insupportable de l'œuvre d'un Georges Bataille, c'est qu'elle explore avec une délectation sans faille pour la contradiction l'au-delà de chacun de pôles opposés de l'action et leur réversibilité même dans l'au-delà de la réciprocité. Se conjuguent ainsi l'aspiration à la sainteté et au pur amour avec le sadisme, et une passion d'autant plus forte pour la Loi qu'elle seule permet la transgression.

Ces deux cercles, celui qui unit moi à autrui par la médiation de la guer-
re et/ou de la paix, et celui qui unit convertit l'obligation en liberté, et réci-
proquement, dans le rapport de la mort à la vie, forment les coordonnées
d'une sphère et en représentent respectivement l'équateur et les parallèles,
d'un côté, les méridiens de l'autre.

Le sujet peut ainsi être pensé comme une sphère, la sphère du propre –
un soi, une monade si on veut, mais une monade avec portes et fenêtres –,
une planète ou un satellite gravitant autour d'autres planètes ou étoiles
fixes (à commencer par les ascendants et les descendants), et autour de
laquelle gravitent d'autres moi, d'autres planètes, chacune accomplissant
son cycle de vie en tournant sur soi. L'axe de rotation de la sphère est inflé-
chi selon les pôles que le sujet occupe ou n'occupe pas. Selon l'inclinaison
de cet axe et sa vitesse de rotation, le sujet rend visibles ou invisibles cer-
tains des aspects de sa personne aux autres sujets et, réciproquement per-
çoit ou ne voit pas certains aspects de leur personne.
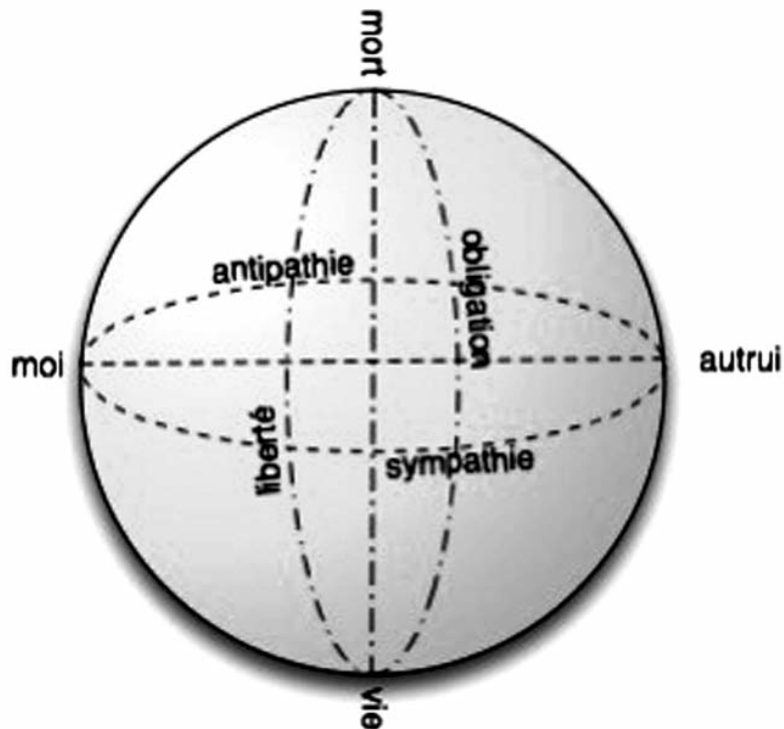
16. *Une théorie de l'action collective*

Mais revenons à une représentation plus simple, plane, des coordonnées de l'action pour préciser que ce qui a été dit jusqu'ici du point de vue du sujet individuel, en clé d'ego, peut aussi bien s'appliquer à un sujet collectif, en clé de "coordination" comme disent les économistes, ou en termes d'"harmonisation des intérêts" comme le disait l'historien de l'utilitarisme Élie Halévy. Entre sujets régis au premier chef par la logique de l'intérêt pour soi, fonctionne ce que E. Halévy appelle *l'harmonisation naturelle des intérêts*, autrement dit la coordination par le contrat, l'achat et la vente, le dialogue sans entraves. Entre sujets qui ne peuvent pas s'entendre "naturellement" sur leurs intérêts doit prévaloir ce qu'il appelle *l'harmonisation artificielle des intérêts,* autrement dit la Loi énoncée par un roi philosophe, un souverain hobbesien, un législateur rationnel omniscient et bienveillant, le représentant de la volonté ou de l'intérêt général etc. On est ici dans le registre de l'obligation. Mais il faut distinguer selon Halévy une troisième forme de coordination, *l'harmonisation spontanée des intérêts* fondée sur cette "sympathie", disons plutôt cette empathie primordiale qui existe d'emblée entre les sujets humains et les relie, et qu'ont théorisée les penseurs des Lumières écossaises et tout particulièrement le Adam Smith de *La Théorie des sentiments moraux*. L'Association, cette forme pleinement politique du don est ce qui la rend proprement sociale. À ces trois formes d'harmonisation des intérêts distinguées par É. Halévy il convient d'en ajouter une quatrième, qui corresponde à la logique de la liberté et de l'inventivité, la coordination par l'enthousiasme ou la passion – si proche du charisme wébérien – celle qui unit par exemple les supporters sportifs, les croyants d'une secte ou d'une église lorsque l'émotion est portée à son comble et que tous chantent ou prient ensemble, les passionnés d'art etc. Appelons la *l'harmonisation passionnelle des intérêts*.

CONCLUSION PROVISOIRE

17. *Quelle justification pour cette théorie tétradimensionnelle de l'action?*

Quel est le statut, demandera-t-on à juste titre, de telles typologies conceptuelles? D'où procèdent-elles? Quelle autorité reconnaître à Mauss dont on s'est ici inspiré au départ et qui ne les a d'ailleurs jamais utilisées qu'implicitement? Pourquoi quatre pôles de l'action et non pas deux, trois,

dix, douze ou un nombre indéterminé? Leur statut est-il ontologique? Anthropologique? Heuristique? Il serait possible, croyons-nous, de montrer comment les mythologies du monde entier se laissent axiomatiser en effet à partir de l'opposition de la vie et de la mort, de la guerre et de la paix dès lors qu'on les croise avec les cycles du donner, recevoir et rendre ou du prendre, refuser, garder. Qui donne et reçoit les lois, les nourritures et ressources premières, à commencer par le feu? Comment bascule-t-on de la guerre à la paix, et réciproquement, en interaction avec l'inceste, le coït et le mariage? Qu'est ce qu'un vrai don, qui ne soit pas absolument empoisonné et empoisonnant? Voila les questions éternellement et partout posées, en lien étroit avec l'interrogation sur la différence des sexes et sur le rapport des humains au monde naturel et aux entités invisibles. Et qui, toutes prises ensemble et indéfiniment croisées et recroisées forment l'univers du sens, le symbolisme. Il y aurait sur tous ces points énormément de choses à dire. Contentons-nous de la réponse heuristique. La justification de cette tétralogie conceptuelle et typologique est d'abord qu'elle éclaire mieux que ses rivales ou alternatives – d'ailleurs bien peu nombreuses en définitive – les ressorts de l'action. Reste à la mettre effectivement en acte dans des études empiriques ou dans des élaborations théoriques plus spécifiques, en croisant la topique des quatre mobiles de l'action avec la théorie du donner, recevoir et rendre (sur fond du prendre, refuser, garder).

18. *De quelques emplois possibles de la théorie*

Au-delà ou en deçà de la sociologie on voit bien comment il est possible en effet sur cette base de distinguer des individus ou des cultures: *du don* (ou *de la prise*) – personnages ou cultures phalliques ou maternantes installés dans la générosité guerrière ou maternelle (Gaïa, la madone); *de la demande et de la réception (*ou *du refus)*, attendant tout d'un bienfaiteur (cf. les cultes du cargo, par exemple); *de la dette* (ou *de la rétention*), dette envers la mort (*Yama*), les ancêtres, les puissants.[13] De même, dès lors qu'un des

---

[13] Cette théorie tétradimensionnelle de l'action pourrait se traduire assez aisément dans la théorie de la culture de l'anthropologue Mary Douglas, sa "Grid-group analysis" qui distingue quatre types de coordination sociale, selon que la régulation systématique (*grid*) est forte ou faible (où l'on retrouve notre opposition de l'obligation et de la liberté) et que la cohésion du groupe est également forte (dominance de l'aimance ditons-nous) ou faible (dominance de l'intérêt pour soi). Apparaissent ainsi quatre types de cultures: hiérarchiques, entrepreneuriales, d'opposition et d'isolement. Cf. Mary Douglas et

pôles de l'action apparaît hypertrophié et cesse d'entrer en relation dialec-
tique avec les trois autres on voit apparaître l'exacerbation du moi (narcis-
sisme) ou de l'autre (hystérie), de la dette (obsessionnalité, compulsion) ou
de la liberté (perversion). Encore faudrait-il ajouter que toutes les cultures
humaines distribuent toujours de manière différenciée les rôles de dona-
teur ou de donataire entre les hommes et les femmes, de même qu'elles les
soumettent différemment aux mobiles de l'intérêt pour soi ou de l'aimance,
et du rapport à la mort et à la vie.[14]

Plus généralement, l'interprétation de l'action passe toujours par la
réponse à trois questions étroitement interdépendantes.

Quant au rapport du sujet à lui-même, la question est de savoir ce qu'il
donne – à quoi il s'adonne, ou s'abandonne –, quelle part de son énergie il
consacre respectivement à l'intérêt pour soi, à l'obligation physique, socia-
le ou morale, à l'aimance ou à la liberté-créativité.

Quant au rapport interpersonnel, la question de savoir ce qui lie des per-
sonnes entre elles est toujours: qui donne ou rend quoi à qui – ou bien qui
prend, refuse de donner, garde, et, symétriquement, qui reçoit quoi de qui,
en positif ou en négatif?

Quant à l'action collective. Mais cette action individuelle ou interperson-
nelle se séploie dans le cadre d'actions collectives, ou de l'action de collec-
tifs où s'inscrit le sujet, et qui eux-mêmes se rapportent aux autres collec-
tifs en posant la question de savoir ce qu'ils leur donnent, (leur ont donné),
leur doivent, peuvent leur prendre, en ont reçu, doivent leur rendre etc.
L'ensemble de ces questions s'organise à la racine, *ab initio*, dès l'origine du
monde autour de la question première de savoir ce que les hommes reçoi-
vent des femmes et leur donnent, et réciproquement, et ce que les enfants
reçoivent des parents, et réciproquement. Le symbolisme est l'espace dans
lequel se forment et se formulent les questions et les réponses relatives à cet
univers du don.

Bref, avec cette typologie il est déjà possible de penser de manière
souple les dimensions de l'action sans préjuger *a priori*, à l'inverse des pos-
tures individualistes ou holistes méthodologiques, du poids respectif de l'un

---

B. Wildavsky, 1982, *Risk and Culture*, University of California Press, Berkeley, et M. Dou-
glas, "Pour ne plus entendre parle de la 'culture traditionnelle'", in *La Revue du MAUSS
semestrielle* n° 29, 2007, 1ᵉʳ semestre, p. 295-320.

[14] Ce n'est pas un *scoop* d'observer que les hommes, traditionnellement, donnent la
mort et les femmes la vie. Qu'elles donnent les enfants et les hommes les présents etc.

ou l'autre pôle, l'intérêt individuel pour les théories de l'action rationnelle, l'obligation pour l'holisme. Mais, si elle permet d'établir en somme une cartographie utile et parlante de l'action, elle ne nous en donne pas à proprement parler la théorie. Comment se forme le sujet de l'action? Et quel rapport cette formation entretient-elle avec la quête de reconnaissance? Pour répondre à ces questions il est nécessaire maintenant d'approfondir le raisonnement et de partir à la recherche de la racine première des quatre ressorts de l'action. Mais, à force de creuser, ne retrouvera-t-on pas l'intérêt dont nous avons contesté la souveraineté?

DEUXIÈME PARTIE: LES RESSORTS DE L'ACTION
L'HOMME ET L'ANIMAL SONT-ILS SYMPATHIQUES?

Pour qui entend dépasser une bonne fois l'axiomatique utilitariste de l'intérêt, le plus important, et le plus difficile à la fois, est de rompre avec le monisme qui l'anime. Aussi longtemps qu'on persistera à rechercher *le* mobile ultime de l'action, on sera nécessairement reconduit à une forme ou une autre de théorie de l'intérêt souverain. Mais on ne peut pas se résoudre non plus à une solution empiriste paresseuse qui laisserait entendre qu'il existe autant de mobiles de l'action que de situations ou d'individus divers. Nous avons besoin d'une carte ou d'une boussole conceptuelle qui nous permette de nous repérer, même grossièrement dans l'inextricable fouillis et enchevêtrement des motivations concrètes de l'action. C'est dans cet esprit que nous avons ébauché précédemment une typologie de l'action à quatre pôles – appelons-les l'intérêt pour soi et l'intérêt pour autrui, d'une part, l'obligation et la liberté-créativité de l'autre – que nous avons assimilés métaphoriquement à quatre points cardinaux. Mais il s'est davantage agi jusqu'à présent de tenter de dresser une carte de l'action que d'élaborer ce qui en serait à proprement parler une théorie. Savoir que tel pays se trouve au nord de tel autre, que telle région, située plus à l'ouest, en jouxte une autre mieux connue, ou même affirmer que la terre tourne dans tel ou tel sens (le sens du don, par exemple, en se qui nous concerne ici) ne nous dit rien sur la géologie des paysages, la manière dont ils se sont formés, et moins encore sur ce qui pousse les voyageurs à entreprendre tel voyage plutôt que tel autre et en suivant quel trajet. Par ailleurs nous nous sommes constamment heurtés à la difficulté que ces pôles sont étroitement enchevêtrés en pratique, quand ils ne s'inversent pas, si bien que ce qui pouvait sembler être au nord (du côté de l'obligation) est peut-être en fait ou peut

se retrouver du côté du sud, le nord du sud, ou le nord-est etc. Il nous est donc apparu à plusieurs reprises que pour arrimer notre typologie de l'action à quelque chose d'un peu solide, pour ne pas perdre le nord, il nous fallait interroger plus avant la texture spécifique de chacun des quatre registres de l'action. Ou encore, après avoir repéré les pôles de l'action en quelque sorte en surface, de l'extérieur, d'en haut, il est maintenant nécessaire de creuser un peu, d'opérer des carottages, pour nous donner une idée de ce qui se cache sous cette surface, et revenir, munis de notre boussole, sur les éternels débats qui opposent théoriciens de l'égoïsme et apôtres de l'altruisme, champions du déterminisme ou hérauts de la liberté.[15]

Méfions-nous toutefois d'un possible souci de profondeur mal placé. Comme les infinis chez Hegel, il y a en effet deux types d'approfondissement, le bon et le mauvais. Mauvais parce que sans fin, interminable et sans solution, est le questionnement sur *le* déterminant ultime et supposé unique de l'action: l'intérêt (souverain), le désir, la liberté, la nécessité etc. Ou encore: l'Homme est il libre ou, au contraire, déterminé? Voué au libre ou au serf arbitre? Égoïste ou altruiste? etc. La visée première de la théorie tétradimensionnelle de l'action, sa raison d'être est précisément de trouver une manière de sortir de ces antinomies. Disons qu'il est toujours possible de s'y complaire si on le souhaite, mais qu'elles ne seraient de toute évidence solubles que du point de vue d'un savoir absolu, du point de vue de Dieu qui nous est par hypothèse inaccessible. Une fois en revanche qu'on a isolé des pôles irréductibles de l'action tout en faisant droit à leur réversibilité et à leur compénétration, comme nous l'avons fait ici, il est en revanche légitime et nécessaire de tenter de spécifier la teneur et la consistance propre de chacun d'entre eux.

---

[15] On sera sans doute surpris, voir choqué, que nous nous appuyions si fortement ici sur l'éthologie et si peu sur l'ethnologie. N'est-ce pas faire bien peu de cas de la différence entre monde animal et monde humain et courir le risque d'un réductionnisme pire que celui que nous dénonçons dans l'utilitarisme? À cette objection la réponse principale est que la spécificité du monde humain tient précisément à la démultiplication des possibilités de diversité et de choix culturel qu'ouvre le langage, si bien que toute illustration ethnologique particulière de telle ou telle proposition théorique générale risque de paraître particulièrement arbitraire au regard du nombre immense des autres exemples possibles. Pourquoi celui-ci plutôt que celui-là? On ne fera donc référence ici à une ou deux occurrences ethnologiques que dans la seule mesure où elles font apparaître ce qu'on ne voit pas assez bien avec l'éthologie. On fera par ailleurs l'hypothèse raisonnable que tout ce qui atteste de l'irréductibilité de l'action au seul intérêt pour soi dans le monde animal est a fortiori vrai pour le monde humain.

Tout un ensemble de découvertes récentes en éthologie permettent sur tous ces points de faire avancer la discussion philosophique ou sociologique de manière sans doute décisive. Puissamment éclairante en tout cas. L'intérêt premier (si l'on peut dire) qu'il y a à s'appuyer sur elles et à en signaler ici quelques éléments saillants est qu'elles permettent de battre en brèche en le subvertissant radicalement le naturalisme mi implicite mi explicite sur lequel fait fond l'axiomatique de l'intérêt. Si l'intérêt est souverain et mène le monde, soutient l'axiomatique de l'intérêt, si partout c'est la recherche du plaisir et l'évitement de la douleur qui commandent l'action comme l'affirme l'utilitarisme, c'est en définitive parce que telle est la loi de la Nature. Le grand livre de Bentham, *An Introduction to the Principles of Morals and Legislation* débute ainsi par cette déclaration: "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure" (J. Bentham, *An Introduction to the Principles of Morals and Legislation*, Methuen, Londres et New York, 1970, p. 1). Or la nature que font apparaître ces découvertes éthologiques, mais aussi biologiques ou psychologiques n'a plus rien à voir avec la nature qui semblait fonder l'axiomatique de l'intérêt, l'utilitarisme et l'*homo œconomicus*. Elle est toute pétrie de culture. Demandons-nous comment ces découvertes permettent de reprendre à nouveaux frais la discussion sur la force respective de l'intérêt pour soi et de l'intérêt pour autrui, de l'obligation et de la liberté.

INTÉRÊT POUR SOI ET AIMANCE

1. *Au cœur de l'intérê pour soi. Égoïsme et* struggle for life

Que la violence, la haine, l'intérêt pour soi, le désir d'accaparement soient partout et constamment présents dans l'espèce humaine, de manière déclarée ou larvée, est-il besoin de le rappeler? Nul n'ignore que le monde animal de son côté est le lieu du *struggle for life*. Il faut tuer et manger pour vivre. Encore l'éthologie la plus populaire de l'après-deuxième guerre mondiale, celle de Konrad Lorenz, limitait-elle l'agressivité animale à ses composantes utilitaires et fonctionnelles. Seul l'homme, à l'en croire, tue d'autres membres de son espèce, les animaux se bornant au meurtre interspécifique et se refusant à tuer leurs semblables. Lors de ses premières observations la primatologue Jane Goodall décrivait un chimpanzé solitaire et pacifique. Puis, le climat a changé pour finalement aboutir à noircir considérablement le tableau du monde animal à son tour. Frans de Waal écrit ainsi que "les observations pratiquées depuis, non seulement sur les

chimpanzés mais sur les hyènes, les lions, les langoures et une longue liste d'autres animaux ont montré clairement que tuer un membre de sa propre espèce est une réalité, peu fréquente certes, mais largement répandue".[16] Ce qui est très répandu, en effet, par exemple, chez les lions ou les hippopotames, c'est la pratique qui consiste pour les mâles, après avoir tué ou évincé un rival auprès d'une femelle à tuer ses enfants en bas âge. "La disparition de la progéniture, écrit Frank Cézilly, modifie le cycle hormonal de la femelle qui se retrouve de nouveau en chaleur. Le mâle peut alors se reproduire plus rapidement sans attendre le sevrage des jeunes".[17]

La mention de ces pratiques a longtemps constitué un des arguments de choc à l'appui des thèses neodarwiniennes de la sociobiologie d'O. Wilson et de la théorie du gène égoïste de Richard Dawkins. Dans cette perspective le but premier des animaux serait de maximiser les chances de reproduction de leur patrimoine génétique. Les conduites apparemment "altruistes" de ceux qui sacrifient leur vie pour défendre le groupe des attaques d'un prédateur, ou qui – comme les ouvrières d'une ruche – concèdent le monopole de la sexualité et de la reproduction à une femelle ou à un couple dominants, s'expliquent par leur proximité génétique avec le groupe ou avec les dominants. "La théorie de la sélection de la parentèle prédit que les comportements altruistes ne peuvent apparaître et se maintenir qu'entre apparentés, et que la probabilité… sera d'autant plus grande que la parenté sera élevée entre l'altruiste et le bénéficiaire".[18]

Indépendamment de cette lignée de pensée sociobiologiste et neodarwinienne, toute une série d'exemples très spectaculaires attestent de l'omniprésence du calcul d'intérêt dans le monde animal, qu'il s'agisse d'obtenir de la nourriture, des faveurs sexuelles ou le pouvoir. La ruse, la

---

[16] Frans de Waal, *Le singe en nous*, 2005, Fayard, p. 39. On se repose beaucoup ici sur cet ouvrage, aux harmoniques étonnamment proches de celles de l'*Essai sur le don d*e Marcel Mauss, qui synthétise ses livres précédents et qui nous semblent constituer un guide suffisamment sûr à travers l'énorme jungle de la littérature zoologique, éthologique et biologique. Outre le très utile numéro Hors-Série de *Sciences et avenirs* sur "L'incroyable socialité des animaux", coordonné par Jean-Michel Besnier (octobre-novembre 2007), on se reportera également au dossier de *Sciences humaines* n°9, "L'origine des sociétés", janvier-février 2008.

[17] F. Cézilly, "Le point de vue des gènes", in *Sciences et avenirs*, Hors série n°152, L'incroyable socialité des animaux, octobre-novembre 2007, p 4.

[18] Serge Aron et Denis Fournier, "L'énigme de l'altruisme" in *Sciences et avenir, op. cit*. p. 47.

dissimulation et la tromperie y sont plus que répandues. La seule question qui se pose à ce sujet n'est pas de savoir si calcul il y a (du genre: "si je fais ceci, alors il pensera cela, et je pourrai en profiter") mais dans quelle mesure il est instinctif, mécanique (ou chimique), appris, ou dans quelle mesure au contraire il témoigne d'une véritable capacité de raisonnement.[19] Certains animaux, se demande-t-on, disposent-ils d'une "théorie de l'esprit", autrement dit de la capacité à devenir conscient de ce que l'autre désire, croit ou ressent? Non, ou guère, répond la majorité des spécialistes.[20] Pour Frans de Waal au contraire, assez ironique sur "l'industrie des théories de l'esprit" (p. 228), il est évident que "les chimpanzés savent que l'autre sait, et (qu') ils utilisent cette information à leur profit" (p. 229). "Lors des moments chargés d'intense émotion, ajoute-t-il, les grands singes peuvent se mettre dans la peau d'autrui" (p. 233). Cette capacité à identifier les états émotionnels de l'autre semble toutefois limitée aux singes anthropoïdes, aux éléphants et aux dauphins. Les petits singes, par exemple, au contraire, "ne rassurent pas leurs propres petits qui se sont fait mordre". Par où passe et où se joue la différence? Sans doute par le fait que grands singes, et peut-être aussi dauphins et éléphants, ont une plus grande conscience de soi que les autres animaux, ils sont "les seules primates, nous exceptés, à reconnaître leur image" (p. 233). Insistons tout de suite sur ce thème important: la capacité à se mettre à la place de l'autre passe par la conscience de soi. Il n'y a donc

[19] Pour ce qui est des capacités de calcul des animaux au sens mathématique qu'on croyait à peu près nulles jusqu'à peu, des résultats récents et spectaculaires nous convainquent du contraire. Certains chimpanzés élevés en liberté réussirent infiniment mieux à ordonner des nombres en série que même des étudiants entraînés. Et leurs capacités intellectuelles de coordination, leur maîtrise de la théorie de l'esprit sont tout bonnement sidérantes. Cf. Christohe et Hedwige Boesch, *The Chimpanzees of the Taï Forest*. University Press, cité par Michel de Pracontal, "'Les singes savants'. Ils nous battent à plate couture", *Le Nouvel Observateur*, 7-13 février 2008, p. 88-9. Quant aux capacités d'anticiper les réactions de sa proie ou de ses complices, de simuler et de ruser, on ne sait plus par où commencer la liste des exemples.

[20] La philosophe Joëlle Proust écrit ainsi: "Il s'est avéré dans les années 1990 que les grands primates n'avaient accès ni à la tromperie stratégique, ni à l'attribution de croyances fausses…S'ils font semblant d'ignorer quelque chose, s'ils ne manifestent pas publiquement leur plaisir, c'est parce qu'ils ont appris à se comporter ainsi pour atteindre le but recherché (manger seul, copuler tranquillement), sans raisonner pour autant sur des états psychologiques" (J. Proust, "L'imitation, clé de la socialité, in *Sciences et avenir*, L'incroyable socialité…, *op. cit.* p. 52).

pas nécessairement opposition mais au contraire complémentarité entre rapport de soi à soi et ouverture à l'altérité, entre intérêt pour soi et inté-rêt pour autrui.[21]

Malgré son opposition déclarée à la sociobiologie et à la théorie du gène égoïste, certains propos de Frans de Waal ne laissent planer aucun doute sur la force qu'il attribue au mobile de l'intérêt et sur sa nature. "Tout dans l'évolution, écrit-il, se ramène au bout du compte au succès reproducteur. Un mâle augmentera sa progéniture en s'accouplant avec de nombreuses femelles" (p. 64). "Lorsqu'on regarde, ajoute-t-il, les canines surdimensionnées d'un babouin mâle ou la masse et les muscles d'un gorille mâle, on voit des machines de combat qui se sont développées au fil de l'évolution pour vaincre des rivaux en quête de la seule monnaie reconnue par la sélection naturelle: la production des petits. Pour les mâles, c'est le jeu du tout ou rien; le rang détermine qui disséminera sa semence et qui ne sèmera rien du tout. C'est pourquoi les mâles sont bâtis pour se battre avec une propension à chercher les faiblesses du concur-rent et une certaine cécité face au danger" (p. 65). Chez eux le pouvoir fonctionne comme un aphrodisiaque et la rivalité peut même être recher-chée pour elle-même.[22] Les femelles, en revanche, ne visent pas à multi-plier les partenaires, ce qui ne leur rapporterait rien. Elles privilégient la

[21] Ainsi, dans un tout autre champ, Michel Terestchenko montre-t-il comment ceux pour qui entrer dans le bien, sauver par exemple des Juifs au péril de sa vie, va de soi, ont-ils un moi fort. M. Terestchenko, *Un si fragile vernis d'humanité. Banalité du mal, banalité du bien*, La Découverte, MAUSS, 2006.

[22] Sur l'agressivité des chimpanzés mâles, et leur propension non seulement à tuer mais aussi à violer et torturer, cf. Richard Wrangham et Dale Peterson, *Demonic Males. Apes and the Origins of Human Violence*, 1996, Mariner Books, Boston New York. La vio-lence et l'agressivité sont-elles spécifiquement masculines? Les analyses de F. de Waal confirment que les femelles en effet tendent à préserver la paix et l'harmonie, ce qui pro-tège leurs enfants. Mais le propos est à nuancer. La différence entre amitié et inimitié est beaucoup moins forte chez les hommes que chez les femmes (p. 190). L'efficacité paci-fique des femmes, écrit-il "réside plutôt dans leur prévention des conflits et dans leur répulsion pour la violence. Mais elles ne brillent pas nécessairement par leur art de dis-siper les tensions une fois que celle-ci ont surgi. Ce domaine est en réalité un point fort masculin" (p. 191). En cas d'altercation les femelles se réconcilient rarement et, "elles peuvent se montrer incroyablement sournoises et calculatrices. Les offres fallacieuses de réconciliation en offrent un bon exemple" (p. 192), ce qui se produit jamais entre mâles "parce qu'ils signalent ouvertement leur hostilité et leur désaccord, et que les affaires sont toujours tirées au clair d'une façon ou d'une autre (p. 193). En conclusion, "les femmes maintiennent la paix, les hommes la font" (p. 197).

qualité, et échangent volontiers des faveurs sexuelles pour la nourriture, ou les épouillages que lui offre le mâle.[23] "Les mâles, écrit F. de Waal, recherchent le sexe, les femelles la nourriture" (p. 244).

Les choses sont donc claires: les animaux, pas plus que les humains, ne sont des enfants de chœur. Violence et calcul sont toujours et partout au service de l'intérêt pour soi qui peut s'analyser en deux composantes premières: le souci de la conservation de soi – de persévérer dans son être, que ce soit dans l'immédiat, par la survie et l'entretien du corps propre, ou à l'avenir à travers sa descendance –, et le souci de l'affirmation de soi. Ces deux modalités de l'intérêt pour soi se déclinent à leur tour selon deux registres principaux. En clé d'avoir, *i.e.* en termes de possession des moyens de la survie et de l'expansion de la vie biologique, ou encore en termes d'amour de soi, la satisfaction de l'intérêt peut être pacifique (par le travail) ou violente (par la guerre et la razzia). En clé d'être, *i.e.* en termes de satisfaction des images de soi, ou encore en termes d'amour propre, la satisfaction de l'intérêt, là encore, peut être pacifique (par la concurrence et la rivalité réglée, l'agôn et le jeu) ou violente.

Mais à en rester à ces brèves indications, en elles-mêmes parlantes et convaincantes quant à la puissance de l'intérêt pour soi, on ne rendrait compte que d'une partie de la réalité.

2. *Aimance, sympathie et empathie. Quelques données empiriques*

Une réalité qui se déploie tout aussi clairement de l'autre côté. Pour le dire tout d'abord en restant sur le versant de l'intérêt, mais décentré, observons que les stratégies animales ne sont efficaces que pour autant que le chasseur sait se mettre à la place de sa proie, ou que la proie ne peut survivre qu'en anticipant le comportement de son prédateur. Dans ce jeu fatal, le chat *est* la souris, mais la souris *est* aussi le chat. Par ailleurs, symétriquement à la violence et à l'agressivité, au *struggle for life* s'opposent à l'inverse, et pour en rester toujours au monde animal, toute une gamme de pra-

---

[23] Un chercheur de l'université Nanyang de Singapour, Michale Gumert, après avoir observé une cinquantaine de macaques indonésiens durant vingt mois a pu montrer que les femelles qui s'accouplent habituellement 1,5 fois par heure font monter cette fréquence à 3,5 fois par heure lorsqu'elles se sont fait épouiller par un mâle. Il relate son expérience dans un article de *New Scientist* (2008, première semaine) cité par *Libération* (p. 9*)*, le 3 janvier 2008.

tiques de coopération, d'entraide et même de pitié. Rassemblons, pour commencer quelques données empiriques qui illustrent ces divers plans.

F. de Waal fait démarrer son beau livre, *Le singe en nous*, par cette prise de position, à la fois ferme et éclairante: "On nous dit que nous avons de gènes égoïstes, que la bonté de l'homme est une imposture, et que nous nous conformons à la morale dans le seul but d'impressionner autrui. Mais si tous ces gens ne visent que leur seul intérêt, pourquoi un nouveau-né d'un jour pleure-t-il lorsqu'il en entend un autre pleurer? C'est là que commence l'empathie. … une chose est sûre: un nouveau-né ne cherche pas à impressionner qui que ce soit. Nous naissons avec des pulsions qui nous portent vers les autres et qui nous amènent plus tard à nous soucier d'eux" (*op. cit.* p. 12). Et il reprend à son compte la définition selon lui "la plus inaltérable de l'empathie", celle d'Adam Smith: "se mettre en imagination à la place de la victime" (p. 13).[24] L'exemple d'empathie le plus spectaculaire donné par F. de Waal est celui d'une femelle bonobo, Kuni, qui voyant un étourneau heurter la vitre de son enclos au zoo de Twycross (R.U.) remit avec douceur sur ses pattes l'oiseau assommé, puis le porta au sommet d'un arbre, lui déplia les ailes pour le lancer comme un petit avion, et enfin, après l'échec de son envol et sa chute dans un fossé rempli d'eau, le veilla longuement jusqu'à ce qu'il parvienne enfin à s'envoler de lui-même. Si l'on met à part le cas mythologique de la louve qui a allaité Romulus et Remus, l'histoire de Kuni est sans doute l'exemple connu le plus extrême d'empathie animale. Il témoigne du fait que ce que les philosophes écossais Hume et Smith attribuaient en propre à l'homme, la sympathie et un sens moral (comparable aux cinq sens) est déjà présent dans le règne animal.[25] Il est

---

[24] Dans "Trente thèses pour une gauche nouvelle", *La Revue du MAUSS semestrielle* n°9, Comment peut-on être anti-capitaliste? 1997, 1er semestre. j'avais proposé de définir la Gauche par la capacité à raisonner du point de vue des victimes. À suivre la logique de cette définition de l'empathie, il conviendrait donc de définir la Gauche par l'empathie.

[25] Mais ils avaient été précédés depuis bien longtemps par un disciple de Confucius, Mencius (372-289 A.C.) qui écrivait: "Si des hommes voient brusquement un enfant qui va tomber dans un puits, ils ressentiront tous, sans exception, un sentiment d'alarme et de détresse. Et ceci, non pas en vue de se gagner les faveurs des parents de l'enfant ou de s'attirer les louanges de leurs voisins et amis, ou d'éviter le discrédit qui s'attacherait à leur réputation s'ils demeuraient indifférents. De cela nous pouvons conclure que le sentiment de commisération est essentiel à l'homme". Cité par F. de Waal, p. 241. Ce même passage a été longuement commenté il y a une dizaine d'années par François Jullien (in *Un sage est sans idées*, 1998, Le Seuil) qui voulait y voir la marque de l'irréductible spécificité, non ou anti-utilitariste de la pensée chinoise en opposition à la pensée

assez tentant d'en faire le parfait symétrique des pratiques d'infanticide sur les enfants de ses rivaux que nous signalions tout à l'heure. Compassion interspécifique *vs.* meurtre intraspécifique. Chacun de ces cas illustre le pôle extrême des deux champs opposés de l'intérêt pour soi et de l'intérêt pour autrui. Au sein de ce second champ, on constate l'existence de tout un dégradé de possibles, allant de l'empathie à la simple réciprocité positive, en passant par toutes les pratiques de la coopération et de l'entraide.

2.1. *Empathie et compassion*

Chez un groupe de macaques rhésus, qui habituellement sanctionnent pourtant impitoyablement toute infraction à leurs règles strictes, la jeune Azalea, plus ou moins trisomique, pouvait se livrer aux pratiques les plus improbables, comme menacer le mâle alpha, sans encourir aucune sanction. Dans un autre groupe de macaques, Mozu, handicapée, sans pieds ni mains, pouvant à peine marcher et moins encore grimper aux arbres, vécut pourtant jusqu'à un âge avancé et eut même cinq enfants (de Waal, p. 273). La relation d'attachement est si forte chez les gorilles qu'une jeune autiste américaine, atteinte du symptôme d'Asperger, ne trouva la paix intérieure qu'en s'occupant d'eux et en vivant donc d'une certaine façon avec eux. "Le puissant dos argenté de la colonie, Congo, écrit F. de Waal, se montrait particulièrement sensible et réconfortant, réagissant directement aux (à ses) signes de détresse. Ce qui n'a rien d'étonnant car le gorille mâle, malgré sa réputation de féroce King Kong est un protecteur né…le gorille qui charge est prêt à mourir pour sa famille" (p. 274-5). En 2004, un labrador noir voyant son meilleur ami, un jeune garçon, menacé par un serpent à sonnette, s'interposa pour éviter qu'il ne soit mordu et mourut à sa place.

Apparemment, certains animaux sont nettement plus enclins à la compassion que les humains mobilisés dans la célèbre expérience de S. Milgram relatée dans *Soumission à l'autorité*. C'est ainsi que des rats susceptibles d'obtenir de la nourriture à condition d'activer un levier qui inflige

---

occidentale. Mais on pourrait aussi bien prendre, au contraire, des passages du *Tao du prince* de Han Fei Tse pour y montrer que les Chinois sont encore plus utilitaristes que les Occidentaux. Ou, symétriquement citer certains passages d'Adam Smith, surtout dans *La Richesse des nations*, pour y voir la quintessence de l'utilitarisme, ou d'autres, notamment dans *La théorie des sentiments moraux,* pour y voir la quintessence de l'antiutilitarisme. Dialectisons, dialectisons donc!

des décharges électriques au rat voisin cessent d'appuyer dessus quand ils constatent la douleur ressentie par ce dernier. De petits singes s'apercevant qu'ils avaient fait subir une douleur à des congénères tombaient dans l'abattement et "se laissaient littéralement mourir de faim pour éviter d'en faire souffrir d'autres" (de Waal, p. 236). Dans un autre ordre d'idées, une étude a montré comment des chimpanzés blessés par des léopards dans un parc national de Côte d'Ivoire ont vu leurs compagnons nettoyer leurs plaies en léchant le sang, en ôtant la terre précautionneusement et en écartant les mouches (de Waal, p. 272).

2.2. *Coopération*

À un degré d'intensité moindre de l'intérêt pour autrui, on trouve les innombrables pratiques de coopération et d'entraide, notamment dans la chasse, dans la collecte de nourriture ou dans la reproduction. Les plus spectaculaires sont sans doute en un sens celles, bien connues, des insectes sociaux, abeilles, fourmis, termites etc. Mais il est difficile d'y voir une part d'intentionnalité et de liberté. Bornons-nous donc au cas des vertébrés et des mammifères. On constate ainsi que les loups ne sont nullement des loups pour les loups. S'ils n'ignorent ni la compétition ni la hiérarchie, ils parviennent pourtant à triompher de proies plus grosses qu'eux (caribous, élans etc.) grâce à un travail d'équipe. C'est ainsi qu'au retour de la chasse ils régurgitent de la viande pour les mères allaitantes, les jeunes ou les malades. Loyauté et confiance s'imposent. Chez les vampires du Costa Rica on a observé qu'un individu qui rentre bredouille après une seconde nuit de chasse et qui n'y survivrait pas peut s'approcher d'une compagne et quémander de la nourriture que l'autre lui régurgite.[26] Deux mâles manakin, espèce de petit oiseau d'Amérique centrale, sans lien de parenté peuvent unir leurs efforts de chant pour la parade nuptiale en chantant de manière absolument synchrone, chacun laissant la place à l'autre pour passer à l'acte (*ibid.*). En dehors des humains, les chimpanzés et les capucins sont les champions du partage non limité à la famille. Tous "sont friands de viande, chassent en groupe et se répartissent le butin même entre mâles adultes" (de Waal, p. 248).

---

[26] Luc-Alain Giraldeau, "L'exploitation de l'animal par l'animal", in *Sciences et Avenir*, *op. cit*. p. 23.

2.3. *Réciprocité, don et justice*

On est ici aux frontières du partage et de la réciprocité, autrement dit du don-contre don, de ce que Mauss appelait tantôt le don-échange et tantôt l'échange-don. F. de Waal tire de ses longues études sur les chimpanzés la conclusion que la règle générale, le viatique que Confucius proposait pour organiser toute une existence humaine vaut aussi pour l'existence chimpanzé. Ce viatique, c'est la réciprocité (*id.* p. 245). Il écrit ainsi: "Après avoir analysé des milliers d'alliances en vertu desquelles les individus s'appuient mutuellement lors d'affrontements, nous en avons conclu que les chimpanzés témoignent d'un degré élevé de réciprocité. Autrement dit, qu'ils soutiennent ceux qui leur rendent la pareille" (*id*. p. 246). Les mâles favorisent leurs compagnons de chasse au moment de la répartition du gibier, et même le mâle alpha peut rester sans rien s'il n'a pas participé à la chasse (p. 247).

Il est à ce propos intéressant d'observer les limites du pouvoir du dominant, liées à un certain sens de la justice lui-même fondé sur un certain sens de la propriété. On vient de voir que même le mâle le plus fort ne peut pas revendiquer d'avoir sa part d'une richesse à l'obtention de laquelle il n'a pas participé, sous peine de voir le groupe entier se retourner contre lui. De même, on connaît l'importance du *pecking order* dans les sociétés animales. Les plus forts, ceux qui ont le statut le plus élevé, mangent en premier. Si, chez les chimpanzés, une femelle de rang subalterne, voit le mâle dominant s'approcher de la nourriture en même temps qu'elle, elle n'y touchera pas. "Mais si elle arrive la première et pose la main dessus, observe F. de Waal, c'est à elle". De mêmes Jane Goodall a-t-elle souvent constaté, à sa stupéfaction, "que son mâle dominant devait mendier sa part" (*id*. p. 249). De nombreuses observations attestent que, comme le pensent, pour des raisons symétriques, à la fois Bourdieu, d'une part, Mauss et le MAUSS de l'autre, il est intéressant d'être désintéressé, ou encore que la générosité paie. May, guenon chimpanzé subalterne, n'hésite pas à donner des branchages à ceux qui quémandent (après, il est vrai, s'être réservée la meilleure part, *i.e.* les mûres et les sassafras). Georgia, dans la même position sociale, est effroyablement radine. Dès que May réclame, on lui donne aussitôt, tandis que Georgia doit solliciter plus longtemps que tout le monde (*id.* p. 250). De manière plus générale, ceux qui ont épouillé longtemps le donateur potentiel ont infiniment plus de chance de recevoir que ceux qui ne l'ont pas fait (*ibid.)*.

Le point crucial à noter est que cette réciprocité, de même que le circuit des dons et des contre-dons décrit par Marcel Mauss, ne se joue nullement

dans la seule instantanéité et peut au contraire s'inscrire dans la longue durée. Les chimpanzés comme les éléphants – dont la mémoire est proverbiale – "sont capables de garder plus de dix ans le souvenir d'un visage et de se remémorer des faits passés" (p. 251). "Les zoos, nous dit F. de Waal, abondent en exemples d'animaux rancuniers…tout étudiant ou gardien travaillant pour la première fois avec des grands singes doit savoir qu'il n'obtiendra rien en les harcelant ou en les insultant. Le singe se souvient, et il prendra tout son temps pour se venger" (p. 257). Comme les éléphants, on le sait. Qu'on le veuille ou non, ce sens simiesque de la réciprocité, partagé au moins aussi par les dauphins et les éléphants, semble étroitement lié à un sens premier de la justice. Une expérience intéressante montre, par exemple, comment des singes capucins à qui on permet d'obtenir une tranche de concombre s'ils acceptent de prendre un jeton et de le donner en échange du concombre,[27] font tout simplement la grève sur le tas ("Halte, on ne joue plus", semblent-ils dire) si l'expérimentateur commence à offrir arbitrairement à certains des grains de raisin, encore plus désirés que les concombres.

Les questions soulevées par ces exemples de réciprocité sont de trois ordres: 1°) Quelle part faut-il ici attribuer à l'instinct, quelle autre à l'intentionnalité plus ou moins consciente? 2°) Dans le monde animal, comme dans le monde humain, quelle part de cette dynamique de la réciprocité faut-il interpréter en termes d'échange ou de donnant-donnant, et quelle part en termes de don proprement dit? 3°) Enfin, comment s'articulent la réciprocité positive, l'échange de bienfaits, et la réciprocité négative, l'échange de coups et de méfaits? On reviendra sur le premier point plus tard. Sur le second, il serait tentant de rabattre le donnant-donnant animal sur une pure et simple logique d'échange strictement intéressé, et d'autant plus tentant si on reste imprégné par une vision mécaniciste ou béhavioriste qui interprète tout en termes d'instinct et de stimulus-réponses. Mais cette lecture méconnaît la part de liberté et d'invention qui entre en jeu au moins chez les grands singes. Lorsque Yeroen, le vieux chimpanzé préféré de F. de Waal décida de soutenir la tentative de prise de pouvoir de Nikkie, jeune loup chimpanzé, contre le mâle dominant de l'époque, "il ne pouvait pas savoir si elle réussirait. C'était un pari" (p. 245). Or c'est justement cette dimension de pari, d'incertitude sur le retour, qui fait basculer du registre du simple échange à celui du don. De même, dans une optique maussien-

---

[27] F. de Waal note que "les singes n'ont aucune difficulté à apprendre la règle du jeu puisqu'il leur est tout naturel de donner et de recevoir" (p. 261).

ne, est-il nécessaire de distinguer entre ce qu'on peut appeler le don insti-
tuant – le don plus ou moins agonistique qui scelle une alliance – et le don
institué, celui qui se borne plus ou moins rituellement et mécaniquement,
presque sans y penser, à reproduire au jour le jour l'alliance et le rapport
social institués. Dans le cadre des épouillages réguliers entre individus
vivant en association étroite, un épouillage particulier ne suscite aucun sen-
timent particulier de devoir réciproquer par un don de nourriture. En
revanche, des épouillages occasionnels entre partenaires irréguliers s'atti-
rent une récompense précise[28] (p. 251).

3. *Empathie, sympathie, imitation et réciprocité. Compléments 1*

Tous ces exemples, toutes ces notations, pris parmi un multitude
d'autres exemples possibles, démontrent suffisamment la fausseté des théo-
ries utilitaristes ou/et individualistes de l'action qui entendent la faire déri-
ver des décisions calculées d'un individu monadique, clos sur lui-même,
"sans porte ni fenêtre" et ne songeant qu'à maximiser son propre avantage.
Tout atteste au contraire de la réalité d'une ouverture originelle à l'altérité
qui place les êtres vivants dans une sorte de communication et de résonan-
ce constante les uns avec les autres. Bornons-nous sur ce point à deux illus-
trations complémentaires.

La société yanomami, une des sociétés archaïques les plus violentes au
monde, à l'instar des Jivaros, admirablement décrite et analysée par leur
meilleur(e) connaisseur(e), Catherine Alès, repose, comme beaucoup
d'autres, sur une logique de la vengeance systématique. C'est le devoir qui
l'anime et non la haine. Devoir de verser le sang pour faire renaître la vie.
Mais ce qui est saisissant c'est de constater à quel point le meurtrier yano-

---

[28] Tous ces exemples nous semblent aller à l'encontre de la thèse défendue par Marcel
Hénaff qui dans *Le prix de la vérité* (Le Seuil, 2002) veut faire du don une réalité spécifi-
quement et exclusivement humaine. Ils apportent beaucoup d'eau, en revanche, au mou-
lin de la théorie de la réciprocité forte (*strong reciprocity*) défendue par Herbert Gintis et
Samuel Bowles – établissant une certaine universalité transculturelle de la volonté de
récompenser les comportements justes et d'unir les comportements injustes même si le fait
de punir est coûteux pour celui qui punit, et montrant comment ce sens de la justice fon-
dé sur la réciprocité est déjà présent dans le monde animal. Cf. les développements de cet-
te thèse par l'anthropologue J. Henrich (J. Henrich *et al., Foundations of Human Sociality*,
Oxford University Press, 2004). Cf. également Valérie Buron, "Les sources universelles de
la justice" in *Sciences Humaines*, Les grands dossiers, n°9, *op. cit*. p. 32-35.

mami est lié empathiquement à sa victime. Il en est en fait largement indissociable. C. Alès décrit de manière très marquante cette identification: "Dès l'instant où il a frappé, écrit-elle, on peut considérer que le corps du meurtrier est l'image en miroir du corps de la victime en train de succomber à ses blessures, tout comme postérieurement il ressent les effets de la décomposition et/ou de la crémation du cadavre. C'est ainsi qu'il est informé…de l'évolution de l'état de la victime. Sous l'influence du mort, le meurtrier tourmenté perd son allant, sa vivacité et sa vigilance".[29] C'est d'ailleurs en raison de cette identification empathique à la victime qu'il faut tenter de la rabaisser – en la considérant comme un animal (p. 45) – pour parvenir à s'en démarquer. Curieusement, cette relation empathique à la victime explique bien des meurtres et des génocides. Il faut d'autant plus affirmer une altérité absolue et une supériorité totale sur la victime ravalée au rang d'une sous-humanité qu'on la sent plus proche de soi.[30] L'empathie permet aussi bien la pitié que le sadisme.

Curieusement, il suffit pour se convaincre définitivement de l'inanité d'une théorie individualiste monadique de l'action d'écouter le pape de la sociobiologie, Edward O. Wilson, qui ne laisse désormais pas subsister grand-chose de la fameuse théorie moniste du gène égoïste. Pendant quarante ans, explique-t-il, on a cru (à commencer par lui, A.C.) que la clé du comportement social des animaux était à rechercher du côté de la parenté de groupe. "Le concept dominant était celui de sélection de parentèle". Or tout cela, nous dit-il, est aujourd'hui remis en question: "De plus en plus de résultats suggèrent que l'altruisme en faveur de membres du groupe autres que se propres descendants…n'est pas favorisé par la sélection de parentèle, et pourrait même être contrecarré par ce type de sélection".[31] Alors, quelle est la nouvelle clé? Selon E. Wilson, ce n'est plus la sélection individuelle mais groupale. Le moteur de tout, c'est toujours la reproduction du gène, mais il faut distinguer la sélection individuelle et la sélection de groupe. Les interactions des individus produisent des comportements émergents qui amènent les individus à favoriser non plus la duplication de leurs propres

---

[29] Caherine Alès, *Yanomami, L'ire et le désir*, 2006, Karthala, p. 44.

[30] Ce que montre très bien par ailleurs. Françoise Sironi dans son étude sur la fabrique des bourreaux, "Les mécanismes de destruction de l'autre", in Alain Berthoz et Gérard Jorland (Dir.), *L'empathie*, 2004, O. Jacob, p. 225-250.

[31] E.O. Wilson, "E.O. Wilson, l'éternel étudiant des fourmis. Interview", *Sciences et avenirs*, *op. cit.*, p. 14-15.

gènes mais de ceux du groupe considéré dans son ensemble. Insensible-
ment, la sociobiologie est ainsi passée d'un néodarwinisme individualiste à
un néodarwinisme holiste ou, au minimum, individualiste complexe. Le
sujet inconscient des calculs n'est plus l'individu lui-même mais le groupe.
Il ne reste plus qu'à dépasser, à son tour, le modèle du calcul…

3. *Empathie, sympathie, imitation et réciprocité. Compléments 2. Fragments
d'analytique*

Pour cela, pour parvenir à un dépassement définitif de l'axiomatique de
l'intérêt, il reste à accomplir une percée théorique, qu'on voit se profiler un
peu partout mais qui attend encore une clarification conceptuelle (et réci-
proquement). Les données du problème sont les suivantes: les relations
entre individus (animaux ou humains) ne se réduisent ni à l'instinct ni à des
calculs d'intérêt individuel. Entrent en jeu également, et principiellement,
de l'empathie (ou de la sympathie), de l'imitation (les neurones miroirs), de
la réciprocité et un certain sens de la justice même embryonnaire. Tout ceci
est désormais de l'ordre de l'évidence. Mais ce qui est difficile à saisir c'est
la manière dont ces diverses dimensions de l'interaction s'emboîtent. Qu'est
ce qui résulte ou se compose de quoi? La réciprocité de l'imitation, et l'imi-
tation de la sympathie? Ou inversement? Et quel concept employer,
d'ailleurs, celui de sympathie ou celui d'empathie? Et où situer par rapport
à eux la compassion ou son contraire, etc.?

Pour Alain Berthoz et Gérard Jorland, coordinateurs d'un récent ouvra-
ge collectif sur l'empathie qui réunit un ensemble de contributions centrales
sur la question "l'empathie consiste à se mettre à la place de l'autre sans
nécessairement éprouver ses émotions; la sympathie consiste, inversement,
à éprouver les émotions de l'autre sans nécessairement se mettre à sa place,
c'est une contagion des émotions, dont le fou rire peut être considéré com-
me typique" (*op. cit*. p. 20). Et G. Jorland, auteur de cette formulation ajou-
te et précise: "Autrement dit, on peut être empathique sans éprouver de sym-
pathie, de même qu'on peut avoir de la sympathie sans être emphatique" (p.
21). Ou encore, l'empathie consiste à "se mettre à la place d'autrui", la sym-
pathie à "s'identifier à autrui". A. Berthoz propose quant à lui de considérer
l'empathie comme un "changement de point de vue" (p. 275), définition qui
rapproche considérablement l'empathie de la réciprocité.

Ces définitions laissent un peu mal à l'aise car si elles font droit à la capa-
cité à se mettre à la place d'autrui elles ne font pas assez ressortir le fait de
la présence de l'autre en moi, et, par ailleurs, elles font ou semblent faire de

l'empathie un opérateur proprement intellectuel et, symétriquement, can-
tonner la sympathie au seul domaine affectif. De ce point de vue les clarifi-
cations opérées par Élisabeth Pacherie permettent de relativiser de manière
bien venue cette opposition à notre sens trop tranchée. Elle distingue ainsi
trois degrés de l'empathie: 1°) la compréhension du type d'émotion
qu'éprouve autrui; 2°) la compréhension de son objet: 3°) la compréhension
de l'émotion et de ses raisons.[32] Proposons donc en suivant cette piste de voir
dans l'*empathie: le vecteur général de la communicabilité et de la réversibilité
entre moi et autrui, qu'elle soit affective (je sens comme l'autre qui sent com-
me moi) et/ou intellectuelle (je pense comme l'autre qui pense comme moi). On
peut alors entendre par sympathie et antipathie les modalités respectivement
bienveillante ou malveillante de l'empathie. L'imitation est le vecteur affectif de
l'empathie, la réciprocité sa modalité cognitive ou, si l'on préfère, réfléchie.*[33]

3.1. *L'imitation*

On pourrait multiplier à l'envi les exemples qui attestent de l'importan-
ce de l'imitation dans la socialisation des animaux comme dans celle des
humains. La discussion sur les puissances et les ressorts de l'imitation a opé-
ré il y a peu deux bonds en avant considérables. Le premier a été accompli
par la découverte imprévue réalisée par deux chercheurs, Andrew Meltzoff
et Keith Moore.[34] Alors qu'ils entreprenaient de tester la théorie piagétienne

---

[32] E. Pacherie, "L'empathie et ses degrés, in A. Berthoz et G. Jorland, *op. cit*. p. 166 sq.

[33] Dans ce même recueil Nathalie Depraz, *in* "Empathie et compassions. Analyse
phénoménologique et enseignements bouddhistes"), donne une description saisissante
de la pratique bouddhiste mahayana du *tonglen* ("échange entre soi même et l'autre",
mot formé de la racine *ton*, laisser aller et *len*, recevoir, accepter). On a là l'exemple d'une
parfaite imbrication de la compassion et d'un exercice intellectuel. Le maître Shantide-
va expose ainsi la méditation tonglen: "Prenez d'autres êtres sensibles qui sont vos infé-
rieurs, vos supérieurs ou vos égaux, et considérez les comme s'ils étaient vous-même".
"Prenez simplement leur place et n'entretenez aucune autre pensée". Plus précisément
encore, dans Shantideva, "The Way of the Boddhisattva", Massachusetts, Shambhala
Publications, 1997, p. 187 (cité par N. Depraz p. 197) il explique: "Imagine toi dans la
position de quelqu'un d'inférieur à toi-même et développe (vis-à-vis de toi-même) un
sentiment d'envie. Adopte le point de vue de quelqu'un qui est sur un pied d'égalité avec
toi et produis une attitude de rivalité et de compétition. Finalement, regarde toi depuis
le pointe vue de quelqu'un de supérieur à toi-même et cultive des sentiments de fierté et
de condescendance".

[34] Découverte exposée la première fois in A. Meltzoff et K. Moore, "Imitation of
Facial and Manual Gestures by Human Neonates", 1977, *Science* 198: 75-78.

des étapes du développent psychologique de l'enfant selon laquelle celui-ci n'accède que progressivement à l'imitation au sortir d'une première phase non imitative d'au moins un an, ils s'aperçurent par hasard – et confirmèrent ensuite expérimentalement leur première découverte – que les nouveaux-nés sont en fait capables d'imiter des expressions du visage ou de gestes de la main dès le premier jour (à 32 heures en moyenne et même 42 minutes après la naissance pour le plus précoce). Et, plus intéressant peut-être encore, le phénomène ne se présente pas comme un simple fait, dénué d'intentionnalité, mais au contraire comme le résultat d'un effort actif et délibéré de s'accorder avec autrui.[35] Par ailleurs, les enfants ne se bornent pas à imiter. Quand les autres les imitent, ils le savent également et leur prêtent davantage d'attention. C'est par ce processus d'imitation croisée, et notamment, bien sûr, entre parents et enfants, que l'enfant découvre qu'il est à la fois semblable aux autres et différent d'eux. "Imitation, écrit Meltzoff, is both a measure of self-other understanding and a prime engine in its development".[36] Ce processus de découverte et d'affirmation progressive de l'identité et de la différence peut s'analyser en trois phases en suivant A. Meltzoff et J. Decety.[37] La première est celle de la capacité innée à imiter gestes et expressions, la seconde celle de la découverte de la première personne en tant que différente de celle d'autrui *via* les imitations croisées et sélectives, la troisième celle des inférences relatives aux expériences des autres. C'est à ce troisième stade qu'apparaît ce que nombre de spécialistes rangent sous la rubrique des théories de l'esprit mais qu'on pourrait aussi bien, croyons-nous, penser sous la rubrique de la réciprocité.

Le second bond en avant, tout aussi spectaculaire, résulte de la découverte toute récente par Giacomo Rizzolati et son équipe des neurones miroirs, ces neurones qui s'activent dans notre cerveau non seulement lorsque nous effectuons une action mais aussi lorsque nous voyons quelqu'un d'autre la réaliser lui-même. Dans notre cerveau, nous faisons la même chose que lui. Si je regarde quelqu'un courir, ce sont dans mon cer-

---

[35] Cf. le compte-rendu de ces expériences in Scott R. Garrels, "Imitation, Mirror Neurons, and Mimetic Desire", *Contagion. Journal of Violence, Mimesis and Culture*, 2006, Vol. 12-13, pp. 47-86, p 54.

[36] A. Meltzoff et W. Prince (Eds.), 2002, *The Imitative Mind. Development, Evolution and Brain Bases*, Cambridge University Press, cité par Garrels, *op. cit.* p. 61.

[37] A. Meltzoff et J. Decety, 2003, "What Imitation tells us about Social Cognition", *Philosophical Transactions*, Royal Society, Londres, B. Biological Sciences 358, pp. 491-500, p. 497.

veau les mêmes neurones qui s'activent que si je courais moi-même. "Dès que nous voyons quelqu'un accomplir un acte ou une chaîne d'actes, qu'il le veuille ou non, ses mouvements acquièrent pour nous une signification immédiate; naturellement, l'inverse est aussi vrai: chacune de nos actions revêt une signification immédiate pour celui qui l'observe. Le système des neurones miroirs et la sélectivité de leurs réponses déterminent ainsi un espace d'*actions partagées*, à l'intérieur duquel chaque acte et chaque chaîne d'actes, les nôtres et ceux d'autrui, apparaissent immédiatement inscrits et compris sans que cela requière aucune "opération de connaissance" explicite ou délibérée.[38]

Les différentes psychopathologies semblent pouvoir s'interpréter comme autant de perturbations de l'imitation et de l'empathie, comme le résultat d'un excès ou au contraire d'une absence de frontière entre moi et autrui. Alors que dès le plus jeune âge les enfants reproduisent les gestes ou expression des adultes, pour "cesser d'échoïser, de rire quand on rit et de prendre un air grave quand on se fâche" (Cyrulnik, p. 172) vers l'âge de dix-huit mois, les jeunes enfants autistes "n'allument pas leurs neurones miroirs" dans la même situation.[39] Le psychopathe, insuffisamment décentré de lui-même, rit de la souffrance qu'il inflige (p. 175). C'est l'absence de séparation qui empêche de distinguer entre le soi et le non soi qui fait que les paranoïaques ne parviennent pas à se distinguer de leurs persécuteurs (p. 177). Comme le montre le biologiste Derek Denton, spécialiste de l'étude de l'apprentissage par imitation dans le monde animal, l'imitation n'est structurante et utile que pour autant que l'animal ou le sujet dispose d'une "imagerie de son propre corps", et donc d'une forme ou une autre de conscience de soi. "L'oiseau, écrit-il, a manifestement l'instinct de chanter et une propension programmée à imiter…mais d'une certaine façon (quand il chante et imite) il se comporte de manière critique, en suivant et en corrigeant sa propre interprétation – peut-être est-ce le même processus quand la soprano Joan Sutherland répète. Il semble improbable qu'il puisse y arriver sans avoir conscience de son interprétation".[40]

---

[38] Giacomo Rizzolatti et Corrado Sinigaglia, *Les neurones miroirs*, 2008, O. Jacob, p. 143.

[39] Boris Cyrulnik, *De chair et d'âme*, 2006, O. Jacob, p. 172.

[40] Derek Denton, L'émergence de la conscience de l'animal à l'homme, 1998, Flammarion. Cité par Frédéric Joignot, "À quoi pensent les animaux?", Le Monde 2, 11 août 2007, p. 13.

3.2. *Sympathie, antipathie et réciprocité*

Quant à la réciprocité, le point le plus fondamental mais aussi sans doute le plus difficile à comprendre et à admettre est celui de la réversibilité de l'antipathie et de la sympathie, de la guerre et de la paix. C'est cette réversibilité, différente de l'ambivalence, qu'organise le principe de réciprocité qui permet de maintenir la compatibilité des motifs opposés de l'intérêt pour soi et pour autrui, de la mort et de la vie en évitant de basculer dans l'illimitation (*hubris*). L'étude des Yanomami par C. Alès en montre admirablement le fonctionnement. L'intérêt tout particulier de son étude des Yanomamis est qu'ils sont censés être avec les Jivaros une des tribus les plus agressives et féroces du monde. C. Alès note d'emblée que chez eux, qui vivent "très refermés sur leur propre communauté et développent parallèlement méfiance et mépris envers tous ceux qui ne font pas partie de leur parentèle ou de leur communauté d'appartenance" (p. 20) "l'esprit de vengeance est inculqué dès le plus jeune âge à l'enfant comme une valeur totalement positive et primordiale et la vengeance qui se réalise dans la plupart des cas sous la forme d'une destruction des choses et des êtres est légitime et légitimée" (p. 19).

Chaque homme dans cette société, doit apprendre non seulement à "donner des coups, mais encore à ne pas avoir peur d'en recevoir en retour" (*ibid.*). Chaque homme? La violence est-elle réservée aux mâles, la douceur incombant aux femmes? Oui et non. C. Alès observe en effet que, alors pourtant que ce sont les hommes qui profèrent la plupart des discours officiels et qui s'ouvrent aux joutes verbales, "la violence par la parole, la parole funeste, est surtout possédée par les femmes. C'est par excellence la forme d'agressivité féminine qui frappe les hommes d'effroi. L'agressivité directe par les armes – ostensible ou dissimulée –, la violence physique mortelle est réservée aux hommes; mais il est une autre forme d'arme tout aussi redoutable et capable d'envoyer à la mort en la prédisant, c'est la malédiction qu'adressent les femmes aux hommes lorsqu'elles défendent les leurs: enfants, parents et proches" (p. 94-5). "Autant, ajoute C. Alès, l'éducation martiale comme l'accès aux charmes mortels sont prohibés aux femmes par la culture, autant par définition celle-ci sont des indicatrices: usant de leur voix, elles récriminent, réclament et crient vengeance" (p. 95).

Intéressons nous plus particulièrement à la manière dont les Yanomamis règlent leurs conflits et parviennent à préserver équilibre et réciprocité entre la guerre et la paix, l'antipathie et la sympathie grâce à une logique du don agonistique qui fait alterner dons de coups, dons de mots et dons de biens. Chez les Yanomami les conflits qui impliquent le passage à la violen-

ce naissent de l'adultère, du vol de nourriture, de récoltes, de biens (notamment les chiens) et des femmes mariées, de l'atteinte à l'intégrité des chiens ou de personnes par voie d'armée ou de sorcellerie. Ils se soldent, nous dit Catherine Alès, par "une série graduée de combats – duels, luttes rangées, raids – permettant de régler les comptes, autrement dit de faire payer le prix de la perte, de la douleur et du sang, et de tenter d'annuler l'effet de la colère" (Alès, p. 21). Ces combats et duels sont très ritualisés. Dans le combat *patikai* "les coups sont alternativement reçus et donnés. Les combattants se frappent le même nombre de fois et ce jusqu'à ce que l'un d'eux se retire et soit immédiatement remplacé par un parent ou un allié" (p. 22). Ce type de combat est moins violent que le combat à l'aide de bâtons, *naprushi,* ou d'un casse-tête en bois de palmier, (*fiimô*) muni d'un tranchant et pouvant faire office d'épieu (p. 24). Entre proches le combat se déroule généralement ainsi: "L'offenseur se met en position pour être frappé: s'appuyant sur son propre bâton, il incline la tête et présente son crâne aux coups de l'offensé. Blessé, il rend le coup s'il en est capable, sinon un de se proches se substitue à lui. En général le combat cesse après que chacun ait été assommé". Sinon, les femmes interviennent pour l'arrêter (p. 25). Entre communautés plus distantes le combat prend beaucoup plus d'ampleur. "Ils sont plusieurs alors de chaque partie à se frapper, un coup contre un coup généralement, en se relayant. Les combats cessent quand plusieurs personnes sont blessées et ont perdu connaissance" (*id*.).

Ces combats, ajoute C. Alès, "peuvent prendre l'allure de véritables expéditions quand les Yanomami, armés de bâtons longs, vont affronter une communauté les ayant dépossédés d'une femme" (p. 26). Si le nombre des coups reçus ou des dégâts subis est jugé inéquitable, ces batailles peuvent dégénérer et entraîner l'escalade des hostilités. D'où, très vraisemblablement, la grande généralité dans toutes les pratiques vindicatoires, chez les Yanomami comme ailleurs, de la règle réciprocitaire du "un coup contre un coup" et du "à chacun son tour". À quoi il faut ajouter qu'il ne s'agit ici que de la partie visible de la vengeance et du règlement de comptes. La plus sympathique, en somme. Beaucoup plus dangereux et difficile à manier est ce qui se joue par sorcellerie et envoûtements.

À la diversité des échanges de coups et de vengeances correspond une diversité plus grande encore des rapports et des joutes oratoires. C'est d'ailleurs sur l'observation des usages de la parole et des modulations de la voix, masculine ou féminine, celle des hommes ou de femmes d'âge mûr, comme celles jeunes que le livre de C. Alès est sans doute le plus passionnant et spectaculaire. Impossible d'en donner une idée suffisante ici. Bornons-

nous à dire quelques mots de deux types de duels oratoires, l'un appelé *himou* et l'autre *wayamou*, le premier se pratiquant de jour, l'autre de nuit, de la même manière qu'il existe des vengeances explicites et des vengeances occultes (p. 81). Le dialogue *himou* est tenu publiquement par deux hommes se tenant côte à côte face à la place centrale. Il est guidé alternativement par un des orateurs, tandis que l'autre occupe la place du répondant qui "en une étrange écholalie se borne le plus souvent à faire des répons" (p. 84). "L'explication, précise C. Alès, est souvent tendue, voire houleuse, et l'orateur courroucé". "Quand plusieurs personnes sont disposées à discourir, l'hôte cède sa place à un autre résident et une nouvelle joute commence dans la continuité de la précédente". Le discours *hibou*, comme le combat *patikai*, se pratique principalement entre proches. Le dialogue *wayamou*, pratiqué plus à distance des siens, "concerne plus spécifiquement l'échange de biens, de nouvelles et d'amitié. Celui qui s'incline dans le dialogue est le visiteur qui fait la demande de biens"[41] (p. 5). Mais il arrive souvent que cet échange se déploie sur fond d'un contentieux plus ou moins ancien. Quand il faut régler des comptes avec les visiteurs, le discours commence d'emblée sur un ton d'agressivité. Il s'agit alors de "menacer, accuser, provoquer, 'faire tomber' abattre, ici avec la voix et avec les mots". "Selon le degré de conflit, le duel oratoire peut prendre la forme d'une véritable logomachie où l'on interpelle, accuse, voire fustige son interlocuteur en le maudissant et en le ridiculisant" (*id.*). La fête parfois se termine par des duels au poing. "Immédiatement après, hôtes et visiteurs, réunis par paires, peuvent effectuer des discours relativement brefs de réconciliation, de promesse d'alliance et d'échange de biens" (p. 86) ajoute C. Alès, qui résume admirablement l'entrelacs des échanges de coups et de paroles dans cette dialectique sans cesse renouvelée de la guerre et de la paix, la réversibilité de la rupture et de l'alliance, de l'intérêt pour soi et de l'intérêt pour autrui, en écrivant: "La réciprocité des coups, conçue dans les paires de combattants, comme la réciprocité des mots, conçue dans les paires d'orateurs, se retrouvent ici unies dans les paires où l'empoignade est simultanément physique et verbale. Si l'on se réfère à un axe graduant les relations sociopolitiques et allant de l'alliance maximale à l'hostilité, ce dernier rite conjugue deux formes parfois limitrophes mais cependant opposées, la parole et la force physique, la première correspondant à l'échange amical et à l'alliance, la seconde à l'échange

---

[41] On voit bien ici que le cycle du donner, recevoir et rendre analysé par Mauss est en fait un cycle du demander, recevoir, donner, rendre.

hostile et à l'inimitié. Symbolisant la conjonction de l'échange de coups et de l'échange de discours, cette formule rituelle médiatise les rapports agonistiques dans le cadre du conflit entre communautés amies" (p. 87).

3.3. *Réciprocité animale*

Cette aptitude à la réconciliation, au basculement de l'hostilité dans le registre de l'amitié, s'observe tout autant dans le monde animal. Dans son livre *Le singe en nous*, F. de Waal revient sur son admirable *De la réconciliation chez les primates*. Comment se réconcilier? "Les singes dorés le font en se prenant par la main, les chimpanzés avec un baiser sur la bouche, les bonobos par le sexe, et les macaques tonkinois en s'étreignant et en se léchant les lèvres. Chaque espèce se conforme à son propre protocole de réconciliation" (p. 182). On observe même des formes de demande de pardon, lorsque l'agresseur vient lécher les plaies qu'il a infligées. "Bien qu'on nous vante parfois le pardon comme uniquement humain, voire seulement chrétien, celui-ci est peut-être une tendance naturelle chez des animaux dotés du sens de la coopération" (p. 184). En fait, "les primates apprennent très tôt à faire la paix" (p. 185). Mais le plus fascinant est que si l'on suit toujours F. de Waal, "le rétablissement de la paix est une compétence sociale acquise et non un instinct. Elle relève de la culture sociale" (p. 188).

3.4. *Au-delà de la réciprocité, l'illimitation*

Lorsque les mécanismes de la réciprocité, de la réconciliation et du pardon, au contraire, ne fonctionnent plus ou se grippent, plus rien ne peut arrêter la monté vers une logique d'extermination. En éthologie l'exemple le plus célèbre est celui de la réserve de chimpanzés de Gombe. Une communauté s'étant scindée en deux communautés distinctes, les chercheurs "en état de choc" virent à la fin de 1977 "d'anciens amis s'abreuver mutuellement de leur sang. Même les plus vieux membres de la communauté n'étaient pas épargnés. Un mâle d'apparence extrêmement frêle fut traîné et roué de coups pendant vingt minutes. Toute entente avec l'ennemi devenait un sujet de bagarre" (de Waal, p. 173). Le conflit aboutit à "l'éradication violente et totale d'un des deux groupes par l'autre".[42]

---

[42] Dominique Lestel, "Des cultures animales" in *Sciences et avenirs*, Hors-Série, L'incroyable socialité des animaux, octobre-novembre 2007, p. 26.

4. *L'homme est-il un animal sympathique? L'homme Janus*

La conclusion à retenir de cette discussion sur le rapport de l'égoïsme et de l'altruisme, de l'intérêt et de l'empathie est assez simple. Certaines espèces sont plus empathiques et sympathiques que d'autres. Les bonobos qui font l'amour et pas la guerre sont plus sympathiques que les chimpanzés qui se battent pour le pouvoir. Mais au sein de chaque espèce on observe de grandes variations entre individus. Et l'Homme? "La nature humaine est janusienne, écrit F. de Waal. Nous sommes le produit de forces opposées, par exemple le besoin de veiller à nos propres intérêts et celui de nous entendre" (p. 278). Et il ajoute: "Plus méthodiques dans notre brutalité que les chimpanzés, et plus empathiques que les bonobos, nous sommes de loin le grand singe bipolaire par excellence" (p. 279).

OBLIGATION ET LIBERTÉ

5. *De l'obligation*

Il conviendrait peut-être maintenant de procéder aux mêmes approfondissements pour les pôles de l'obligation et de la liberté. Mais il n'est pas sûr que ce soit en fait nécessaire en ce qui concerne la dimension de l'obligation, ni réellement faisable en ce qui concerne celle de la liberté. Qu'il entre dans l'existence et dans l'action des hommes (ou des animaux) une part importante qui ne relève ni de l'intérêt de conservation de soi ni de l'empathie mais bien du registre de l'obligation, de ce qui échappe à la prise du sujet mais qui au contraire le commande en amont de ses actes et les prédétermine, voilà qui est peu douteux. L'obligation se manifeste selon deux versants principaux: biologique et proprement social. Il est possible de discuter longuement de la part de déterminisme à accorder à l'instinct dans les espèces animales, à la constitution ou au tempérament anatomico-physiologique des différents individus, mais ce qui ne souffre aucune discussion c'est que tous les êtres vivants sont voués au vieillissement et à la mort, qui apparaît bien ainsi comme le "maître absolu", la figure de l'obligation ou de la nécessité par excellence. De même, quelque part de liberté et d'autonomie que les diverses cultures puissent accorder aux individus ou aux groupes, il ne fait pas de doute qu'il n'est pas de société possible sans imposition à ses membres de tout un ensemble d'obligations. C'est même pour Durkheim, on le sait, l'existence de l'obligation qui caractérise un fait comme proprement social. Cette caractérisation peut nous suffire ici.

6. *De la liberté/créativité*

En ce qui concerne en revanche le pôle de la liberté, il faudrait pour y voir plus clair, entrer dans des considérations beaucoup plus complexes et incertaines, et d'autant plus que nous avons cru devoir ranger sous cette rubrique deux notions dont les rapports ne sautent nullement aux yeux *a priori*: la liberté, d'une part – autrement dit la marge de jeu qui porte l'action au-delà de l'obligation, bien sûr, mais aussi de l'intérêt et même de l'aimance –, mais aussi, sous la rubrique de la créativité,[43] la fécondité, par quoi il convient d'entendre la fécondité au sens strict, la capacité à avoir des descendants, mais aussi, et plus généralement, ce qu'on pourrait appeler la générativité, la capacité à faire quelque chose de sa vie, à commencer par en jouer et en jouir et à faire en sorte que grâce à elle il y ait quelque chose plutôt que rien. Qu'elle ait en somme "donné" quelque chose.

Mais à dire les choses ainsi, on voit bien qu'il y a dans la liberté-générativité une dimension qui excède ce que nous avons appelé jusqu'ici les pôles de l'action et qu'il ne suffit pas de dire que dans toute action il doit entrer une part de liberté, de la même manière qu'il y entre une part d'intérêt, une part d'aimance et une part d'obligation. Bien plus profondément, il n'est d'action que libre. Le pôle de la liberté est celui de l'action en tant que telle. Mais il est aussi celui par lequel l'acteur devient sujet. Nous nous sommes interrogés jusqu'à présent sur les dimensions de l'action. Il faut maintenant nous demander comment l'acteur devient sujet en cherchant sa singularité et sa cohérence dans une manière à chaque fois spécifique de lier ces différentes dimensions pour accéder à sa propre liberté-générativité. C'est ici que réapparaît la question de la quête de reconnaisssance dont nous nous étions demandés au départ si elle était pensable dans le registre de l'intérêt ou bien si, au contraire, elle rendait nécessaire d'en sortir résolument. Indissociable d'une théorie de l'action et de la subjectivité dont il nous faut maintenant tenter d'assembler quelques fragments.

6.1. *Sur le jeu et la liberté*

Quelques notations préalables, pourtant, sur la question de la liberté seront sans doute bien venues. C'est probablement dans le domaine du jeu qu'on voit apparaître le plus clairement cette dimension de liberté-créativi-

---

[43] Cf. Hans Joas, *La créativité de l'action*.

té. Et également, pourrait-on ajouter, d'*intérêt pour*, de gratuité intéressée, à moins qu'il ne s'agisse d'intérêt pour la gratuité, la grâce et la liberté. Pas de jeu possible sans règles du jeu – la dimension de l'obligation –, pas de jeu, au moins pas de jeu agonistique, sans intérêt à gagner, à apparaître le plus beau, le plus fort, le plus chanceux, à être le vainqueur, pas de jeu donc sans intérêt pour soi. Mais pas de jeu non plus sans accord avec l'adversaire pour rivaliser, sans reconnaissance de la valeur du partenaire rival, ami effectif ou potentiel. On joue contre lui, mais aussi avec lui. Contre-avec. Les textes qui comptent sur le jeu ne sont pas si nombreux. Tous renvoient ou devraient renvoyer à l'indépassé *Homo ludens* de J. Huizinga, véritable pendant et complément, revendiqué comme tel, de l'*Essai sur le don* de Marcel Mauss. Tous aussi montrent qu'il n'y a jeu qu'au-delà de l'intérêt pour soi et pour autrui, qu'au-delà de l'obligation. Ce qui fait l'essence du jeu c'est la marge de jeu, cette étincelle de liberté et d'inventivité si précieuse qu'il permet parfois de susciter et qui fait que le jeu, et peut-être le jeu seul peut être à lui-même sa propre fin. Le modèle en tout cas de tout ce qui est à soi même sa propre fin. On joue pour jouer. On crée pour créer. On agit pour agir.

C'est pour cette raison, comme le montre Huizinga, que le jeu est la matrice de toute invention culturelle. Et la chose est vraie également du monde animal, beaucoup moins soumis aux lois de la nature et de l'instinct – "c'est à peine si je sais encore ce qu'on entend par là", écrit F. de Waaal à propos de l'instinct (p. 87) – et beaucoup plus ouvert à l'invention et à la diversité culturelle qu'on ne l'a longtemps cru.[44] Des travaux récents confirment les thèses du zoologue préféré d'Hannah Arendt, Adolf Portmann. Les reprenant dans un article qui a fait date[45] Jacques Dewitte montrait comment la fauvette grisette a deux types de chants, le chant spécifique ou per-

---

[44] Comme l'écrit Dominque Lestel, "les comportements culturels classiquement mobilisés par le philosophe puis par l'anthropologue pour distinguer l'homme (de culture) et l'animal (de nature) se révèlent finalement très répandus chez le non humain" (Dominique Lestel, "Des cultures animales" in *Sciences et avenirs*, Hors-Série, L'incroyable socialité des animaux, octobre-novembre 2007, p 26), et il conclut: "Les cultures humaines ne constituent qu'une occurrence parmi de nombreuses autres possibles" (id. p. 29). Cf. sur ce thème et plus généralement, D. Lestel, *Les origines animales de la culture*, 2003, Flammarion.

[45] Jacques Dewitte, La donation première de l'apparence. De l'anti-utilitarisme dans le monde animal selon A. Portmann, *La Revue du MAUSS semestrielle* n°1, Ce que donner veut dire, Don et intérêt, 1993.

manent, et le "chant à motifs" qui apparaît au moment de la maturité sexuelle et qui concourt à la recherche de partenaires. Le second correspond aux motivations fonctionnelles que retiennent seules, le plus souvent, les éthologues. Le premier, au contraire, est un chant "auquel l'oiseau s'adonne pour lui-même comme une fin en soi en y éprouvant manifestement une grande jouissance (et alors qu'il se trouve dans une solitude complète)" (Dewitte, p. 26). De mêmes B. Cyrulnik rapporte des éléments intéressants pour cette discussion. Le pinson élevé dans la solitude sait chanter, mais "privé de modèle auditif, il divise mal son trille, et ne termine jamais par la fioriture que certains appellent 'signature chantée'" (Cyrulnik, p. 24). Autant pour la part de la culture par rapport à la nature. Mais, surtout, il ajoute que "cet aspect fonctionnel du chant ne permet pas d'expliquer les polyphonies entre voisins. Il n'est pas rare que des oiseaux, des singes ou des animaux d'espèces différentes harmonisent leurs chants, en dehors de tout besoin de reproduction, de territoire ou d'agressivité. Le plaisir seul pourrait-il expliquer leurs répertoires variés, inventés, surprenants, et totalement inutiles si ce n'est pour l'esthétique?".[46] Mais Darwin n'agit-il pas déjà tout dit en 1838, dans ses *Carnets de notes*, quand il écrivait: "Il suffit de voir des chiots en train de jouer pour ne pas douter qu'ils possèdent le libre-arbitre comme c'est le cas pour tous les animaux, l'huître comme le polype"?[47]

6.2. *Au-delà de l'utile et du fonctionnel*

Plus généralement, ce sont toutes les explications utilitaires et fonctionnelles de la forme et des comportements sociaux qui doivent être fortement reconsidérées. Nous avons déjà insisté sur l'importance de l'étude des Yanomami par C. Alès. Elle permet de parfaitement relativiser, justement, les thèses anthropologiques fonctionnalistes dominantes sur ce champ de N.A. Chagnon. Contrairement à ces thèses qui veulent voir les cérémoniels de don agonistique comme un moyen de se procurer des biens désirables – ou encore dans les guerres ou dans le mariage par rapt un moyen d'obtenir des femmes –, C. Alès montre que la demande d'un bien, comme le mariage par rapt sont plutôt des prétextes à la recherche de l'alliance. On affecte de s'in-

---

[46] B. Cyrulnik, *op. cit.* p. 24, rapportant les propos de François-Bernard Mâche in "La musique n'est pas le propre de l'homme", La Recherche, Hors Série n°4, novembre 2000.
[47] Cité par Frédéric Joignot, "À quoi pensent les animaux?", *Le Monde* 2, 11 août 2007, p. 12.

téresser à l'utile en vue en définitive de créer l'alliance.[48] Dans un autre ordre de réalité, toujours dans le sillage d'A. Portmann, et des auteurs allemands qui réintroduisent la dimension téléologique au sein du monde naturel, J. Dewitte montre comment même la forme animale, la profusion des plumes ou la splendeur de la robe etc. sont absolument irréductibles aux nécessités fonctionnelles supposées les expliquer, et comment joue là en fait une volonté de manifestation de soi (*Selbstdarstellung*) selon une dimension proprement esthétique.

Nous avons désormais suffisamment d'éléments semble-t-il à réunir pour esquisser une théorie de l'action et du sujet.

CONCLUSION: VERS UNE THÉORIE DU SUJET

On pourrait synthétiser la discussion que nous avons menée sur la typologie tértradimensionnelle de l'action et sur la nature de chacun des quatre pôles en disant que le sujet déploie son action selon deux cercles entrecroisés. Le premier est celui relie moi à autrui sur l'axe de l'empathie assumée (moi ouvert) ou refusée (moi replié sur lui-même), et selon une modalité sympathique ou antipathique.

---
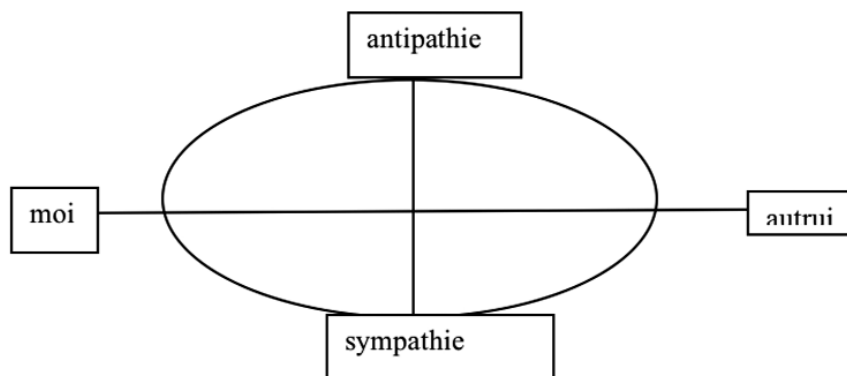
[48] Catherine Alès, *Pour une anthropologie de la condition humaine*, Habilitation à diriger des recherches, Paris X-Nanterre, 2007, p. 27. De même C. Alès critique la thèse que les conflits serviraient à provoquer des fissions motivées par la recherche d'une meilleure répartition des ressources, alors qu'en fait elles ont pour but premier d'éviter les disputes (p. 29).

Le second relie la vie à la mort, ou plutôt fait passer du non être à la mort par le détour de la vie dans un mélange toujours instable d'obligation et de liberté. La question posée est ici celle de savoir qui donne et qui reçoit la vie ou la mort. Ou encore qui donne et impose sa loi, et qui est libre.
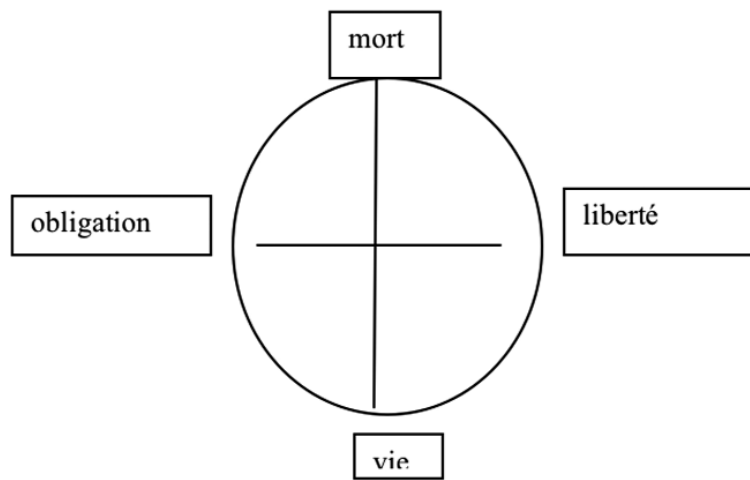
À l'intérieur de chacun de ces deux cercles et de l'ensemble, de la sphère que forme leur intersection, on reste dans le registre de la réciprocité. Entre moi et autrui, la vie et la mort. Au-delà, on bascule dans le sans limites. Le sujet suit sa trajectoire et fait son chemin quelque part entre ces différents moments, tantôt du côté du moi, tantôt de celui l'autre, en sympathie ou en haine de soi ou de l'autre, entre la vie et la mort dans la contrainte ou/et dans la liberté. Ou encore, il va du non-être à la mort en tournant peu ou prou sur lui-même dans l'indétermination relative du rapport entre moi et autrui et selon une inclinaison particulière de l'axe de l'obligation et de la liberté.

Une fois précisé que, comme nous l'avons vu, il y a deux grands types de rapport à soi, deux types d'intérêt pour soi, un intérêt pour soi en quelque sorte primaire, lié au besoin et au souci de la conservation, et un intérêt pour soi médiatisé par le regard et l'imitation d'autrui (ainsi que par le désir d'en être imité), on peut retrouver et regrouper sous la catégorie générale de l'intérêt la distinction classique entre amour de soi et amour propre. Symétriquement, au pôle de l'aimance est-il possible de distinguer entre la solidarité, qui procède du sens des intérêts réciproques et partagés, et l'amitié, la

philia qui se déploie au-delà ou en deçà du simple constat qu'autrui peut avoir les mêmes intérêts que moi et qu'il m'aidera si je l'aide. Au pôle de l'obligation, de même, il est possible de séparer ce qui relève de la contrainte pure et simple et ce qui tient au sens du devoir, inconcevable sans introjection d'une part de liberté dans le registre de l'obligation. Au pôle inverse de la liberté, la distinction pertinente est sans doute celle de la créativité, qui inverse la contrainte, et de la libération, qui s'affranchit du devoir.
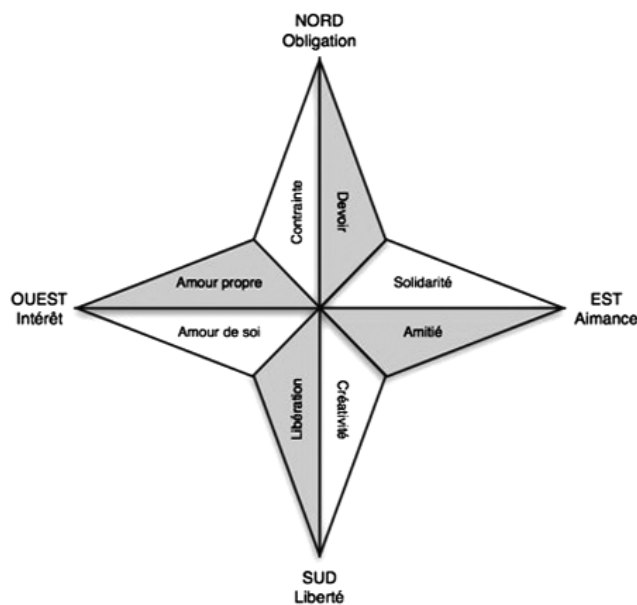
1. *Une traduction possible. Ego et les pronoms personnels*

Il est aussi possible de formuler les choses autrement. La racine de la quasi totalité des erreurs en matière de théorie des rapports entre individus ou acteurs provient justement du fait qu'on s'interroge sur les relations entre moi – un moi supposé cohérent et tout d'une pièce – et les autres, des autres supposés également cohérents. Mais mieux vaudrait dire que le soi (le *self*) ne se forme et ne se pense qu'en se forgeant simultanément et de manière interdépendante, d'abord dans le monde de l'être ensemble et de l'intersubjectivité en actes et en présence, une représentation de lui-même (le moi), de l'autre (le toi), de l'autre supérieur à moi et à toi (le On, le Il), et de l'autre absent, étranger ou inférieur à toi et à moi (le il).
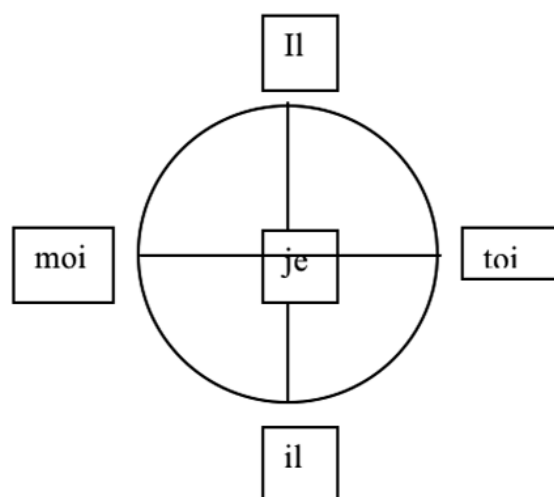
Cette première sphère interpersonnelle[49] s'inscrit elle-même dans une sphère plus vaste et générale d'interpersonnalité généralisée.
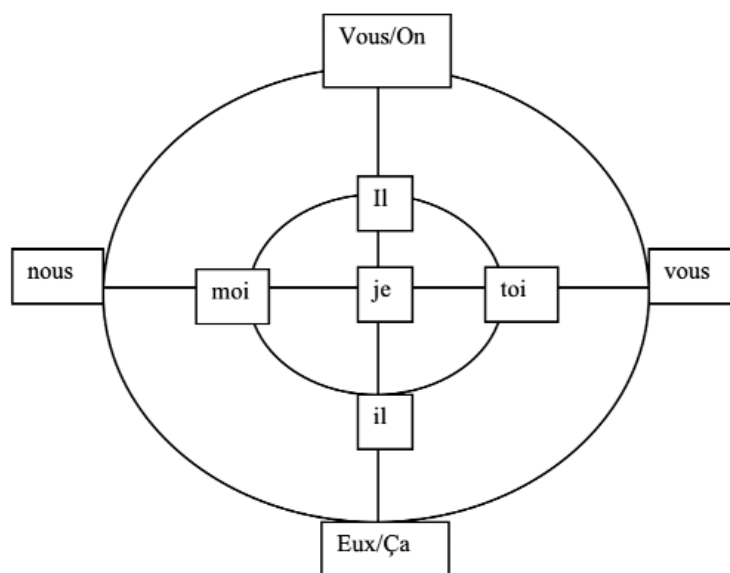
[49] Appelons "soi" l'ensemble de ces positions, je, moi/toi et il/Il

L'erreur, presque irrésistible, dont procèdent à la racine l'axiomatique de l'intérêt et toutes les tentatives de rabattement de l'action sur l'égoïsme et les motivations du moi, est celle qui consiste à identifier le sujet au moi, alors qu'il ne parle et n'agit pas en tant que moi, mais en fonction de la représentation qu'il se donne de son moi, assurément, mais aussi de la représentation de toutes les autres positions de sujet qui structurent son soi, le tu, le il, le Il, le vous, le nous, le Vous, le on etc.

2. *Traduction n°2. Les quatre échelles de la subjectivité*

Disons-le encore autrement. Le sujet ne parle et n'agit pas seulement comme *individu*, n'ayant de rapport qu'avec lui-même, de sympathie que pour lui-même et ne donnant qu'à lui-même, mais aussi comme *personne*, engagée dans toute une série de relations interpersonnelles par des rapports de dette et de créance, d'affections, d'attachements ou de répulsions et de détachements, ou encore comme *citoyen/croyant*, membre d'une grande société politique et/ou de croyance réunissant en un même ensemble partagé des étrangers à la sphère des relations interpersonnelles, ou, enfin, comme *Homme*, être humain générique, par delà toutes les distinctions de sexe, de race, de croyance ou d'appartenance politique.

3. *Où est le sujet?*

Le sujet n'est donc pas toujours du côté de son moi, il peut être aussi, tout autant, en même temps ou à d'autres moments, du côté du tu, du vous, du Vous, du on, du nous, du il etc. Mais qu'est-ce qu'un sujet?

4. *Qu'est ce qu'un sujet?*

Le sujet n'est pas le moi. *A fortiori* n'est-il pas la voix ou l'émanation du toi, du nous, du vous, du on, du Il etc. Il est du côté du je, mais il ne suffit pas de dire (ou de faire) je pour être sujet. On peut dire je, affecter d'agir comme sujet, pour en fait ne parler que comme un moi ("Moi, je..."), un nous, un on, un Il, etc. Il n'y a du sujet que de ce qui excède, sans les nier ou les oublier, l'intérêt pour soi, l'obligation et l'aimance, que de ce qui trouve son unité dans l'articulation du moi, du toi, du nous, du vous, du il. Il n'y a de sujet que de la subjectivation, autrement dit de l'individuation, autrement dit que de l'accès à la liberté-fécondité-générativité. Unification, individuation, subjectivation, c'est tout un.

5. *Du désir du sujet*

Désir d'accroître sa puissance de vivre et d'agir, volonté de puissance, pulsion de donner, volonté d'exister, d'apparaître, de créer, d'engendrer, désir d'action, de l'action qui étant à elle-même sa propre fin devient le souverain bien, désir de reconnaissance, désir tout court, liberté c'est tout un. Le désir du sujet est d'être et de devenir sujet. Sujet d'une action qui ouvre des possibles et les faits advenir. Agir, au sens de Arendt, et donner au sens de Mauss c'est tout un, si toutefois on ne réduit pas le don à l'aimance et à la *caritas* et si on veut bien considérer que même le don charitable, au-delà du don agonistique ne vaut que pour autant qu'il manifeste la liberté du donateur et offre au donataire de la liberté et de la vie. Car le seul don effectif est celui de l'énergie vitale, du désir et de la liberté. Mais cet accès à la liberté et à la capacité de donner ne peut pas être l'accès au don et à la liberté en général, au don et à la liberté grandioses, venus de nulle part et comme tombés du ciel. Le don est toujours don en situation. Le sujet ne peut devenir tel qu'en s'identifiant à la frange d'indétermination et à la marge de jeu que la trajectoire qui a été la sienne lui ouvre. Il n'est de liberté, d'action et de créativité possibles qu'une fois assumé ce qui doit revenir à l'intérêt pour soi, à l'obligation (ne serait-ce que sous la forme de la règle du jeu) et à l'aimance.

6. *Du désir de reconnaissance*

Désir d'être sujet ou d'apparaître comme sujet, de se manifester (désir de *Selbstdarstellung*), c'est tout un. Apparaître au monde c'est en être reconnu, cesser d'être transparent, invisible. Passer de l'inexistence à la visibilité sociales comme on passe du non être à la vie biologique. Ce qui n'apparaît pas et n'a pas à apparaître (d'où la volonté de ne pas apparaître lorsqu'on ne juge pas la manifestation de soi à la hauteur de ce qu'on juge qu'elle devrait être), c'est la dimension de la conservation de soi et de l'obligation, la face nocturne, passive, du sujet. Ce qui a vocation à être manifesté c'est la sortie active de soi et l'accès à la liberté généreuse, génératrice. Mais qui ne peut survenir que pour autant qu'il ait satisfait aux exigences de la conservation de soi, du respect des obligations et de l'aimance. C'est cette manifestation de soi comme donateur, libre et vivant, de vie et de liberté qu'on veut voir reconnue. Reconnue par une pluralité de sujets ou/et par soi-même, accédant ainsi à l'amitié avec les autres et/ou avec soi-même. Les intérêts de gloire, la quête du prestige, des honneurs, du pouvoir légitime ne sont si puissants que parce que la position de sujet, infiniment désirable,

le désirable même, est infiniment fragile et incertaine, et n'existe en définitive que de son indétermination. Comme le don. C'est la raison pour laquelle la satisfaction des intérêts est toujours aussi insatisfaisante, jamais rassasiée. On ne peut être sujet qu'au-delà de l'obtention des signes de reconnaissance de la subjectivité (du don, de l'action légitime) que l'on recherche pour s'assurer qu'on est bien le sujet de sa parole et de son action.

7. *Subjectivité et politique*

La subjectivité, la position de sujet, est à l'individu ce que le politique (ou le politico-religieux) est au collectif. Le moment de l'intérêt pour soi l'équivalent de la politique, l'obligation (le Vous, le Il, le On) l'équivalent de la religion, l'aimance l'équivalent de la socialité et la fécondité/liberté l'équivalent de l'économie. On retrouve ici les quatre dimensions de la théorie parsonienne de l'action. Ce qui manque chez Talcott Parsons, et qui le conduit à retomber dans l'utilitarisme dont il avait voulu au départ s'affranchir, c'est la théorie de ce qui fait l'unité des quatre dimensions. La théorie, donc, de ce qui fait l'unité ou la texture même du sujet articulant les composantes AGIL (*Adaptation*, *Goal attainment*, *Integration* et *Latency*) de l'action, individuelle, ou l'unité de la société articulant les quatre sous systèmes de l'économie, de la politique, de la socialité et de la culture. Nous proposons d'appeler *le* politico-religieux le système d'alliance généralisé avec les vivants, les défunts ou les descendants, et les entités invisibles par lequel une société se pense elle-même et s'institue en définissant ses frontières spatiales et symboliques.[50]

8. *Lutte pour la reconnaissance, don et intérêt*

Le paradoxe de la quête de reconnaissance, ce qui la rend en dernière instance irréductible à des intérêts de reconnaissance, c'est que si on désire en effet être reconnu comme donateur, participant *à* et *de* l'univers du don et de la donation, alors il n'est possible de satisfaire son intérêt à être reconnu, son amour propre qu'en sortant justement du seul registre

---

[50] Nus avons développé ces points in A. Caillé, "Nouvelles thèses sur la religion", in *La Revue du MAUSS semestrielle* n°22, Qu'est-ce que le religieux? Religion et politique, 2003, 2ème semestre, La Découverte, pp. 312-324. Traduction en italien, "Nuove tesi sulla religione", in *Che cos'è il religioso? Religione e politica*, 2006, Bollati Boringhieri.

de l'intérêt. Le modèle économique en général, et la sociologie générale de Pierre Bourdieu (ou de N. Luhmann) en particulier, permettent de montrer qu'il est intéressant d'être désintéressé, que le désintéressement paie. Ce qui est vrai en un sens. Mais qui n'est complètement vrai qu'en prenant d'abord la proposition par l'autre bout. L'intérêt du sujet est d'être désintéressé – d'accomplir des actions pour elles-mêmes, parce qu'elles sont une fin en soi, plaisante ou juste, de se rapporter aux autres d'abord ou aussi pour eux-mêmes et non seulement comme des moyens. L'intérêt du sujet est d'apparaître désintéressé, certes, mais pour cela de l'être effectivement, ou de le devenir. D'entrer réellement dans le don. Réellement? Personne ne sait ce qu'est un don effectif. De même en effet que les pôles de l'intérêt pour soi et de l'aimance, de l'obligation et de la liberté sont toujours concrètement enchevêtrés, s'inversent ou se compénètrent, s'allient ou se contredisent, de même le don n'existe concrètement que dans le système complet du donner, recevoir et rendre (sur fond de demande), et en opposition au système du prendre, refuser, garder. Et ces différents moments du système complet du don eux aussi s'interpénètrent, se complètent ou se combattent les uns les autres si bien qu'on ne sait jamais trop qui donne, reçoit ou rend effectivement de celui qui donne, de celui qui reçoit ou de celui qui refuse. Voire de celui qui prend. Le don comme la subjectivité sont toujours indéterminés et ambivalents. D'où la tentation irrépressible d'en sortir pour entrer dans le champ plus univoque et apparemment objectivable de l'intérêt. Mais dans cette objectivation le sujet échoue à faire advenir sa subjectivité, ce qui lui est le plus cher. Et qui ne peut éclore, précisément, que pour autant que le sujet s'affirme comme tel au-delà de l'intérêt pour courir le risque fatal du don et de la donation.

CONCLUSION

On débouche ainsi sur une anthropologie et sur une théorie de l'action à la fois beaucoup plus optimistes et beaucoup plus pessimistes, plus rassurantes et plus tragiques que les théories monistes de l'action qu'inspire la vision utilitariste du monde et de l'humain (ou de l'animal). Plus optimiste et rassurantes puisque la possibilité de la solidarité et de l'aimance, d'un engagement pour le bien, le plaisant, le vrai ou le juste n'est pas immédiatement ravalée au rang de l'illusion naïve. Plus pessimistes et tragiques aussi puisque la position de sujet, la plus désirable, étant toujours

212   ALAIN CAILLÉ

incertaine, les hommes, s'ils ont le sentiment qu'elle leur échappe, seront prêts à tout pour tenter de la conquérir, ou à défaut, d'en obtenir le semblant. Ou encore d'en dénier la réalité chez les autres ou, à défaut d'aspirer à leur destruction. La quête anti-utilitariste de la reconnaissance peut seule mener au bien, aux belles actions ou à la douceur de vivre. Mais, on sait que qui veut faire l'ange fait la bête. C'est elle aussi qui peut mener au massacre généralisé et à l'horreur.

ENTRE LA VOIX ET LA CROIX, LE DON ET LA DONATION

FRÉDÉRIC VANDENBERGHE[1]

I. SOCIOLOGIE DE LA RELIGION OU SOCIOLOGIE RELIGIEUSE?

1. *Humanisme, sociologie, socialisme*

C'est en tant que humaniste et herméneute, sociologue et socialiste que je m'adresse à vous. En tant que humaniste, car me situant volontiers dans la lignée du philosophe allemand Jürgen Habermas – un des interlocuteurs privilégiés du Cardinal Ratzinger – je m'oblige à traduire les intuitions religieuses en language séculier; en tant que sociologue, car si pour la sociologie la religion est essentielle, la sociologie n'est pas pour autant une sociologie religieuse; en tant que socialiste, car comme Marcel Mauss et Karl Polanyi, je suis à la recherche d'un autre socialisme (démocratique, solidaire et coopératif). Si vous me permettez un jeu de mots, je m'addresserai donc à vous en tant que "Habermaussien".

2. *Modernité, tradition, société*

Dans son admirable texte sur la notion de société, le professeur Hittinger souligne que la sociologie et la doctrine sociale catholique sont apparues à la même époque. Mais si la sociologie est un enfant de son temps, la doctrine sociale se veut intemporelle, fondée comme elle est sur une vérité révélée. Si la sociologie accepte la modernité, à la fois

comme domaine d'objet et condition de possibilité de sa propre émergence, la doctrine sociale de l'Eglise se situe à l'intérieur de la théologie morale. D'inspiration divine, la doctrine sociale de l'Eglise conçoit la société dans la lignée aristotélo-thomiste comme une "personne" d'ordre supérieure, bien ordonnée, inspirée qui aspire au bien commun; la sociologie, elle, émerge en droite ligne d'un néo-kantisme post-hégélien. L'expression peut paraître étrange, mais je m'explique: la sociologie est néo-kantienne dans la mesure où elle est conçue comme une critique de la société qui prend celle-ci comme une donnée et, donc, comme un fait pour analyser à la fois les conditions culturelles et matérielles de possibilité de la connaissance de l'objet et de l'objet de la connaissance; cette sociologie néo-kantienne est post-hégélienne dans la mesure où elle rabat l'esprit absolu sur l'esprit objectif et relativise l'absolu en le replaçant dans l'histoire et la société.

3. *Socio-analyse, révolutions et réaction*

La sociologie continue le projet de la philosophie morale et politique, mais en tant que science. De façon réflexive et objective, elle s'analyse comme résultat des révolutions philosophique, scientifique, industrielle et politique et se comprend comme héritière des Lumières et de la Révolution française. Sans dogmes (mais pas sans présuppositions normatives), elle recherche la vérité sur la société. Cette vérité est, de fait, socio-historiquement variable et dans ce sens relative. En outre, elle est, comme toute vérité scientifique, faillible. La doctrine sociale, en revanche, n'est pas objective, mais absolue, engagée et sur la défensive. A la différence de la sociologie, qui conçoit l'autonomie relative de la société dans le sillage de l'émergence de l'Etat et du marché autorégulé qui caractérise la modernité, la doctrine sociale de l'Eglise offre une réponse (voire même carrément une réaction) à la Révolution française et (par anticipation) à la Révolution russe. Si, du côté de l'Eglise, il y a eu des royalistes après la révolution française qui continuaient à défendre un retour à l'ancien régime, il y a aussi eu des théocrates chrétiens (comme Savanarola, Pico della Mirandola et Campanella) qui défendaient le socialisme avant la révolution industrielle. En effet, le catholicisme social de la Renaissance précède, et de loin, le socialisme des Lumières. Dans la mesure où la sociologie est humaniste, elle maintient le lien avec la pensée civique de la Renaissance, mais en articulant son universalisme au cosmopolitisme des Lumières.

4. *Solidarité et subsidiarité*

Les concepts fondamentaux de la doctrine sociale sont des concepts de combats. Contre l'individualisme moderne, la doctrine sociale avance la notion de personne comme substance antérieure à la société. De même que la solidarité est conçue en opposition au marché et au socialisme, la subsidiarité oppose l'Eglise à la fois à l'État et aux autres Eglises. Contre le marché (version lib) et le socialisme (version lab), la doctrine sociale en appelle à la société, conçue comme une unité bien ordonnée, sans conflits, en tous cas sans conflits de classe. Contre l'Etat, l'Eglise défend les corps intermédiaires. A la différence de Durkheim, cependant, elle n'introduit pas les corps intermédiaires entre l'individu et la société, mais entre la personne et Dieu, la personne des personnes. En concevant la société comme une 'personne sociale' et la personne comme un sujet pré-, si ce n'est métasocial, elle spiritualise à la fois la société, la personne et l'action sociale. Conséquemment la société est conçue comme une Eglise. Mais d'un point de vue sociologique, l'Eglise peut être comprise à la fois comme une société contre l'Etat, comme un Etat parmi d'autres Etats et comme une Eglise parmi d'autres Eglises, en lutte pour le monopole de la vérité.

II. ELÉMENTS D'UNE THÉORIE DE L'ACTION

1. *Système dialectique du don*

Dans le sillage du célèbre *Essai sur le don* de Marcel Mauss, Alain Caillé, grand théoricien, ancien assistant de Claude Lefort et fondateur du MAUSS (Mouvement Anti-Utilitariste dans les Sciences Sociales), nous présente une réflexion sur le don comme fait social total. Modestement, il a intitulé son texte "Elements pour une théorie de l'action", lui-même divisé en trois parties. Tout donne à croire que cette théorie de l'action ne constitue que la premiére partie d'une théorie plus générale de la société dont la seconde partie portera sur le symbolisme et le politico-religieux, la troisiéme sur le politique et la politique des associations et la dernière sur la globalisation techno-capitaliste.

Le texte est ambitieux, systématique, dialectique. "Dialectisons, dialectisons, donc!" (n. 25), telle semble bien être l'impératif anti-catégorique qui anime la pensée de Caillé. C'est cette dialectique qui fait tourner le texte, et la tête. Tout est relié á tout, et par une suite d'inversions spectaculaires des

concepts de base, tout finit par former système. Comme disait Pareto dans une boutade: "Les concepts dialectiques sont comme des chauve-souris. On peut y voir à la fois des oiseaux et des souris" – *Vögel und Mäuse*, des souris et des chats, des bonobos et des chimpanzés.

S'il fallait résumer le texte en une seule phrase, je choisirai celle-ci: "Entre moi et autrui, la vie et la mort" (see Caillé, p. 205). La question des questions étant évidemment, s'il l'alter s'écrit en minuscule (le sujet petit a, comme dirait Lacan) ou en majuscule (l'Alter de l'altar si j'ose dire). Si l'Autrui est Dieu, il faut d'ailleurs modifier la phrase comme suit: "Entre moi et Autrui, la vie et l'amour". J'y reviendrai en fin de parcours.

2. *Architectonique du don*

Le texte d'Alain Caillé est complexe, mais pour l'expliquer, je vais essayer d'expliciter l'architecture conceptuelle qui sous-tend la construction théorique. Et pour stimuler la discussion, je vais risquer une traduction du langage socio-philosophique en langage encyclique. En général, je m'efforce de traduire les concepts religieux (l'esprit, l'âme, la personne, etc.) en langage séculier, mais exceptionnellement – et l'occasion est vraiment exceptionnelle – je ferai le parcours inverse et je parlerai par moments comme Hermès, le messager des Dieux. Cette traduction du langage de la sociologie du don et de la doctrine sociale de l'Eglise est un travail herméneutique animé par la recherche d'un langage commun. En tant qu'êtres humains, nous sommes doués de la capacité de langage. Nous ne savons pas d'où vient le langage. Disons tout simplement qu'il nous est donné et que le langage est ce qui nous permet de rendre raison (*logon didonai*, comme disait le bon Aristote) de nos actions, de nos passions et, peut-être même, de nos croyances. En tant qu'animal langagier, l'homme est un être symbolique qui communique dans le *logos* qui nous est commun et que nous partageons tous en vertue de notre commune humanité.

Plus nous communiquerons, plus nous entrerons à tâtons dans la lumière de la vérité. Rien ne garantit que nous arriverons par la communication à la communion, mais si ne nous ne disposons pas tous d'une destination qui nous est personnellement révélée en tant que vocation (*vox Dei*), en tant qu'appel spirituel qui résonne dans notre âme et qui nous conduit au Salut et à la Vie Eternelle il n'en reste pas moins que nous sommes en route et que nous cherchons à définir ensemble le bien commun. Et même si le consensus n'est pas donné et que le chemin de la vérité est toujours risqué, j'avance néanmoins dans la confiance que nous

arriverons à un accord non pas nécessairement sur le bien commun, mais sur le mal commun qui menace la survie de l'Humanité en tant qu'espèce XX douée de langage.

Suivant les articulations du texte de Caillé, mon commentaire se divise, comme un retable en forme de triptyque, en trois parties. La première a pour objet l'analytique du don, la seconde l'anthropologie de la sympathie et la troisième la théorie du sujet.

2.1. *L'analytique du don ou la voie de la croix*

2.1.1. *Les éléments de l'action*

Comme toute bonne sociologie, la théorie de l'action présuppose et nous propose une anthropologie philosophique, une vision de "l'homme et de sa place dans l'univers", pour parler comme Max Scheler. L'homme est un être qui donne – un *homo donator*, comme le dit justement Jacques Godbout – et en donnant, il s'ouvre à l'autre. La relation entre moi et autrui est première. Entre moi et lui, il y a interaction. Le don est à la fois le moteur qui met en marche la relation et l'huile qui la maintient en route. L'intuition originale de Mauss est que l'action ne se laisse pas réduire à l'intérêt. L'intérêt instrumental, stratégique, égoiste est bien un ressort important de l'action, mais dans la mesure où il a y une ouverture à l'autre, il y a de la générosité et, donc, par implication, également de la réciprocité. La générosité décentre le moi et rompt avec le monadisme primaire. Grâce à autrui, je ne suis plus seul au monde. Avec lui, ensemble, nous dépassons l'intérêt pour entrer dans l'*inter-esse*. L'être ensemble, l'action en commun reléve de l'aimance. Avec l'intérêt et l'aimance, nous disposons déja de la base de la socialité. Mais pour qu'il y ait don, il ne faut pas seulement de la générosité, mais aussi de la liberté et de la spontanéité. Il n'y a de don que libre, et pourtant toutes les religions nous enseignent que le don est obligatoire. "N'est-ce pas d'ailleurs la visée de toutes les grandes religions que de préscrire la charité ... de ranger l'aimance sous l'égide de l'obligation? Et d'affirmer que c'est là, dans cette soumission à l'obligation d'aimer que ce trouve la liberté suprême?" (p. 10). L'obligation n'est pas une substance, cependant, mais un processus triadique, voire même une relation trinitaire. La grande découverte de Marcel Mauss est la triple obligation du don: obligation de donner, de recevoir et surtout de rendre, car avec l'obligation de rendre, la réciprocité devient cyclique.

Avec l'intérêt, l'aimance, la liberté et l'obligation, nous disposons de tous les éléments de la théorie de l'action. Si nous pensons les éléments de l'action comme des pôles, nous pouvons representer le système d'action comme une rose des vents.
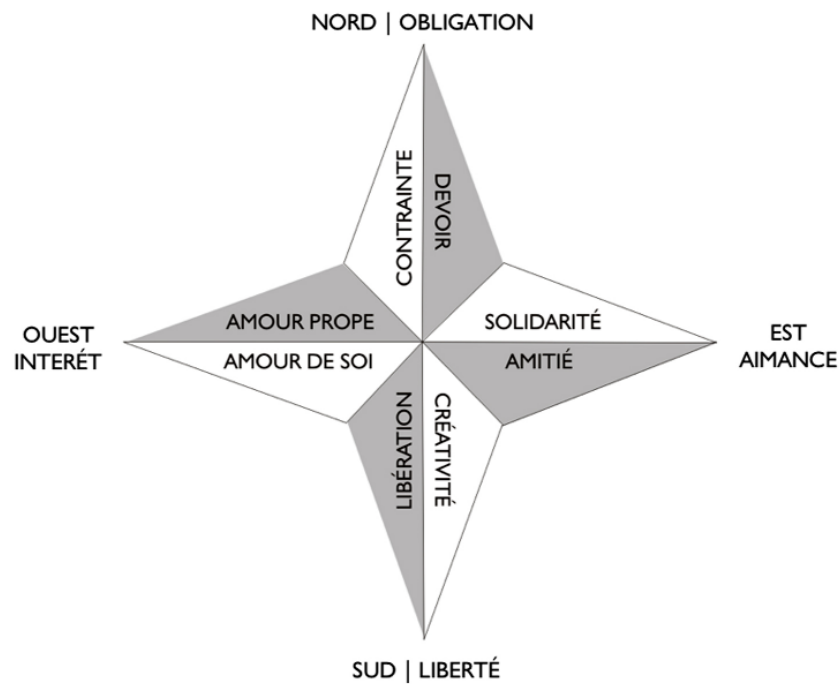
Figure 1. La Rose des Vents.

2.1.2. *La voie de la croix*

Le monde est en guerre et la rose des vents ressemble dangereusement à l'emblème de l'Otan. Comme nous sommes dans l'aimance et au Vatican, transformons donc la rose des vents en une croix – la croix caillésienne qui indique les voies de l'action avec, pour et contre les autres.
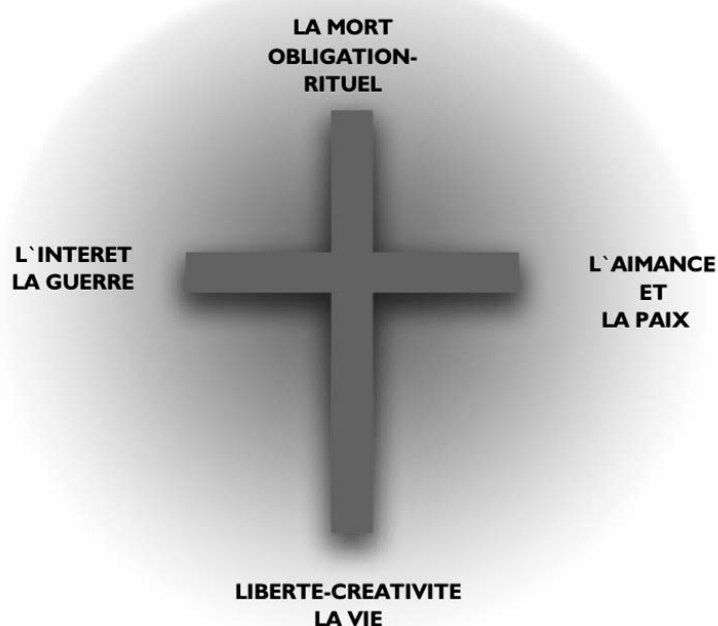
Figure 2. La croix caillésienne.

Sur l'horizontale, nous retrouvons l'intérêt et l'aimance (ce qui correspond au continuum de la densité sociale de Durkheim qui mesure la solidarité et qui va de l'égoïsme à l'altruisme); sur la verticale l'obligation et la la liberté (ce qui correspond à l'axe de densité morale de l'oncle de Mauss qui va du holisme à l'individualisme, du fatalisme à l'anomie). Alors que l'horizontale relève de l'anthropologie, la verticale renvoie à la théologie.

L'anthropologie nous enseigne que le don n'est pas toujours pacifique. Le potlatch de l'Amerique du Nord est un don agonistique dans lesquelles les protagonistes rivalisent pour donner. Le chef donne, mais il ne donne que pour renforcer son pouvoir et confirmer son rang. Avec Clausewitz, on pourrait dire que le don continue la politique par d'autres moyens. Ailleurs

on donne, mais le don n'est pas désintéressé. Si on ne rend pas, ou pas assez, l'autre peut se sentir lésé ou exploité. De même si on rend, mais trop vite, l'autre peut se sentir offensé, parce qu'il sent bien qu'en transformant le don en transaction, le donateur refuse la relation et la dette qui maintient le lien. D'ailleurs, dans les sociétés simples, comme celles que Malinowski a décrite dans son analyse du kula dans les îles du Trobriand, ce n'est pas des invidus qui donnent, mais des groupes sociaux (des familles et des clans). Le don met en relation des groupes, par l'échange de femmes et d'enfants ou de fêtes et de danses, par exemple, mais il peut aussi les séparer et conduire à la guerre, tout comme inversement le don unilatéral peut mettre fin à la guerre et conduire à la paix, et par la paix, convertir les ennemis en alliés. En tant que système de prestations totales, le don est un système de réciprocité entre des groupes, mais comme il relève de l'économie, il n'est jamais tout à fait désintéressé. Des anthropologues ont même suggéré que le don désintéressé n'advient qu'avec la modernité et que, paradoxalement, c'est pourquoi le don y est toujours suspect d'être teinté par l'intérêt. Le systéme du don ne relève pas seulement de l'économie cependant, mais aussi de la politique. Le don n'est pas neutre. Par l'entremise de biens, il crée certes du lien, mais ce lien n'est pas forcément égalitaire, ni libre d'ailleurs, comme le montrent bien les relations patrimoniales de dépendance (caractérisées par des *patron-client relationships* ou, de façon plus ample, par ce que Roy Bhaskar appelle des 'relations de maître-esclave généralisées'). Rien de plus étouffant, en effet, que d'être pris dans un systéme de réciprocité personalisée.

2.1.3. *Don et donation*

A la différence des sociétés modernes, qui sont des sociétés individualistes, les sociétés traditionnelles sont des sociétés holistes. Ce rapport à la totalité explique pourquoi dans les sociétés traditionnelles l'anthropologie est inséparable de la mythologie et, plus tard, avec l'invention des religions monothéistes pendant "l'ère axiale" (de 800 à 200 avant notre ère, selon Jaspers, mais soyons charitables et étendons la longue durée pour y inclure la naissance de Jésus!) d'une théologie politique dans laquelle l'obligation et le rituel prend le dessus sur la liberté et la spontanéité. Avec l'obligation et la liberté, nous passons de l'immanence à la transcendance. En tant que démarcation entre le dehors et le dedans, le supra et l'infra, le religieux constitue le moment instituant par lequel les sociétés se rapportent à elles-mêmes en se donnant une représentation symbolique d'elles-mêmes, en pro-

jetant leurs fondements dans l'infini, en tout cas à l'extérieur d'elles-mêmes. Le moment religieux qui trace une ligne de démarcation entre le ciel et la terre est inséparable d'une détermination politique qui distingue les membres des non membres de la société, des croyants et des non croyants, des pratiquants et des non pratiquants. Comme dans une croix, la verticale du gibet qui relie la terre aux cieux est inséparable d'une horizontale qui relie les membres entre eux. Autrement dit, il n'y pas de *meta* sans *inter* et sans *contra*, pas de religieux qui ne soit en même temps social et politique.

Maintenant que nous avons relié le social et le politique au théologique et introduit le politico-religieux comme un seul moment qui constitue en deux mouvements la société comme une communauté de croyants, se distinguant des ignorants et des incultes, retournons à l'obligation-rituel et introduisons la trinité. Nous avons vu que l'obligation n'est pas une substance, mais un processus cyclique qui établit et perpétue une relation entre personnes. Le don est un système de relations entre personnes qui se perpétue par la dette. De même que Dieu n'est pas une unité, mais une trinité – "une substance, trois personnes", pour reprendre la formule de compromis du 1ᵉʳ concile de Nicée, l'obligation du don n'est pas simple, mais triple. Lorsque le don est pensé comme création originaire par et dans la communion des trois hypostases divines, le don se transforme en donation. Avec la donation, on passe du cyclique à l'encyclique.

La donation relève d'une théologie de l'engendrement de l'univers par le Père, le Fils et le Saint Esprit. La communion des trois personnes qui vivent un amour mutuel et éternel est absolument première et précède onto-téléo et eschatologiquement la création de l'univers. De tout temps, le monde a été créé par le Père dans un acte infini d'amour. Dieu est amour, comme disait St. Jean (1 Jean, 4: 20). Jacques Godbout nous demande d'imaginer un monde sans don. Inversons la formule et imaginons maintenant un don sans monde, ou plutôt, sans société. C'est la donation à l'état pur. Dieu se donne par amour et dans le Saint Esprit il engendre le Fils qui est à l'origine la société. La donation est, en vérité, une révélation: Dieu se révèle en personne à celui qui le cherche avec amour. Et qui cherche Dieu dans le fonds de son coeur, le trouvera et renaîtra comme un nouvel homme. La révélation de Dieu à l'homme qui le cherche entraîne la rénovation charismatique de son âme dans l'Esprit. Dans la mesure où la donation est inséparable de la révélation de Dieu au croyant qui le cherche avec ardeur, on pourrait dire que la donation implique la "re-co-naissance" en tant que communion continue avec Dieu. Je parle de "re-co-naissance", car le croyant qui communie naît à nouveau avec Lui et autrui, avec les autres qui

sont membres de l'Église et forment en tant que tels une société invisible (la société comme *corpus mysticum*).

Plus prosaïque, Caillé spécule qu'avant la donation, il y a sans doute une demande. Demande de l'Etre, demande de l'Autre. La religion naît de l'absence, peut-être même du fonds du désespoir. Jacques Godbout paraît plus optimiste. L'*homo donator* ne se voit pas comme un demandeur, mais comme un receveur qui donne à son tour. Quelques soient leurs différences, Caillé et Godbout restent dans l'immanence. Il y a bien don originaire, mais il ne s'agit pas d'une donation ni d'une création du monde ni d'une fondation de la société. Ce que nous recevons tous, c'est la vie, et nous la recevons d'abord de nos parents. En sociologie et en anthropologie, nous sommes toujours déjà dans le monde de la vie (*Lebenswelt*), toujours déjà en société (*Gesellschaft*) ou, du moins, en communauté (*Gemeinschaft*). Par une questionnement transcendental, nous arrivons aux fondements de la société, à ces conditions de possibilité, comme l'indique le titre du texte de Caillé. Il ne faut toutefois pas confondre le transcendantal et le transcendent, les fondements et la fondation. La fondation relève de la mythologie et présuppose un grand récit sur les origines du monde (la création de l'univers par le Père), de la société (par le Fils) et de l'Eglise (par Saint Pierre) dans l'Esprit; les fondements relèvent de la philosophie, soutiennent une anthropologie et projettent une sociologie du monde de la vie, de la vie en communauté, de la société qui est toujours déjà là (même dans des cas d'anarchie), peut-être comme un don, en tout cas comme une donnée.

2.1.4. *Ethiques de la réciprocité et de la bienfaisance*

Tout comme Mauss et Durkheim, Caillé et Godbout expliquent le social par le social et se méfient des explications métasociales (et parasociologiques, pourrait-on dire par analogie avec la parapsychologie). C'est d'ailleurs pourquoi les membres du MAUSS tendent à récuser le don pur. "Le don pur est un don solitaire" (see Godbout, p. 139), dit Godbout, pas un don solidaire qui crée du lien social. Le don pure, asymétrique est un don hyperbolique, sans possibilité de retour. Comme la révélation, il relève de la grâce et la grâce excède la gratitude. Pour exorciser le don pur, asymétrique, dans lequel tout est donné sans possibilité de retour, donc par amour et par grâce, Godbout insiste sur la nécessité de la réciprocité. L'*homo donator* est, par définition, un *homen reciprocus*. Contre l'éthique de la sainteté, il insiste que le don pur est problématique et ne doit pas être pris comme modéle de la moralité. L'aumône n'est pas l'aune de l'ethique. Au contraire, il crée

de la gêne et de l'embarras. Afin de maintenir la symétrie, Godbout suggè-re qu'il vaut parfois mieux ruser avec la générosité et présenter le don com-me un prêt, ou plus simplement encore, comme une prestation bien méri-tée qui annule la dette de part et d'autre. En tout cas, l'éthique du don est régie par la norme universelle de la réciprocité et non pas par ce que Alvin Gouldner appelait autrefois la norme de la bienfaisance ou de la bonté (cf. *For Sociology*, pp. 226-299). Alors que la premiére stipule qu'il doit y avoir, d'une façon ou d'une autre, tôt au tard, un retour, la seconde est plus radi-cale dans ses exigences et stipule qu'il faut donner sans compter, si possible tout, en tout cas sans compter sur un retour. A la différence de la norme de la réciprocité, qui dit tout simplement qu'il faut aider ceux qui vous ont aidé, la norme de la bienfaisance dit qu'il faut donner même et spéciale-ment à ceux qui sont incapables de rendre (les enfants, les vieux, les malades, les handicapés). Même si la norme de réciprocité ne stipule pas qu'il faut rendre à celui ou à celle-là même qui vous a donné (on peut don-ner à un tiers anonyme, au premier ou au dernier quidam qu'on rencontre sur son chemin), elle maintient néanmoins implicitement un renvoi à la justice, disons à un droit de retour. La norme de la bonté, en revanche, introduit un devoir de donner sans invoquer un droit quelconque. Il faut aider non pas ceux qui vous ont aidés, mais comme dans la parable du bon Samaritain, il faut aider ceux qui ont besoin d'aide.

La comparaison entre la norme de la réciprocité et de la bonté montre que malgré son anti-utilitarisme proclamé, le MAUSS reste encore attaché à un certain libéralisme. Pour le démontrer, il suffit de s'imaginer un conti-nuum qui va de l'exploitation pure (versant statique) et simple au don simple et pur, en passant par l'équilibre du don et du contre-don ou la réci-procité des devoirs et des droits (version dynamique). Si l'exploitation indique la situation où une personne (ou une classe) prend toujours plus que ce à quoi elle à droit (l'exploitant prend un bien sans rien donner en retour, l'exploité donne sans recevoir son dû), la bienfaisance renvoie à la situation où la personne (ou la masse) qui est dans le besoin reçoit sans qu'il y ait droit (le bienfaiseur donne un bien sans rien recevoir en retour, le besogneux reçoit sans possibilité de rendre). Selon l'éthique de la récipro-cité, on donne à autrui dans l'attente qu'il rendra un jour. On reste dans le régistre du faire, de l'action et de l'interaction, bref de la réciprocation. Seu-lement, on ne sait pas si elle aura lieu ni quand elle aura lieu ni – dans le don, tout est une question de temps, comme l'a bien montré Pierre Bour-dieu –, et quand elle a lieu, on ne sait pas non plus ce qu'on recevra (une maison en retour d'une moisson, un poisson en retour d'une boisson).

A la différence de l'éthique de la réciprocité qui stipule qu'il faut donner en attente d'un retour, l'éthique de la bonté dit qu'on doit donner sans compter et sans attendre un retour. On n'est plus dans le régistre du faire, mais de l'être. On donne parce que l'autre en a besoin, parce qu'il est incapable de rendre. On donne non pas en dépit du fait qu'il ne puisse pas rendre le bienfait, mais précisément parce que et pour autant qu'il en est incapable. Du moins dans l'immédiat, parce que le jour où il sera dans la capacité de rendre, on passera de la bonté à la réciprocité, de l'encyclique de la charité au cycle du don et du contre-don entre égaux.

L'éthique de la bonté est une "éthique de virtuoses", comme dirait Weber, et en tant que telle une éthique de la sainteté. On ne peut pas exiger d'une personne qu'elle soit bonne, mais on est en droit d'exiger d'elle qu'elle agisse de façon juste. La bonté est "supérogatoire", pour parler comme les scolastiques. La morale, en revanche, ne l'est pas. Elle n'est pas une morale maximale (*maxima moralia*), bonne pour les saints, mais une morale minimale (*minima moralia*) qui cherche à garantir le respect de l'humanité en chaque personne. Tout le monde, sans exception, doit s'y soumettre. En tant que telle, elle vaut même, comme disait justement Kant, pour un "peuple de diables". On ne peut pas demander au diable d'être bon, mais on doit développer des institutions fortes, garanties par l'Etat et le droit, qui l'obligent à être juste ou, du moins, équitable. A la différence de l'éthique de la bonté, l'éthique de la réciprocité ne promet pas la bonté, mais elle exige la justice.

Pour formaliser les différences entre l'anthropologie du don et la théologie de la donation et stimuler la discussion, creusons l'écart entre le Catholicisme et le Maussisme et réunissons les oppositions dans un tableau à double entrée:

[Philosophie de la Communication]

Théologie de la donation	*Anthropologie du don*
Fondation de l'être	Fondements de la connaissance
La religion (L'institution)	Le religieux (L'instituant)
Théorie de la passion	Théorie de l'action
Amour (la *caritas* de St. Augustin)	Amitié (la *philia* d'Aristote)
Grâce	Grâtitude
Re-co-naissance	Reconnaissance
Don pur et asymétrique	Don réciproque et symétrique
Devoirs de l'homme	Droits de l'homme
Norme de la bienfaisance	Norme de la réciprocité
Bonté/Sainteté (*maxima moralia*)	Justice (*minima moralia*)

Entre la théologie de la donation et l'anthropologie du don, j'ai mis la philosophie de la communication. La philosophie de la communication est une herméneutique de la traduction qui cherche une langage commun qui permette le dialogue entre des traditions différentes et, ce faisant, permet en même temps de dépásser le différend entre ces traditions de pensée, d'action et de passion. A la différence de la communion, la communication n'est pas une union qui est toujours déjà donnée ou présupposée, mais elle consiste en une recherche active d'un principe d'unification qui surmonte la lutte et le litige par la recherche d'un principe commun. La communication présupose le conflit (le conflit comme *arché*), mais cherche le consensus (le consensus comme *telos*). Sans autres présuppositions que le langage et la possibilité de traduction entre langages, la communication est le medium de la paix, car aussi longtemps qu'on accepte de parler et de continuer la communication, on évite la violence, ce qui ne garantit pas pour autant qu'on arrive à la communion et la paix éternelle. Car, en effet, après la communion, il faudra bien reprendre la conversation et continuer la communication sans autres garanties que la bonne volonté que le dialogue entre amis implique et présuppose pour relancer la conversation dans l'esprit du don.

2.1.5. *Questions d'orientation*

Mais revenons sur le chemin de la croix et mettons l'économie-politique (l'horizontale) et l'anthropo-théologie (la verticale) en système. L'opposition majeure de l'obligation-rituel et de la liberté-spontanéité n'est, en effet, pas autre chose que celle de la Mort et de la Vie. Et l'opposition de l'intérêt et de l'aimance réapparaît, sous la forme atténuée de la premiére, comme opposition entre la Guerre et la Paix. Mais le chemin de la croix est tortueux et dialectique. Comme dans un systéme de passe-passe, tout est dans tout et par une série de transitions dialectiques, les pôles s'inversent. Les extrêmes se touchent. Il n'y pas de Vie sans Mort, pas de Guerre sans Paix, pas d'aimance sans intérêt, pas d'allliance sans rivalité. Et inversement. Il y a de quoi perdre le Nord. En effet, comme 'Dieu nous est par hypothèse inaccessible', il n'y pas de point fixe transcendant, pas de fondements extrasociaux, donc pas de système de déductions transcendentales dans lequel tout se résout et se dissout. En l'absence de Dieu, il n'y pas de métaperspective, pas de géométral absolu qui permette de qualibrer les perspectives ni d'ange de l'Histoire qui permette, comme l'*angelus* de W. Benjamin, de survoler le tout et de mener les hommes de la catastrophe à la rédemption.

Le système du Don est métaphysique et dialectique, mais comme il s'agit d'une dialectique sans synthèse, il faudrait peut-être mieux le décrire comme une analytique du don en opposition à la viatique de la donation. En tout cas, il me semble qu'on peut maintenant comprendre pourquoi, en l'absence d'un point fixe transcendant, l'analytique du don est la croix et la bannière. A la différence de la théologie de la donation qui est une spirale qui relie les profondeurs de l'âme aux hauteurs de Dieu dans l'Esprit, l'analytique du don est pris dans un cercle et tourne en rond comme un rose des vents sans aimant – on passe de l'aimance (la croix) à l'agon (la bannière), de la vie (eros) à la mort (thanatos), ou inversement. C'est selon. Comme tout dépend du temps et que le temps est, en tant que système ouvert, variable et imprévisible, le don se laisse emporter par le vent (comme dans le livre homonyme de Margaret Mitchell). En l'absence de transcendance, on perd effectivement le Nord; faute d'amour, l'aimant de l'aimance n'indique pas le Moyen Orient (Jérusalem ou La Mecque) – il semble d'ailleurs plutôt pointer vers l'Orient (Banaras ou Lhassa), ce qui, au demeurant, me convient très bien.

Nous avons vu que le don est à la fois le moteur qui met en marche la relation et l'huile qui la maintient sur sa route. Mais en l'absence d'un concept de communication qui indique clairement le sens de la marche et la direction de la route, l'automobile risque de se perdre dans les champs. De même que la communication a besoin du don pour commencer ou continuer, le don a besoin de la communication pour l'orienter. En travaillant le contenu des idées, la communication qui rend possible une discussion raisonnée entre des positions philosophiques différentes, joue, comme le disait Max Weber à propos des visions du monde, le rôle d'aiguilleur pour déterminer les voies dans lesquelles l'action sera poussée par la machine de réciprocité qu'est le don. Moyennant la communication, le don peut s'aligner sur la donation. Certes, il ne promet pas le Salut, mais il indique néanmoins clairement la direction de la paix. A défaut d'être éternelle, espérons qu'elle puisse être universelle.

2.1.6. *Le sens et le contre-sens du don et de la donation*

Pour souligner la différence entre l'immanence du MAUSS et la transcendance de la doctrine sociale, comparons maintenant le sens du don et le sens de la donation.
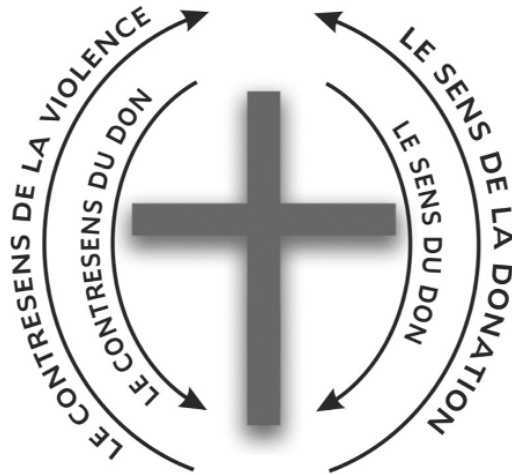
Figure 3. Le Sens du Don et de la Donation.

Le sens du don relie l'aimance à la vie; le sens de la donation relie l'amour à la mort. Le sens de la donation mène au-delà de la vie, en tout cas au-delà de la société. Chez Caillé, la religion est étrangement liée à l'obligation et l'obligation à la Mort. Pour éviter l'association funèbre entre la religion et la mort, il suffit d'ailleurs d'inclure les morts dans la société, comme Auguste Comte, le grand prêtre autoproclamé de la Religion de l'Humanité (et inventeur du mot altruisme), le proposait dans sa synthèse subjective. La religion est ce qui relie et qui maintient la continuité entre les morts et les vivants, les êtres et leurs ancêtres. Elle relève à la fois de la tradition (l'ascendance) et de la génération (la descendance). Si le don met les êtres humains en relation et en société, la donation, elle, relie les êtres humains à Dieu et, ce faisant, elle conduit au-delà de la vie et de la société. Le sens du don est humaniste. Moderne et moderniste, Caillé insiste que le don est avant tout lié à la vie et à la liberté. Ce n'est donc pas par hasard qu'il a développé une théorie de l'action et non pas une théorie de la passion. Avec l'aimance, nous restons entre humains, entre amis, en communication. Le sens de la donation, en revanche, est religieux. Nous ne sommes plus dans l'aimance, mais dans l'amour, en et avec Dieu, en communion avec Lui et autrui.

Si le sens du don va du bas vers le haut, le sens de la donation va du haut vers le bas. Nous savons que le don n'est pas une substance, mais un

processus de réciprocité trinitaire qui met en relation la donateur et le donataire. Si la séquence vertueuse du don (donner, recevoir rendre) indique le sens du don, la séquence perverse de l'anti-don (prendre, refuser, garder) va à contre-sens du don. Le contre-sens du don, c'est le matérialisme vulgaire, disons le capitalisme qui ne connaît et ne reconnaît que l'intérêt et qui met en relation les hommes par l'entremise d'un système anonyme de choses et de marchandises. Le capitalisme ne connaît pas de valeurs, seulement des prix; ce qui unit les producteurs et les consommateurs est une machine anonyme, le marché, qui fonctionne comme un distributeur aux mains invisibles. A l'opposé de la donation et de l'amour qui sauvent, nous retrouvons la violence et la haine qui tuent. Si le sens de la donation est symbolique, le sens de la violence et de la destruction est diabolique. Au lieu d'unir les êtres dans un amour acosmique qui annonce la paix, la violence mimétique sème la division et détruit ce qu'il y a de commun. Tout comme la violence sacrée, la guerre sainte relève du contre-sens. Lorsque la guerre est animée par la religion, elle conduit à la terreur. Le cycle de violence mimétique dans lequel sont pris le terrorisme et le contre-terrorisme est infernal. Seule la communication entre ennemis peut arrêter la guerre. L'offre de communication peut être unilatérale au départ. A l'encontre des évidences faciles, il faut affirmer haut et fort que les religions ne font pas partie du problème, mais de la solution.

2.2. *Anthropologie et sympathie*

2.2.1. *Des chimpanzés et des bonobos*

Maintenant que nous avons analysé l'horizontale et la verticale du gibet, passons à l'analyse des diagonales. Caillé ne parle pas directement des diagonales, mais elles sont implicites dans son analytique du don et deviennent explicites lorsqu'il passe de l'analytique du don (la première partie du texte) à la théorie de l'action (seconde partie du texte). La théorie de l'action se présente comme une réflection ethologique et ethnologique sur la nature de l'homme. La question centrale de cette seconde partie est bien formulée: L'homme est-il un animal sympathique? En s'appuyant sur le grand livre que le primatologue hollandais Frans de Waal a consacré à la vie sociale de nos frères de la forêt (cf. *Our Inner Ape*), la question se laisse préciser comme suit: L'homme est-il sympathique et pacifique, coopératif et sociable comme ces bonobos qui passent leur temps à faire l'amour ou est-il antipathique et violent, égoïste et agressif comme les chimpanzés qui se font continuelle-

ment la guerre, parfois même jusqu'à la mort? En accord avec l'analytique tétralogique de l'action, Caillé conclut avec de Waal que l'homme est un animal ambivalent, plutôt sympathique, mais néanmoins capable du pire. Bien que l'homme soit au croisement des bonobos et des chimpanzés – un véritable "chimpanbono" pour ainsi dire –, Caillé enfile les exemples de sociabilité parmi les animaux pour démontrer, une fois pour toutes, que les théories utilitaristes et individualistes de l'action qui traitent les hommes, au mieux, comme des chimpanzés rusés et calculateurs (l'animal économique du rational choice, de Adam Smith à Gary Becker) ou, au pire, comme des loups meurtriers contre lesquelles il faut s'armer jusqu'aux dents pour se protéger (l'animal politique des réalistes, de Hobbes à Carl Schmitt).

On savait déjà que l'utilitarisme n'était qu'une version euphémisée de la sociobiologie – c'est d'ailleurs un *rat* (*rational choice theorist*), en l'occurrence Georg Homans, qui s'était appuyé sur un behaviorisme pavlovien pour montrer que les hommes sont conditionnés comme des pigeons économiques; ce que la nouvelle éthologie nous montre maintenant, c'est que la sociobiologie néo-darwinienne de Wilson ou la théorie du gène égoïste de Richard Dawkins ne vaut même pas pour les animaux; en tous cas, pas pour toutes les espèces. Il est sans doute un peu éxagéré de dire que la sociobiologie en dit plus sur le sociobiologue que sur l'animal. Il n'en reste pas moins que homme n'est pas un loup pour l'homme (*homo homini lupus*), car comme l'indique Caillé, les loups entre eux sont sociables et coopératifs comme les hommes.

Maintenant qu'on sait que le *struggle for life* n'est pas la seule loi de la jungle et que les animaux sont également engagés dans un *struggle for love*, on peut aisément passer des *rats* aux *cats* (*collective action theorists*), ranger la ratologie indivualiste et utilitariste et développer une chatologie collectiviste et anti-utilitariste sur des nouvelles bases. On verra alors non seulement que l'homme est un animal, ce qu'on savait déjà, mais aussi que rien d'humain, ou presque, est étranger à l'animal. Comme Térence, l'esclave romain, les animaux semblent dire: *Animal sum, et nihil humanum a me alienum puto*. Comme les humains, les animaux les plus anthropoïdes, notamment les singes, les éléphants et les dauphins sont motivés par l'aimance et l'intérêt et tiraillés entre l'obligation et la liberté.

2.2.2. *Les sentiments moraux*

Avec l'altruisme des animaux, nous passons de la sociobiologie à la biosociologie. La question qui se pose maintenant est celle des émotions des

animaux. Suite à ses célèbres recherches scientifiques sur la faune (l'évolu-
tion des espèces par sélection) et sur la flore (la variation des plantes, spé-
cialement les orchidées), Darwin s'était déjà penché sur la question dans son
livre sur l'expression des émotions chez l'homme et les animaux. Ses obser-
vations minutieuses lui avaient permis d'affirmer que les animaux peuvent
effectivement sentir la joie, la douleur, la colère, la surprise et la terreur, mais
que parmi les animaux, seuls les êtres humains connaissent les véritables
"passions tristes" (la haine, la tristesse, le désespoir), les "passions joyeuses"
(l'amour, la tendresse et la dévotion), les "passions morales" (la honte, la cul-
pabilité) et la conscience de soi (la réflection et la méditation). Dans le silla-
ge de la nouvelle éthologie, Caillé explore les émotions liées à la sociabilité.
Disons plutôt, puisque c'est bien de cela qu'il s'agit, des sentiments moraux,
tels que l'empathie, la sympathie, la compassion, la coopération qui ont tant
occupées les platonistes de Cambridge, les moralistes écossais, de Shaftes-
bury et Hutcheson à Adam Smith, et les philosophes catholiques, de Saint
Augustin à Max Scheler et Jean Paul II (qui a fait sa thèse de doctorat sur le
concept de personne chez Max Scheler et qui a canonisé Edith Stein, qui fut
l'assistante de Scheler). Penser avec le dernier Darwin contre le premier et
avec le premier Adam Smith (celui de la théorie des sentiments moraux)
contre le dernier (celui de la richesse des nations), et avec tous contre
Hobbes, tel semble bien être la mission que notre sympathique sociologue
s'est donné en s'aventurant dans le jardin zoologique.

L'existence de sentiments moraux parmi les animaux anthropoïdes, de
l'empathie jusqu'au pardon, montre que l'ouverture à l'autre n'est pas le
propre de l'homme. Les animaux ont bel et bien une conscience (au double
sens du terme que l'anglais distingue soigneusement avec les deux mots dif-
férents de *consciousness* et de *conscience*). Les animaux sont conscients de
soi et des autres. Le singe est conscient qu'il est conscient et que les autres
le sont également. Il sait que l'autre sait qu'il sait. Conscient de lui-même et
d'autrui, il est aussi capable de se mettre à la place de l'autre et de se décen-
trer. Ce décentrement, qui est à la base de la conscience morale de l'homme,
est à la base de la conscience proto-morale de l'animal. Il sent ce que l'autre
sent et ressent, il souffre comme lui et avec lui, il agit avec lui et pour lui.

Comme on risque toujours de projeter nos propres visions et divisions
du monde sur les animaux – le "chimpanobo" ressemble étrangement à
Marcel Mauss au point qu'un Buddhiste pourrait aisément y décéler sa
réincarnation! – et pour éviter de tomber dans le panneau de l'anthromor-
phisme, je propose de m'en tenir dorénavant aux êtres humains. Etant
donné les difficultés qu'on a de sentir et de ressentir ce que notre pro-
chain sent et ressent, on peut imaginer la gageure qui consiste à se mettre

à la place des animaux pour sentir ce qu'ils sentent et ressentent – *"How does it feel to be a bat?"* (Nagel) est le titre omineux d'un article classique de la philosophie analytique.

Restons donc parmi les hommes. La capacité que nous avons de nous mettre dans la position d'autrui et que autrui a de se mettre dans notre position est le fondement psycho- et socio-génétique de l'éthique et de la morale. C'est parce que nous sommes capables de voir et de ressentir le monde comme autrui le ressent, voit et conçoit, et réciproquement, que nous avons conscience de nous mêmes et que nous sommes capables de nous juger, c'est-à-dire de juger nos actions, notre personne, voire même notre vie entière. C'est parce que nous pouvons nous transposer dans la position d'alter, soit que nous nous projetons dans sa situation (simulation de A dans la position de O, pour parler comme Alvin Goldman), soit que nous le projetons dans sa situation (simulation de A dans la position de A) que nous avons conscience de nous-mêmes comme autrui l'a de nous. C'est grâce à l'empathie avec autrui que nous pouvons voir et prévoir nos actions ou pourvoir aux actions dont notre prochain a besoin dans une situation donnée. C'est grâce à autrui que nous pouvons nous objectiver et nous dédoubler pour nous observer nous-mêmes, mais c'est aussi grâce à l'empathie avec autrui que nous pouvons aller à sa rencontre et l'aider si nécessaire. Moyennant le méchanisme de l'empathie qui nous permet d'échanger mutuellement de position et de reverser les perspectives – *taking the role of the other*, comme dirait le pragmatiste américain Georg Herbert Mead – *conscience* et *consciousness* vont de pair.

Consciousness, car c'est grâce à la présence d'autrui que je deviens un homme parmi les hommes et que je prends conscience de moi-même comme un être singulier, unique dans son genre et différent des autres avec qui je suis en contact et en communication. *Conscience*, parce que l'empathie avec autrui est, en vérité, une forme d'intropathie. Autrui est en moi comme je sui en lui. S'il souffre, je souffre comme lui, et s'il rit, je ris comme lui. Et si nous rions tous les deux ensemble, si nous souffrons tous les deux ensemble, eh bien, alors nous ne sommes plus dans l'empathie, mais nous sommes déjà dans la sympathie, le partage actif et mutuel des actions et des passions, partage qui crée un "nous" et qui entraîne l'action en commun.

2.2.3. *Le prochain et le socius*

C'est cet élan spontané vers autrui est à la base de la fraternité et, médiatement, aussi de la solidarité. Vous connaissez la parable du Samaritain qui fut touché de compassion et qui fit le nécessaire pour pourvoir aux besoins du prochain qu'il avait rencontré sur la route qui devait le mener

de Betléhem à Jéricho. La relation au prochain est directe, de personne à personne et sans médiation institutionnelle. Elle n'est pas toujours si intense, loin s'en faut, mais elle émeut et dans la mesure où elle m'émeut et me touche, elle est exemplaire et enseigne une leçon qui vaut pour tous et qui vaut de l'or. C'est la fameuse "règle d'or" ("Ne fais pas à autrui ce que tu n'aimerais pas qu'on te fasse") qu'on retrouve dans toutes les religions universelles. Prenons la formulation chrétienne de cette maxime universelle, car elle a l'avantage d'être formulée de façon positive: "Tout ce que vous voulez que les hommes fassent pour vous, faites-le vous-même pour eux, car c'est la loi et les prophètes" (Matthieu 7.12). Ce précepte, basé sur la norme de la réciprocité, formule une éthique universelle de la sympathie (qui, si on l'étend à tous les êtres sensibles, pourrait même inclure les animaux).

Pour tester sa validité universelle, il suffit de la généraliser et de recourir, comme le fait Adam Smith dans sa théorie des sentiments moraux, à un 'spectateur impartial' qui jugerait les actions, voire même les vies de l'un et de l'autre, selon leur convenance à la règle d'or. Avec le spectateur sympathique impartial on gagne, certes, en généralité, mais on perd la particularité qui caractérise les relations de prochain à prochain. En effet, par la montée en généralité, on obtient la perspective impartiale d'un autrui généralisé (le *generalized Other* de G.H. Mead) qui juge l'action d'une personne ou la personne d'une action au nom d'une communauté toujours plus large et englobante qui est, à la limite, coextensive à l'humanité.

Plus on s'élève vers la généralité, plus le sujet devient anonyme. Au nom de l'humanité, notre prochain perd la face, mais s'il perd sa subjectivité et sa singularité, il n'en reste pas moins qu'il accède en même temps à l'objectivité et à l'universalité. En passant du prochain au socius, du prochain au membre anonyme de la société, on universalise la sympathie et on l'institutionalise sous forme de droits universels – les droits de l'homme et du citoyen (déclarés pour la première fois en 1789, puis réformulés en 1946 par l'ONU, enfin accepté par l'Eglise en 1964, soit 175 ans après la Révolution française).

En passant de la sociabilité directe et immédiate à la société, comprise comme institution objective qui médiatise les relations entre ses membres, on passe en même temps de l'obligation de donner (éthique de la bienfaisance) aux droits de recevoir (éthique de la réciprocité). On est toujours dans la générosité, mais elle est maintenant médiatisé par l'institution que, faute de mieux on appelle l'Etat social, mais qu'il vaudrait mieux appeller l'Etat solidaire, car comme Marcel Mauss l'avait bien vu dans la conclusion de son essai sur le don, l'Etat providence qui assure l'assurance à ces membres "contre le chômage, contre la maladie, contre la veillesse, contre

la mort" (p. 281) institutionalise, incorpore et réalise bel et bien l'esprit du don dans les sociétés complexes.

Cet Etat de bien-être qui cause un mal-être parmi les Catholiques et les Marxistes révolutionnaires est tout simplement le prolongement de la règle d'or. Comme le dit Paul Ricoeur dans un petit essai de théologie sociale (*Histoire et vérité*, pp. 99-111), les "relations longues à travers les institutions" de la société prolongent les "relations courtes de personne à personne". Il est donc vain d'opposer le *socius* au prochain. Au contraire, il faut les comprendre ensemble comme les deux dimensions d'une même histoire – l'histoire du don qui correspond à l'histoire de l'homme. Comme le dit encore notre maître, "il est illusoire de vouloir transmuter toutes les relations humaines dans le style de la communion", alors même qu'il faut toujours essayer de reconnecter la solidarite entre les membres anonymes d'une société à l'unité d'intention qui me relie immédiatement à mon prochain et médiatement, moyennant le détour inévitable de l'institution, au *socius.*

2.2.4. *La justice comme solidarité entre étrangers*

Entre la fraternité et la solidarité, la bienfaisance et la justice, il y a une solution de continuité qui passe par la généralisation de la réciprocité au-delà du cercle de sociabilité immédiate entre prochains et voisins. Pour montrer qu'il y a à la fois une continuité et une discontinuité entre l'éthique et la morale, entre le prochain et le citoyen, je m'appuierai sur *A Theory of Justice* de John Rawls, sans aucun doute, un des livres les plus importants du second vingtième siècle. La théorie de la justice est une théorie des sentiments moraux généralisée. En effet, dans le sillage des Scottish moralists, Rawls reprend l'idée du "spectateur sympathique impartial" de Adam Smith – variante morale de l'honnête "commissaire-priseur" de Walras – pour défendre l'idée d'une société bien ordonnée selon un principe universel de justice social qui redistribuerait les biens et les droits de telle sorte que chacun pourrait y souscrire sans réserve, car elle accorderait, d'une part, des droits et des libertés à tous et, d'autre part, elle n'accepterait les inégalités sociales que pour autant qu'elles favorisent les plus besogneux. "Une société bien ordonnée, dit-il, est une société qui reçoit l'approbation d'un tel observateur idéal" (p. 184).

La théorie de la justice est une théorie du contrat original forte. La pièce maîtresse de cette théorie sympathique du contrat est la "situation originelle" – situation imaginaire dans laquelle chacun serait invité à adopter la perspective du spectateur sympathique raisonable et impartial

avant de signer le contrat qui scelle l'alliance entre les membres et fonde la
sociéte comme une société solidaire et juste. Ainsi chacun s'imaginerait à la
place de chaque autre personne et lorsque chacun aurait adopté la
perspective de tous les autres, *seriatim*, l'une après l'autre, il arriverait à une
formulation des principes d'une société juste. Evidemment, ce dispositif
d'identification sérielle de chacun avec tous et chacun d'entre eux ne peut
que fonctionner sous la condition que chacun fasse abstraction de ces
propres charactéristiques distinctives – de sa condition personnelle à sa
position sociale – pour ne retenir que ce qui est commun à tous les hommes
sans distinction. Autrement dit, en se projetant dans la situation d'autrui
pour s'élever jusqu'à la position supérieure et englobante du spectateur
impartial, chacun est placé sous un 'voile d'ignorance'. Comme on ne sait
pas si autrui est riche ou pauvre, brillant ou médiocre, croyant ou ignorant,
infirme ou fort, on peut supposer que les principes qu'ils adopteraient
seraient justes, non pas malgré l'anonymat de chacun, mais précisément
parce que et dans la mesure où l'on fait abstraction des idiosyncrasies
personnelles et sociales de chacun pour s'éléver à l'autrui généralisé.

A la différence du prochain, l'autrui généralisé n'a pas de visage. Il est un
être générique (un *Gattungswesen*, comme disait le jeune Marx à la suite de
Feuerbach). La seule chose qu'on sait de lui, c'est que c'est un être humain
comme nous. Un ami potentiel, certes, mais néanmoins un étranger, un
socius, disons plutôt, puisque c'est de lui qu'il s'agit, un citoyen. Comme le
dit justement Rawls, "si chaque citoyen est un ami de certains citoyens, il n'y
a pas de citoyen qui soit l'ami de tous" (p. 474). En tous cas, le dispositif de
la situation originelle nous a permis de passer progressivement du prochain
au *socius,* du spectateur sympathique à l'observateur impartial et, ce faisant,
également de la fraternité à la solidarité – de la solidarité entre amis à la soli-
darité entre étrangers qui sont membres d'une même société et qui sont
tenus ensemble non pas (ou plutôt plus) par des liens de sympathie et de
bénévolence, mais par l'acceptation des principes publiques de la justice.

Chez Rawls, la justification des principes de la société bien ordonnée se
fait moyennant des "conversations intérieures", pour reprendre une catégo-
rie importante que Margaret Archer a récemment introduite dans le débat
sociologique (cf. *Structure, Agency and the Internal Conversation*). Tout se
passe, en effet, comme si le spectateur sympathique, assis confortablement
dans son fauteuil, fumant un cigare après une longue journée de travail,
avait invité chacun de ses amis dans la conversation qu'il a continuellement
avec lui-même. Comme si, en pensée, il invitait ses amis pour s'asseoir à côté
de lui, pour diner ou se promener avec lui le long de la rivière pour conver-

ser sur les statuts de la société des fumeurs de Havane qu'il pensait fonder. Plongé dans ses rêveries, ayant fait défiler ses amis dans sa tête et après leur avoir donné une place dans son coeur, il continuait la conversation imaginaire en invitant les amis de ses amis dans son for intérieur pour dialoguer et arriver, en fin de soirée, par une variation eidetique systématique des amis des amis, à un citoyen générique, bien informé, sympathique et généreux.

En inventant le dispositif astucieux de la situation originelle, Rawls a crée un espace publique dans son for intérieur (*in foro interno*). C'est d'ailleurs ce que Habermas lui avait reproché. En invitant son ami pour un débat publique, il avait gentiment convaincu son collègue *in actu* qu'il fallait prolonger la conversation intérieure avec une communication extérieure entre égaux qui a lieu dans la sphère publique (*Öffentlichkeit*). C'est par la communication publique que les interlocuteurs accèdent progressivement, en invitant non seulement les amis qui pensent comme eux, mais aussi les "bons enemis" qui pensent différement d'eux, au point de vue commun et impartial à partir duquel les citoyens se persuadent les uns les autres, au moyen de la force du meilleur argument, de ce qui est juste ou injuste. C'est seulement ce point de vue de l'usage public de la parole et de la raison (le *logos*), partagés par tous en vertue de leur commune humanité, qui confère aux principes moraux et politiques leur objectivité et leur universalité. Car, en effet, grâce à la communication, les citoyens réunis comme nous sur la place publique et engagés dans une recherche commune sur la vérité, sont capables d'avoir, effectivement, une connaissance mutuelle des visions du monde des autres pour en restituer, par "recoupement", comme dirait Rawls, le contenu commun, publiquement communiqué et communément partagé.

En passant de la conversation intérieure que l'observateur sympathique avec lui-même et tous les autres à la communication effective entre participants d'un débat publique non pas imaginaire, mais effectif comme celui que nous menons ensemble ici même, nous passons en même temps de l'usage privé (Rawls) à l'usage publique (Habermas) de la parole à des fins morales et politiques.

De même que la communication continue, prolonge et complète la conversation intérieure (que nous reprenerons et continuerons après notre communication), de même la théorie de la justice continue, prolonge et complète la théorie de la sympathie. Entre les principes de justice et l'amour de l'humanité, il y a, cependant, bel et bien une solution de continuité, au double sens du terme: solution au sens du coupure, car on passe de la solidarité concrète entre prochains à la solidarité abstraite, mais

néanmoins réelle entre étrangers, entre citoyens anonymes; et solution, au sens de résolution, car en appliquant le dispositif on peut penser que les citoyens instaureraient un système social de solidarité bien ordonné qui prenne en compte non seulement les droits de chaque citoyen, mais aussi les besoins des plus faibles. Cette solution, c'est l'Etat social, l'Etat solidaire, l'Etat providence qui garantit les droits de tous et de chacun et pourvoit aux besoins des plus faibles. Sans doute que dans une petite communauté d'amis, on pourrait faire mieux et instaurer un système général de bienfaisance où chacun est co-responsable de son prochain ("un pour tous, tous pour un"). Dans une société de saints, on n'aurait même plus besoin d'instaurer un système d'assurance et de prévoyance, car spontanément, chacun serait bon et ferait le bien sans compter, jusque parce que c'est lui, parce que c'est moi. Mais dans une société humaine et complexe comme la société moderne, nous devons au moins mettre en place des institutions justes et fortes qui garantissent à chacun son droit et pourvoient aux besoins des "petits" et, ce faisant, médiatisent la relation courte de personne à personne par une institution objective qui traite chacun de façon impartiale – *ohne Ansehen des Persons*, de façon froide et indifférente, mais juste, sans égards pour la personne.

2.2.5. *L'anthropologie philosophique*

Reprenons le chemin de la croix. Moyennant un détour par la nouvelle éthologie, nous étions arrivés avec Caillé et de Waal à la conclusion que les animaux, du moins les plus anthropoïdes parmi eux, sont des êtres sociables et conscients, capables d'éprouver les sentiments moraux de l'empathie, de la sympathie, voire même de la compassion et du pardon. Tirant le filon de la sympathie, nous avons ensuite délaissé nos frères et soeurs de la faune pour nous pencher sur le sort de notre prochain et de notre voisin dans la Cité des hommes. Par une extension méthodique et une généralisation controlée de la sympathie au-delà du cercle de la sociabilité première qui nous relie directement à autrui, nous avons introduit la figure du spectateur sympathique impartial afin de montrer comment on pourrait systématiquement relier la fraternité à la solidarité et la solidarité à la justice. En bonne compagnie des pragmatistes américains (Mead) et des moralistes écossais (Adam Smith), nous avons parlé de l'autrui généralisé. Nous avons même dit que, à la limite, sa perspective est co-extensive à celle de l'humanité, mais, par dessein, nous n'avons pas dit que la perspective impartiale correspondait à celle de Dieu.

Nous sommes restés dans la cadre de l'histoire humaine. Même si nous inclurions contrefactuellement les générations à venir dans la situation originelle, comme le fait Rawls à la page finale de son livre, pour accéder ainsi à une perspective élargie et englobante qui permet d'analyser les sociétés contemporaines *sub specie aeternitatis*, nous n'aurions toujours pas quitté le cadre de l'histoire humaine. Pour quitter le domaine de l'homme, il faut identifier la perspective supérieure englobante à la justice de Dieu. Si l'Alter est l'Autrui de l'Altar, comme l'affirment les croyants, alors nous quittons la Cité des Hommes et entrons dans la Cité de Dieu. Avec la sympathie généralisée et la solidarité universelle, nous sommes arrivés au seuil de la Cité de Dieu. Pour y entrer et accéder au Salut, nous devrons passer de la sympathie entre les voisins et de la solidarité parmi les humains à l'amour avec et en Dieu (*amare in et cum Deo*).

Mais avant d'entrer en procession dans la Cité de Dieu, jetons encore un regard compréhensif sur la nature de cette créature remarquable qu'est l'homme. La question de la nature de l'homme est à la fois extrêment problématique et simplement incontournable. Toute réflection scientifique, philosophique et théologique contient inévitablement une vision de l'homme. Celle-ci peut-être implicite ou explicite, mais elle est incontournable. Il n'y pas de sociologie ni d'anthropologie ni d'éthnologie ni d'éthologie ni de théologie sans anthropologie philosophique sous-jacente. Dans la mesure où l'anthropologie philosophique est la métascience par excellence, toutes les sciences, y compris les sciences religieuses, sont et font, d'un façon ou d'une autre, des sciences humaines. Ce qui est vrai pour l'anthropologie du don l'est également ment pour la théologie de la donation (du moins si l'on évite le "conflit des facultés" et accepte que la théologie fasse partie des humanités, des *Geisteswissenschaften*, des *moral sciences*). On pourrait même renchérir sur cette affirmation et dire qu'il n'y pas d'anthropologie philosophique et pas de théologie qui ne soit pas pertinente d'un point de vue politique et sociologique ou, inversement, qu'il n'y pas de sociologie et pas de politique qui n'implique pas l'anthropologie philosophique et la théologie. En effet, tous les concepts fondamentaux des sciences humaines sont des concepts sécularisés.

2.2.6. *L'ange et la bête, l'ami et l'ennemi*

Traditionnellement, l'homme est conçu comme un être intermédiaire entre l'animal et Dieu. Mi-ange, mi-bête, l'homme est soit vu comme une sorte d'ange déchu, tombé du ciel, ou comme un être vivant qui provient de la terre. Qu'il soit le résultat d'une création par Dieu en un jour ou d'une évolu-

tion millénaire, l'homme arrive toujours à la fin de l'histoire naturelle et comme pointe consciente de l'univers (du moins du nôtre, car jusqu'à aujourd'hui, faute de communication, nous ne savons toujours pas s'il y a des êtres conscients, voire même des civilisations intelligentes sur d'autres planètes dans d'autres galaxies). L'homme est non seulement un bipède sans plumes, comme le disait le Stagyrite, mais aussi un être bifront à double visage – avec une face angélique et sympathique et une autre violente et diabolique.

Dans la philosophie politique, le grand clivage apparaît entre ceux qui croient que l'homme est bon et ceux qui croient que l'homme est mauvais. Il s'agit-là d'une simplification outrancière – comme le disait justement Rabindranath Tagore: "L'homme est bon, mais les hommes sont cruels" – mais pour les besoins de la démonstration, je m'en tiendrai à cette opposition binaire et je la relierai à l'opposition entre l'ami et l'ennemi qui constitue l'essence du politique selon Carl Schmitt. Je sais que Carl Schmitt, ce philosophe nazi ou, pire encore, ce nazi philosophe, n'est pas une référence, mais si j'invoque ce diable, c'est bien parce qu'il qu'il a réussi à tirer avec lucidité toutes les conséquences politiques de l'anthropologie philosophique qui considère l'homme comme un animal antipathique et dangereux.

Si l'homme est bon et, donc, un ami de l'homme, alors on peut lui faire confiance et on n'a pas besoin d'institutions fortes pour le dompter et le domestiquer. Comme il est, par nature, dans l'aimance et dans l'alterité, il arrivera spontanément à la convivialité de l'association et à la démocratie de quartier. Si, en revanche, l'homme est mauvais, par nature, alors la démocratie n'est pas vraiment une option. L'homme étant l'ennemi de l'homme, il faut une main forte et autoritaire pour le calmer, le dompter et le discipliner. Entre Rousseau et Hobbes, Smith et Schmitt, il faut choisir. Et même si on choisit pour le bien commun et fait confiance à l'homme, comme le font les humanistes et les chrétiens réunis dans cette salle, il n'en reste pas moins que qui veut faire l'ange fait la bête, comme nous le rappelle Caillé, et qu'on ne peut pas définir les amis qui sont membres de la société sans désigner en même temps ses ennemis. Pour Schmitt, toutes les marquers diacritiques qui différencient l'apparence d'un homme d'un autre, tels que la race, l'ethnie, la nation, l'idiome ou la religion, peuvent être mobilisés à des fins politiques et conduire à l'unification interne des membres de la société contre un ennemi publique qui lui est extérieur. En cas de guerre civile, comme en Bosnie ou au Rwanda, le conflit clive la société de l'intérieur et oppose les anciencs amis aux nouveaux ennemis qui se combattent, si nécessaire, jusqu'à l'extermination. La logique du politique est implacable. D'après Schmitt, c'est toujours au nom de la paix qu'est menée la

guerre la plus effroyable; l'inhumanité la plus atroce est commise au nom de l'humanité, si ce n'est de la Divinité. Conséquemment, Schmitt interprè-te le concept d'humanité comme un concept polémique et idéologique. "Qui parle d'humanité veut tromper" (*Der Begriff des Politischen*, p. 55). Dans une phrase désolante et méprisante, notre philosophe fascis-te n'hésitait pas à écrire que "l'humanité équivaut à la bestialité".

Si j'invoque Carl Schmitt dans ce lieu saint, ce n'est évidemment pas par-ce que je l'approuve, mais parce que l'opposition binaire entre l'ami et l'en-nemi permet de clarifier davantage le croix caillésienne. Elle ne fait pas par-tie de l'analytique du don qui distingue, comme on l'a vu et longuement dis-cuté, quatre ressorts de l'action (l'intérêt, l'aimance, l'obligation, la liberté), mais elle fait bien partie de la théorie anthropologique de l'action. Si l'ana-lytique du don travaille les dimensions horizontale et verticale du système du don, sa théorie anthropologique de l'action travaille les diagonales. Si la première diagonale, celle de l'*agon* qui oppose l'ami à l'ennemi, est Schmit-tienne, la seconde, celle de la sympathie qui relie les hommes entre eux dans une société bien ordonné, est Smithienne, mais elle deviendra Schélérienne lorsqu'on passera avec le mentor de Jean Paul II de la sympathie universel-le à l'amour que relie les hommes à Dieu et les hommes entre eux dans la Cité de Dieu. En introduisant les diagonales du don et de la donation dans une figure, on obtient la croix de Saint André. Voilà ce que ça donne:
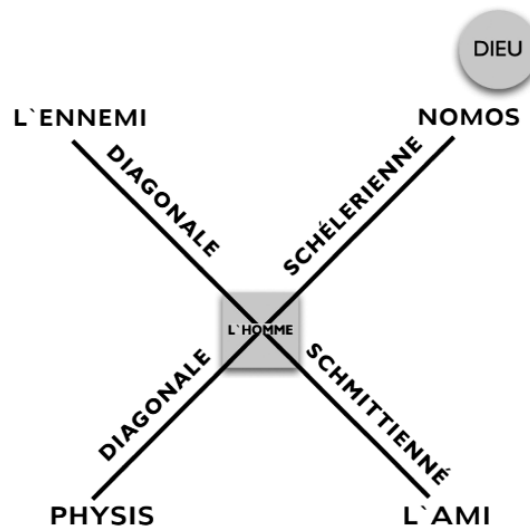
Figure 4. Les Diagonales.

A l'entrecroisement des diagonales nous trouvons l'homme. Il est "l'opérateur de la mesure", comme disait Aristote. En effet, comme nous sommes toujours dans la Cité de l'Homme, l'homme est la mesure de toutes choses (*homo mensura*). Comme le disait Protagoras dans un aphorisme classique et souvent mal interprété: "L'homme est la mesure de toutes choses, de celles qui sont pour ce qu'elles sont, et de celles qui ne sont pas pour ce qu'elles ne sont pas". Plus loin, lorsque nous passerons de l'anthropologie du don et de la sympathie à la théologie de de la donation et l'amour, nous introduiserons un "opérateur de l'infini" dans notre système. Nous arriverons alors jusqu'à Dieu et le penserons comme mesure des mesure qui détermine ce qui est et ce qui sera, ce qui n'est pas et ne sera pas, et, enfin, lors du Jugement final, qui sera et qui ne sera pas.

2.2.7. *La Chambre de la Signature*

Regardons les diagonales de plus près. La diagonale Schmittienne définit les politiques de l'amitié et de l'hostilité (de *hostis*, à ne pas confondre avec la hostie qui, elle renvoie étymologiquement au sacrifice) et définit les relations non seulement entre les amis – au sens large du terme, qui inclut aussi bien ceux qui sont proches (la famille et nos meilleurs amis) et ceux qui sont lointains (les citoyens et les étrangers qui sont des concitoyens potentiels), mais aussi les relations entre les ennemis – au sens large du terme, qui inclut aussi ceux qui sont nos ennemis qui nous veulent du mal (nos adversaires et nos faux amis) et les étrangers qui veulent nos biens (les commerçants et les voleurs). La diagonale Schélérienne va de la nature à l'homme, et moyenant la double nature du Christ, de l'homme au surnaturel. En language des anciens, on dirait que la diagonale de l'humanité relie la *physis* au *nomos*, la nature à la loi (et l'au-delà des prophètes).

Pour analyser la Cité des hommes, déplaçons nous à quelques centaines de mètres d'ici et entrons aux Musées du Vatican. Dans la chambre de la Signature, nous pouvons voir une grande (440x770cm) et grandiose fresque de Raphaël, connue sous le nom de l'Ecole d'Athènes et qui représente les philosophes de l'Antiquité. Le peintre y a rassemblé les philosophes à l'intérieur d'un temple idéal, inspiré du projet de Bramante pour la réalisation de la basilique paléochrétienne de Saint-Pierre à Rome. A l'arrière plan, on trouve deux imposantes statues, celle d'Apollon sur la gauche et de Minerve sur la droite, tous deux protecteurs des arts et de la philosophie. Apollon représente la philosophie naturelle. En bas de lui, on peut voir la colère (le politique) et la convoitise (l'économie). Minerve représente la philosophie morale et en des-

sous d'elle on peut voir la vertue au dessus des nuages. Au deuxième plan, au centre et au point de fuite de la peinture, sont représentés les philosophes Platon et Aristote. Platon tient dans sa main un livre, le *Timée* tandis qu'Aristote a son *Éthique* à la main. Les gestes des deux philosophes – le premier tend sa main vers le ciel tandis que le second désigne la terre – offrent une représentation symbolique de leurs conceptions philosophiques et correspondent à notre diagonale schélérienne qui relie le monde sensible et immanent à l'arrière monde des Idées éternelles. Platon pointe vers le ciel, donc vers Dieu.

L'École d'Athènes, qui symbolise la philosophie et la recherche du Vrai, est en opposition avec la *La dispute du Saint Sacrement*, elle aussi peinte par Raphaël et qui représente la victoire de la théologie sur la pensée antique.

Dans cette fresque, on retrouve l'opposition entre la terre et le ciel. Dans la ciel, on retrouve la Sainte Trinité, accompagnée des figures de "l'Eglise triomphante" qui rassemble des prophètes, des apôtres et des saints autour du Fils, du Saint Esprit et du Père, en retrait, suggérant peut-être qu'il est inaccessible sans la médiation du Christ. Dans la partie inférieure du tableau, Raphaël a peint les personnages de "l'Église militante", docteurs de l'Église, pontifes et fidèles qui sont rassemblés autour de l'autel. Loin de la Sainte conversation, dont l'échange est plus d'ordre mystique qu'intellectuel, les personnages semblent tous ici affairés, échangeant des propos, gesticulant, pointant le ciel, d'autres personnages ou le Saint Sacrement, ou encore concentrant leur attention sur quelques écrits. Dans notre langage, je dirais que l'Eglise triomphante est dans la communion, tandis que l'Eglise militante est, comme nous-mêmes ici présents, engagée dans la communication.

2.2.8. *La Cité de Dieu*

Finalement, entrons en procession dans la Cité de Dieu. Passons de la communication à la communion, du don à la donation et de la sympathie universelle parmi les hommes à l'amour personnel et spirituel des êtres humains avec et en Dieu. Au milieu, au croisement, là où la terre et le ciel se touchent, nous trouvons un homme, un croyant, agenouillé, en prière. Cet être qui cherche Dieu et s'adresse à Lui en personne transcende l'humain. Pour comprendre l'homme, il faut comprendre Dieu, car l'homme devient humain en s'égalant à Dieu et en co-accomplissant les actes avec lui (la "vie dans l'esprit", pour parler comme l'Evangile). L'animal qu'est l'homme devient humain en cherchant Dieu. Comme le dit Scheler, "l'homme est le X vivant qui cherche Dieu" (*Gesammelte Schriften*, III, 186). En cherchant Dieu, il le trouve et, par là même, il se trouve. L'homme n'est qu'un animal plus développé aussi longtemps qu'il n'est pas, comme nous l'enseigne le Nouveau Testament – accueilli comme un membre du royaume de Dieu.

Cet homme qui prie n'est pas dans l'aimance ni dans la sympathie. Il est au-delà de ces sentiments moraux, nobles et bons, sans doute, mais néanmoins humains, trop humains. Il est dans l'amour de Dieu, Dieu est en lui comme il est en Dieu. Il est en communion avec Dieu comme Dieu l'est avec le Fils et le Saint Esprit. Dieu n'entre pas dans ses conversations internes comme un visiteur passager. Il est désormais un interlocuteur permanent et essentiel de son for intérieur. Cet homme qui croît, qui prie avec ardeur est au-delà du bonheur, il partage la joie céleste et est dans la béatitude, à la limite même dans l'extase. Cet homme qui prie n'est pas un *homo donator*,

il est un *homo amans*. Un homme qui aime comme Dieu l'aime. Comme il a tout reçu par la grâce de Dieu, il n'attend plus rien en retour, mais veut donner plus, toujours plus.

Lorsque, après la prière, il rencontre sur son chemin un être humain ou un animal, il l'aime comme Dieu l'aime, en Dieu et avec Dieu. Partant du plus haut pour descendre au plus bas, son âme élève spontanément la créature à la hauteur de Dieu (comme la mère qui hisse l'enfant à la hauteur de son visage et le regarde dans les yeux) pour l'admirer dans sa particularité en lui dévoilant son destin personnel et sa destination individuelle. Pour le bienheureux qui a la foi, le monde d'ici-bas est un monde bien ordonné qui baigne dans les valeurs et qui fait sens. Le sujet qui aime, et qui aime de façon juste, redécouvre l'ordre objectif dans son for intérieur comme un écho venant du cosmos qui résonne dans son coeur. Comme disait Pascal: "le cœur a *ses* raisons" – ses raisons affectives qui renvoient à l'ordre hiérarchique des valeurs que je retrouve dans mon for intérieur. Lorsque le microcosme reflète ainsi le macro-cosme, l'harmonie céleste retentit dans l'âme et dans le cœur de la personne. En reprenant la vieille étymologie de la notion de personne – et Mauss nous rappelle que la personne est "l'être qui 'résonne' (de *per-sonare*) à travers le masque" –, on peut dire que la voix de Dieu s'exprime et résonne à travers la personne qui aime le monde avec passion. Dans cette perspective, l'amour apparaît comme le mouvement de l'âme réceptive et généreuse qui s'élance intentionnellement vers l'Autre (Dieu ou autrui) et, ce faisant, opère la jonction entre l'homme et le cosmos.

3. Conclusion: le mal commun

Maintenant que nous sommes, enfin, arrivés à la fin de notre latin, essayons de rassembler les éléments dans une nouvelle figure qui traduit les éléments de l'anthropologie et de la sociologie du don dans le langage de la théologie de la donation, et les met en communication. Les concepts centraux de la doctrine sociale sont reliés entre eux et forment un système solide et cohérent dans lesquels tous les éléments "con-spirent" vers le bien commun. La personne, la subsidiarité, la solidarité, le bien commun, tout se tient. La personne est crée à l'image de Dieu et est présociale; deux personnes qui se rencontrent dans l'amour de Dieu forment une famille nucléaire (la sphère privée); l'ensemble des familles forment des corps intermédiaires (la sphère privée-sociale des associations) qui, ensemble, forment la grande famille qu'est la société. Comme chacune des cellules qui forment le corps social, la société est conçue comme une personne sociale

qui aspire au bien commun. En tant qu'ensemble organique, unifiée à tous les niveaux dans et par l'Esprit, la société est une "unité d'ordre" (Hittinger). Durkheim avait bien vu la co-naissance de la société et de la religion, sauf évidemment qu'en tant que sociologue il en avait conclu non pas que la société est religieuse, mais que la religion est sociale.

Selon la vision aristotélo-thomiste, la société est une société bien ordonnée lorsqu'elle aspire au bien commun et le réalise. L'Etat et le marché qui émergent avec la modernité brisent le monopole de l'Eglise et perturbent le bien commun. Contre l'Etat, la doctrine sociale introduit le principe de subsidiarité et contre le marché elle invoque la solidarité. Pour obtenir une vision de la sociologie de la doctrine sociale, il suffit de superposer les institutions sociales du don à celles de la donation et de traduire le language cyclique de Caillé dans le langage encyclique de Donati (cfr. fig. 5).

Deux siècles après la Révolution française et presqu'un siècle après la Révolution russe, l'Eglise commence à se rendre compte que, avec la globalisation économique et technologique – et je ne parle même pas de la troisième guerre mondiale qui a déja commencée –, nous sommes au liminaire non seulement d'un nouveau millénaire, mais d'un nouveau type de civilisation qui conduit à sa propre destruction. L'intégration des révolutions tech-
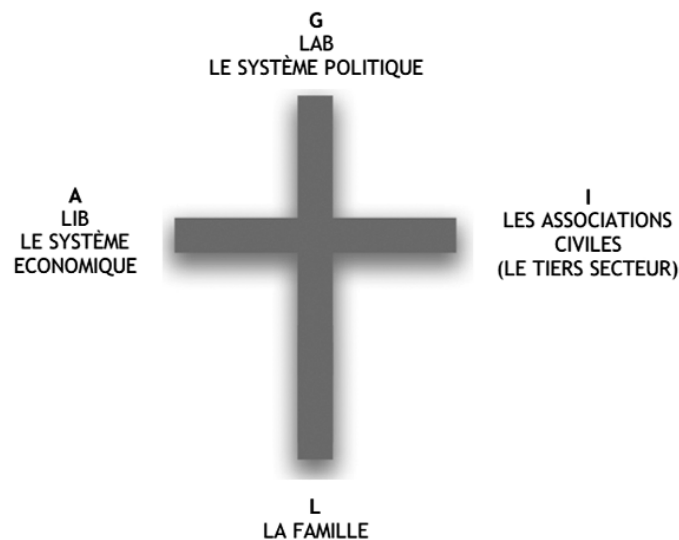
Figure 5. Du Don et de La Donation à Donati (Agil).

nologiques (nucléo-bio-nano-cyber) et économiques (le néo-libéralisme, le post-fordisme, le post-industrialisme) finissent par converger dans un seul et unique système – le "système-monde". Sur la défensive, l'Eglise en appelle à une nouvelle alliance de la société civile mondiale contre le marché global. Se méfiant comme toujours des Etats, qu'ils soient libéraux (Lib) ou sociaux (Lab), elle en appelle à une nouvelle synthèse de la subsidiarité (Sub) et de la solidarité (Sol). Contre les solutions lib-lab, contre le marché et contre l'Etat, elle cherche à réactiver les corps intermédiares et à les organiser dans des réseaux locaux d'associations solidaires. Si la politique de l'économie solidaire est exemplaire et offre effectivement une solution locale à une problème global, elle n'offre pas pour autant une alternative fonctionnelle à la techno-économie mondiale. L'économie solidaire ne forme que le "sous-sol" (Sub+Sol) d'une nouvelle cosmopolitique; pour avancer vers le bien commun, il faut intervenir à tous les niveaux, non pas seulement en dessous de l'Etat, mais aussi au-dessus de l'Etat, et surtout, dirais-je, à travers l'Etat. Les associations de la société civile doivent investir non seulement dans l'économie, mais aussi dans l'Etat, car l'Etat est et reste un acteur crucial sur l'échiquier mondial. Si l'Etat s'ouvre à la société civil globale et entre en synergie avec elle, si l'Etat-national devient un Etat cosmopolite, il pourrait bien être le carrefour d'une autre politique mondiale. En négligeant l'Etat, la doctrine sociale rejoint paradoxalement les libéraux et les marxistes qui insistent que le marché est en train de supprimer les Etats.

Le socialisme d'Etat n'a pas survécu la fin de la guerre froide (sauf en Chine et en Corée du Nord). Faute d'ennemi, le capitalisme est devenu mondial, tandis que les civilisations sont montées les unes contres les autres. Contre la globalization techno-capitaliste et l'anti-globalization terroriste, il faut inventer un nouvel humanisme qui soit à la fois cosmopolite, écuménique et planétaire. En accord avec le principe de subsidiarité, il faut traiter les problémes à leur 'propre' niveau (see Hittinger, pp. 75-123).

Comme il s'agit de l'avenir de l'Humanité, il faut traiter les problèmes au niveau mondial et penser non seulement le concept de la subsidiarité, mais aussi de la *supersidiarité*. Comme concepts fondamentaux d'une cosmopolitique universelle qui vise le bien commun, je propose la redistribution matérielle, la reconnaissance interculturelle et la conscience planétaire personnelle auto-transformatrice. Pour dépasser le clivage entre le Nord et le Sud, il faut redistribuer les richesses matérielles entre les pays pauvres sous-développés et les pays riches sur-développés; pour dépasser le choc entre et à l'intérieur des civilisations de l'Ouest et de l'Est, il faut un dialogue intercivilizationnel et interreligieux et, *last but not least*, pour sauver notre planète il

faut que tous et chacun de nous prenne conscience de notre humanité com-
mune. Comme la seule et unique chose que nous pouvons changer mainte-
nant est nous-mèmes, commençons donc avec une révolution intérieure,
une conversation interne et une conversion personnelle. Mais cela n'est
qu'un début pour une transformation progressive à tous les niveaux et de
toutes les instances d'ordre supérieur. Il faut imbriquer toutes les instances
à tous les niveaux pour que les religions universelles, les civilizations, les
Etats-nations, les communautés régionales, les associations locales et les
personnes individuelles "con-spirent" vers la paix universelle.

L'impulsion morale et spirituelle doit en effet venir de la société civile
mondiale, mais si la société civile dispose de la légitimité, il n'en reste pas
moins que d'un point de vue juridique et politique, l'Etat reste le seul acteur
légal. Bien qu'elles parlent au nom de tous, les organisations non gouverne-
mentales ne sont pas élues. Pour penser la mondialisation, il faut penser
une synergie entre la société civile globale et les Etats-nations et penser cet-
te synergie non pas comme un jeu à somme nulle, mais comme une mor-
phogénèse radicale qui transforme à la fois l'Etat et la société civile en
imbriquant non seulement la solidarite et la subsidiarité, mais aussi le libé-
ralisme et le socialisme. L'Etat qui s'ouvre à l'appel venant de la société civi-
le globale et qui le transmet au niveau transnational, je l'appelle Etat cos-
mopolite. La fédération des Etats cosmopolites qui forment un ordre bien
ordonné, garantissant la paix universelle et veillant au bien commun, je
l'appelle la République universelle des états et des peuples unis.

J'arrive à la fin et comme je l'avais prédit au début, la communication
n'est pas identique à la communion. La communication présuppose le
conflit et propose le dialogue comme moyen pour surmonter le différend.
Sans doute que nous n'arriverons pas à un consensus sur le bien com-
mun. Le débat sur le bien commun est un débat millénaire et séculaire
qui implique et invoque toutes les visions du monde, de l'Est et de l'Ouest,
du Sud et du Nord. Mais si nous n'arrivons pas à un consensus sur le bien
commun et le meilleur des mondes, je vous quite et je vous salue en espé-
rant que nous réussirons au moins à définir le mal commun et le pire des
mondes. Le mal commun, c'est la conjonction d'une politique du pire qui
continue la guerre et de la pire des économies qui transforme tout, y com-
pris la personne, l'âme et l'esprit en marchandise. Bref, le mal commun,
c'est le colonialisme au sens le plus large du terme.

PAR CUM PARI
NOTES ON THE HORIZONTALITY OF PEER TO PEER RELATIONSHIPS IN THE CONTEXT OF THE VERTICALITY OF A HIERARCHY OF VALUES

MICHEL BAUWENS

Introduction

This essay has several aims. Firstly, we aim to offer an ethical evaluation of the emerging mode of peer production, governance and property, and see how it stacks up as an implicit or explicit expression of a number of ethical values. We will also specifically examine whether peer to peer represents an opportunity for a more complete realization of the aims of the social doctrine, in terms of its four key principles (i.e. personhood, common good, solidarity and subsidiarity).

1. DEFINITION AND DESCRIPTION

We define peer to peer as the relational dynamic in distributed networks. Distributed networks are networks where individuals do not need permission to undertake actions and engage in relationships, because they are in control of their own productive resources, and therefore can undertake the production of common value through the self-aggregation of resources.

In our contemporary context, this means access to our own creative capacities, computing power as well as access to the communication networks, so that production of common 'immaterial' value can occur.

As distributed networks, mostly in hybrid formats but nevertheless allowing for an unprecedented level of self-aggregation, are becoming the mainstay of our technical and social organization, our societal organization is in for an unprecedented overhaul.

Some important characteristics are the following:

As long as the self-aggregation occurs on the level of immaterial resources, i.e. resources that are copy-able and capable of being distributed on a massive scale at marginal cost, the creation of social value can occur outside the institutional field of both corporations and the state

Since every physical production nevertheless is based on design as an immaterial process, peer to peer dynamics also have an important influence on how physical production will be organized.

Peer to peer dynamics create three important new social processes and institutional realities:

– *Peer production*, as the generalized ability to create social value through self aggregation
– *Peer governance*, as the generalized ability to manage this self-aggregation outside of market pricing, hierarchical mobilization of resources, or democratic negotiation (all three needed as potential mechanisms allocating scarce resources, but not in a sphere of self-aggregating abundant resources)
– *Peer property*, as the ability to protect the common value creation from private appropriation. This takes the form of new non-exclusionary, shared property formats, such as the Creative Commons and General Public License, which differ both from public/state/collective and from private exclusionary property.

Peer production has already created three emerging but already rather solid economic models:

– The *sharing economy*, where individuals use proprietary platforms to share their creative expression, with the model being funded through the monetization of their attention (YouTube, Google, Flickr, etc…)
– The *commons economy*, where communities are engaged in the self-managed production of common artefacts, aided by for-benefit institutions who manage the infrastructure of cooperation without a for-profit motivation; and surrounded by an ecology of businesses creating 'scarce' and marketable added value around that commons; returning some of the proceeds through benefit-sharing (i.e. generalized support of the infrastructure of cooperation instead of individualized payment and profit-sharing). Examples are Linux and Wikipedia.
– The *crowdsourcing economy*, where businesses create marketplaces for the self-aggregation of freelance labour, and profit from the transaction

fees, or else integrate self-aggregated minpreneurs into their own productive chains. Examples: Cafepress, Threadless, Istockphoto, Lego Factory.

The peer to peer dynamic is also already responsible for the emergence of three related social-political movements:

– The *open/free movements*, which ensure that open and free raw material is available for the cooperation to occur (free software, open access publishing, open content, etc…).
– The *participatory movements*, which are responsible for designing inclusionary processes of social cooperation, based on very low thresholds for participation.
– The *commons-oriented movements*, based on the creation of common value that is universally available to all regardless of purchasing power.

These three social movements correspond to the objective necessities for peer production to occur, i.e. open and free input, participatory processes, and commons-oriented output, which in turn guarantees a new layer of open and free input. This process, the circulation of the common, is how peer production guarantees its social reproduction and viral reproduction throughout our social system.

We have to state here a strong and perhaps provocative hypothesis, that we call *the law of asymmetrical competition*:

– Whenever a for-profit entity, based on closed intellectual property, excluding participation, and without any commons oriented output, is faced with a for-benefit institution that can draw on the participation of a passionate community of peer producers, the latter will in the end prove more competitive, productive and efficient.
– The first corollary of this is that institutions (both corporations and public authorities), which integrate open/free, participatory and commons oriented practices, will be more competive than their counterparts.
– The second corollary is that peer production projects which can rely on a business ecology that practices benefit-sharing and can sustain the infrastructure of cooperation, will have advantages over those that do not do so.

The last corollary means that community-based peer production and business entities are not in a antagonistic, but complementary relationship, while the first one ensures the further spread of peer production into our social system through the adaptation by the owners of capital goods, result-

ing in a new substratum of netarchical capitalists, who enable and empower participation as their main strategy for value capture.

Why should the above law of asymmetrical competition, exemplified by the success of common artefacts such as Linux and Wikipedia, be true?

We attempt to explain this in the second section, where we explain that the increased efficiency is not just objective, but also has ethical elements which make peer to peer processes ethically attractive.

Figure 1. Summary of P2P production, governance, and property as 3rd modality of value creation.

2. ETHICAL EVALUATION OF P2P DYNAMICS

P2P as a Social Process Based on Equipotentiality

In this section, we would like to attempt an explanation on why peer production is such a strong candidate for a new social model. We are using a graph derived from the work of Pierre Levy on collective intelligence.

Levy: from the molar to the molecular			
	Archaic	Molar	Molecular
Life	Natural Selection (natural time)	Artificial Selection (generational time)	Genetic splicing (real-time)
Matter	Mechanical (outside)	Thermo-Dynamic (Warming)	Nanotech (cold)
Information	Somatic (co-presence)	Mediatic (mass)	Digital
Human Groups	Organic	Organizational	Self-organized

Figure 2. Pierre Levy on the evolution of collective intelligence.

What transpires from Levy's examination[1] of both social control, as well as power over nature is the increasing ability to start from the building blocks themselves. The broad movement is from a limited ability to influence nature and sociality as it is given 'externally', in a very broad 'wholistic' way (premodernity), to the ability to influence collective 'molar' building blocks of such systems, i.e. a mass or group orientation (modernity) and finally to the level of individuality (postmodernity). This

[1] Pierre Levy, *Collective Intelligence,* Basic Books, 1997, 277 p.

is true for the mastery of organic life processes through knowledge of genetics dealing directly at the DNA level; for the control of inorganic matter through material sciences involving an ability to work at the molecular and atomic level with nanotechnology; and for the intellect and cultural/social sphere, which is moving from institutional/organizational intervention to the self-organized peer to peer level. In this context, the evolution of peer to peer dynamics can be seen to be in line with a broad evolution towards direct intervention through self-organized systems. Practices at this level of complexity, which tend to be more efficient and productive than previous models, thereby creating more surplus value and innovation in the societies practicing them. The surplus of peer production tends to occur at this stage at the level of immaterial, cultural, intellectual, relational and spiritual wealth, in a way that can complement but also replace current logics of material accumulation.

It is here that I would like to introduce equipotentiality as the metaphysical basis of peer to peer relationships, as it is even more fine-grained that the individuality and individualism that was developed through modernity. We could say that just as modernity developed all the implications of individuality, peer to peer processes develop all the implications and potentialities of relationality. Indeed, equipotentiality means the capacity of social systems to directly access the various skills of individuals, which can be aggregated selectively by the individuals themselves. Through equipotentiality, individuals allocate partial skills and effort to common value creation, finding identity and recognition through their engagement in such common projects. It's an object-oriented sociality, organized around transcendent objects and goals, that structure the peer to peer social system and the individuals within it.

This means that everyone can potentially cooperate in a project, that no authority can pre-judge the ability to cooperate, but that the quality of cooperation is then judged by the community of peers, i.e. through *Communal Validation*. In other words, distributed production is matched with distributed control mechanisms, through collective choice systems that avoid the emergence of 'representative' collective individuals which would crystallize to take control of the social process. *In equipotential projects, participants self-select themselves to the module to which they feel able to contribute.*

Charles Leadbeater, in *We Think* summarizes the explanation of Yochai Benkler, referring to his landmark book on 'The Wealth of Networks':

> *Benkler's explanation for how open source communities coordinate themselves runs something like this. The raw material of these col-*

laborations is creative talent. But creative talent is highly variable. People are good at different things and in different ways. It is very difficult to tell from the outside, for example by time and motions studies, who is the more effective creative worker. It is very difficult to write detailed job descriptions and contracts for creativity, specifying what new ideas need to be created when. Creativity cannot be delivered just-in-time. *Open source communities resolve the difficulties of assessing creativity and quality by decentralising decision making down to individuals and small groups. They decide what to work on, depending on what needs to be done and what their skills are. There is little sense in working on a project that is already well staffed and where your contribution will add very little. It is very difficult to pull the wool over the eyes of your peers: they will soon spot if the contributions that you make do not really come up to scratch. That allows people to work on just their bit of the puzzle. Good central design rules allow the whole thing to add together. Work in open source communities gets done when creative people self-distribute themselves to different tasks, they submit their work to open peer review to maintain quality and the product has a modular design so that individual contributions can be clicked together easily:*[2]

The ethical implications of equipotentiality are well drawn out by Jorge Ferrer:

An integrative and embodied spirituality would effectively undermine the current model of human relations based on comparison, which easily leads to competition, rivalry, envy, jealousy, conflict, and hatred. When individuals develop in harmony with their most genuine vital potentials, human relationships characterized by mutual exchange and enrichment would naturally emerge because people would not need to project their own needs and lacks onto others. More specifically, the turning off of the comparing mind would dismantle the prevalent hierarchical mode of social interaction – paradoxically so extended in spiritual circles – in which people automatically look upon others as being either superior or inferior, as a whole or in some privileged

----

[2] Charles Leadbeater, draft of chapter 8 of his book, *We Think*, at http://wethink.wikia.com/wiki/Chapter_8_part_3

respect. This model – which ultimately leads to inauthentic and unful-filling relationships, not to mention hubris and spiritual narcissism – would naturally pave the way for an I-Thou mode of encounter in which people would experience others as equals in the sense of their being both superior and inferior to themselves in varying skills and areas of endeavor (intellectually, emotionally, artistically, mechanically, interpersonally, and so forth), but with none of those skills being absolutely higher or better than others. It is important to experience human equality from this perspective to avoid trivializing our encounter with others as being merely equal. *It also would bring a renewed sense of significance and excitement to our interactions because we would be genuinely open to the fact that not only can everybody learn something important from us, but we can learn from them as well. In sum, an integral development of the person would lead to a 'horizontalization of love'. We would see others not as rivals or competitors but as unique embodiments of the Mystery, in both its immanent and transcendent dimension, who could offer us something that no one else could offer and to whom we could give something that no one else could give*.[3]

An additional insight comes from John Heron, who writes about the co-evolution of hierarchy and participation.

The crucial insight is this: until the advent of peer production, individual autonomy in cooperation was limited to small groups, which were unable to scale because the transactional cost of organizing commonality required hierarchical structures. However peer production is the ability to globally coordinate a multitude of cooperating individuals and small groups, and in such a way that small group dynamics, i.e. peer governance as the ability to manage such common projects, remain at the core of the process of value creation, and no longer at the periphery. There may new forms of hierarchy (of merit, engagement, and entanglement within the networks), but they cannot be equated with command and control mechanisms. This means that productive processes can now be autonomous and cooperative, which is a potentially important social advance. Until today, democracy and participation were limited to choosing representatives in the political field, while production itself remained a hierarchical and non-participatory process. We

---

[3] Jorge Ferrer, http://www.estel.es/EmbodiedParticipationInTheMystery,%201espace.doc

should further note that peer production is not limited to the business or eco-nomic field, but can be applied to every form of value creation. Autonomy-in-cooperation becomes scalable throughout the social field.

There is of course much to say about peer governance itself, where pow-er becomes inter-dependent, since it is based on voluntary contributions and not on wage-dependency, and such power can only be consensual. (however, power can and does hide in the invisible architectures of the design of such social systems, requiring a literacy of cooperation from the cooperating communities, who need to become adept at value-sensitive design, so that diversity and autonomy are stimulated).

As John Heron says in concluding his examination:

> *the sole role of hierarchy is in the spontaneous emergence in the initi-ation and continous flowering of autonomy-in-cooperation, in all spheres of human endeavour.*[4]

The Evolution of Hierarchy (1)

	Degrees of Moral Insight	Relationship between hierarchy, cooperation, autonomy
Premodern	no rights of political participation	Hierarchy defines, controls and constrains co-operation and autonomy
Early Modern	political participation through representation	Hierarchy empowers a measure of co-operation and autonomy in the political sphere only
Late Modern	political representation with varying degrees of wider participation	Hierarchy empowers a measure of co-operation and autonomy in the political sphere and in varying degrees in other spheres
P2P Era	equipotential rights of participation of everyone in every field	The sole role of hierarchy is in its spontaneous emergence in the initiation and continuous flowering of autonomy-in-co-operation in all spheres of human endeavor

by John Heron

Figure 3. John Heron on the evolution of hierarchical models.

[4] Derived from: Heron, John, *Sacred Science*, PCCS Books, 1998.

Passionate Production as a Superior Modality of Value Creation

The following figure, partially inspired by the work of Timothy Wilken on the evolution of synergestic approaches to human cooperation, shows the basis of the efficiency of peer production as compared to other modes of value creation, and why the law of asymmetric competition is a valid hypothesis.

Let's start with motivation. Pre-capitalist models, i.e. slavery and feudalism, were based on coercive cooperation, whereby the real producers of wealth had to respectively give away the totality (slaves) or a part (serfs) of their production. While the motivation of serfs would be obviously superior to that of slaves, neither group would be motivated to produce beyond subsistence without coercive pressure, and while slavery-based societies are notorious for their lack of technical innovation regarding human work, medieval feudal societies fare better, but are still characterized by very slow productivity growth, with the majority of the population not moving substantially beyond subsistence levels. Both systems are of course determined by 'extrinsic negative' motivation, i.e. ultimately fear, the lowest possible form of human motivation in terms of efficiency.

One could argue that the great social advance of the capitalist mode is to change the extrinsic negative motivation into a positive one, i.e. mutual self-interest. Ideally, all parties exchange equivalent value with each other. The result has been an unprecedented rise in productivity and efficiency, but with a high social and natural cost. Indeed, while coercive modes can be characterized (in game theory format) as win-lose dynamics, capitalism's win-win is still very limited (and of course, in reality, that ideal is rarely attained): parties in a market exchange cannot and do not take into account any externalities, whether it be social or natural.

This is why a for-profit enterprise can only innovative relatively, i.e. strive for relative quality, while a for-benefit community cum institution can and does strive for absolute quality.

Peer production therefore, is characterized by the filtering out of both negative and positive extrinsic motivation, leaving only intrinsic positive motivation, as the sole motivator. In other words, this system of voluntary contributions thrives on human passion and the search for creative expression, social recognition, and the need for meaning in the process of common value creation.

Peer production is therefore highly efficient, based on a quest for absolute quality, and wherever this mode becomes economically feasible because of the drop in coordination and transaction costs, will generally tend to drown out competing modes.

However, in the transition period where peer production is a seed form, it will give rise to many different hybrid formats, involving cooperation with both state and private forms of production and governance.

Evolution of Cooperation			
"it's no longer about incentives, but about removing impediments"			
Time frame Typology =>	Cooperation & Motivation Formats	Game Typology	Quality of Cooperation
Pre-modern (feudal, imperial)	Adversarial Extrinsic negative	Zero Sum: Win-Lose "Power Game"	Low, 1+1<2
Modern (market, industrial)	Neutral Extrinsic positive	Zero Sum: Win-win: Draw "Money Game"	Average, 1+1=2
P2P era	Synergistic Intrinsic positive	The 4 wins "Wisdom Game"	High, 1+1>2

Figure 4. The hyper-efficiency of passionate production.

The Non-Reciprocal Logic of Peer Production

Historically, we have seen a succession of a tribal economy, primarily based on symmetrical reciprocal gift-giving, tributary economies based on a-symmetrical hierarchical allocation of goods according to social rank, and finally the dominance of market pricing mechanisms according to a logic of equivalent exchange.

What kind of social logic is behind peer to peer? As we will see, it is definitely not a gift economy based on reciprocity!

We are using the definitions of anthropologist Alan Page Fiske, who uses a fourfold typology of possible intersubjective relationships[5] based on

---

[5] Overview of the relational typology by Alan Page Fiske, at http://www.sscnet.ucla.edu/anthro/faculty/fiske/relmodov.htm

his research in his book, *The Structures of Social Life*, which he says are a valid 'relational grammar', for all cultures and temporalities.

According to Fiske, this would give the following:

Dominant in the tribal gift-economy:

> *In Equality Matching (EM) relationships people keep track of the balance or difference among participants and know what would be required to restore balance. Common manifestations are: turn-taking, one-person one-vote elections, equal share distributions.*

Dominant in the tributary economies:

> *In Authority Ranking (AR) people have asymmetric positions in a linear hierarchy in which subordinates defer, respect, and (perhaps) obey, while superiors take precedence and take pastoral responsibility for subordinates. Examples are: military hierarchies (AR in decisions, control, and many other matters) ; ancestor worship (AR in offerings of filial piety and expectations of protection and enforcement of norms), monotheistic religious moralities (AR for the definition of right and wrong by commandments or will of God).*

Dominant in capitalist economies:

> *Market Pricing relationships are oriented to socially meaningful ratios or rates such as prices, wages, interest, rents, tithes, or cost-benefit analyses. Money need not be the medium, and Market Pricing relationships need not be selfish, competitive, maximizing, or materialistic – any of the four models may exhibit any of these features. Market Pricing relationships are not necessarily individualistic.*

However, it is clear that the peer to peer dynamic is not covered by any of the first three definitions. As a reminder: peer to peer is based on voluntary contributions on the input side, but not to another individual, but rather to the whole collective project; and by universal availability on the output side. One can take without giving, and one can give without receiving anything back, though one has access, as have the non-givers, to the totality of the commons that has been created through this self-aggregation of effort.

Clearly, we are talking here about non-reciprocal, 'generalized' exchange, which do not fit the previous models. We therefore turn to Fiske's fourth model, which does give a correct definition of the intersubjective logic of peer to peer.

He calls it 'Communal Sharing' and it is dominant in the emerging peer to peer modes:

> *Communal Sharing (CS) is a relationship in which people treat some dyad or group as equivalent and undifferentiated with respect to the*

social domain in question. Examples are people using a commons (CS with respect to utilization of the particular resource), people intensely in love (CS with respect to their social selves), people who 'ask not for whom the bell tolls, for it tolls for thee' (CS with respect to shared suffering and common well-being), or people who kill any member of an enemy group indiscriminately in retaliation for an attack (CS with respect to collective responsibility).

We therefore would like to present an alternative account of social evolution, formulated by the Dutch author Wim Nusselder, which beautifully summarizes the point we are trying to make:

The primary economy is based on reciprocity, which derives from common ancestry or lineage. It is based on families, clans, tribes and exchange mostly operates through gifts which create further obligation. The division of labor is minimal and most often related to gender and age. The key question is 'to belong or not to belong'. Social groups are based and bounded by real or symbolic lineage. Wants are defined by the community. Leadership is in the hands of the lineage leadership.

The secondary economy arises together with power monopolies which engender coercion as a means to force cooperation. We enter the domain of class societies, and production is organized by the elite in power, which holds together through the symbolic power which transforms power into allegiance. Respect for power, in the form of tribute, taxes, etc. is normative. Distribution depends on your place in this chain of symbolic power. Wants are defined by the symbolic power with symbolic markers monopolized. The key question is: 'to deserve power or to deserve subjection'. Social groups are bound by allegiance to power. Leadership is political and religious. Relationships, i.e. allegiance, is highly personal.

The tertiary economy arises with the entrepreneur and capitalism. It is based on 'equivalent', i.e. 'fair' exchange, which is normative. Power arises from relative productivity, relative monopoly over a needed good, and from the wage relationship which creates dependence. Social groups are loose, and wants are determined by advertising and mimetic desire. Cooperation is no longer correlated to belonging. Relationships are impersonal.

The quaternary economy, based on peer to peer processes, is based on 'ideological leaders' which can frame common goals and common belonging and is based on membership and contribution. Contributing to the best of one's ability to common goals is normative and the key question becomes: to follow an existing group or to create one's own, i.e. to convince or be convinced. Contributions to many groups can overlap. Power is dependent on the power to convince.

From all of the above we are tempted to formulate a temporary conclusion: that peer production based on the intersubjective logic of 'communal shareholding', i.e. characterized by non-reciprocal generalized exchange between the individual and the collective, now a seed form present in a transitional economic regime, may well be the emerging logic of social and economic organization of a new political economy and civilization yet to arise.

What we arrived at as a preliminary conclusion is that peer to peer modes are highly efficient, are based on advanced modes of motivation and cooperation, and on an ethic of non-reciprocal giving and sharing.

What does this mean for the social doctrine of the Church? What challenge does non-reciprocity represent?

Updating the Social Doctrine in the Light of Non-Reciprocity

Let us briefly review the four pillars of the social doctrine, and make a preliminary examination of how the emergence of peer to peer modes may affect it.

Regarding personhood, there is no doubt that peer to peer modes respect personhood, and represent a 'relational augmentation' of individuality. Equipotentiality as the ethical and metaphysical principle underlying peer to peer, does not endanger any concept of personhood. We would argue that it represents a deepening of personhood and the possibilities of self-realization and autonomy-in-cooperation.

Regarding the common good, the peer production of common value is more respectful of the common good than market relations, which are genetically unable to take into account the necessary social externalities. Constitutively, peer to peer includes the convergence of individual and collective interest, so that individual effort strengthens the commons, which is universally available to all who need it. Some would suggest that forms of giving and sharing that do not require reciprocity would be ethically inferior to reciprocal giving, but I would suggest that the kind of giving and receiving that occurs in peer to peer, is related to the common, and represents an extension of the circle of care. But rather than rely on altruism, it relies on designing social systems so that individual and collective interests are aligned. Peer to peer dynamics do create strong personalized relationships amongst the core producers, but also allow for impersonal collaboration, while crucially enabling cooperation amongst strangers.

Peer to peer modes strengthen subsidiarity, in the sense that civil society organizations, in the new more 'informal' form that it takes in the P2P

context, increase their ability to create common value, and decrease the necessity for both the market and the state to intervene. Both market and state remain complementary, and can play a substantial role in enabling and empowering the direct production of social value, through open business models that include benefit-sharing practices, and Partner State policies which strengthen the infrastructure of social cooperation. However, we would argue that peer production truly 'realizes' subsidiarity, as it enables all types of value creation which were hitherto monopolized by private entities and subject to commodificaiton and market relations.

The challenge of peer to peer lies in the fourth pillar of the social doctrine: solidarity. It's an issue which peer production cannot solve on its own.

Peer to peer modes, because they rely on voluntary contributions are sustainable collectively, but not on the individual level. Projects can sustain themselves if they maintain the level of volunteering, but no individual can permanently maintain him or herself outside of the monetary system. P2P projects are essentially 'agnostic' as to the individual situation of the volunteers, as they rely on the surplus and abundance that they are able to mobilize through self-aggregation. It has no answer to the individual who cannot mobilize such resources (though it does create vast wealth in a commons mode which is universally available); and it has no mechanisms to monetarily sustain the volunteers, beyond the creation of satellite economies around the commons.

This poses not just a problem for the individual, but for society, as *it creates a 'crisis of value' for present market society*. Indeed, as increasing numbers of individuals choose passionate production, and the infrastructure for peer production continues to improve, the ability to directly create use value increases exponentially, but the ability of the market to monetize such social utility only rises linearly, creating a huge gap between the desire and potential for peer production, and the ability of individuals to sustain such choices. This is, in our opinion, one of the constitutive causes of precarity and precariousness amongst the new generations.

Society therefore needs a new mechanism of solidarity, but which cannot be a monetization based on profit-sharing, as this would simply 'crowd out' the willingness for non-reciprocal contributions. The solution then, would seem to be very similar to the one familiar to the Catholic Church in the Middle Ages, when nearly one quarter of the male population was supported in their spiritual production, through gifts to the Church. In contempary terms this would mean a unconditional form of support in the form of a basic income.

Such a basic income should not be seen as welfare, but as recognition by society and the market that social innovation has become the primary vehicle for value creation, and it would, in a transitory period, allow citizens to move more easily in and out of the market sphere, and manage their careers over the longer term, so that periods of peer production could be more easily inserted. Europe is already moving in that direction, through transitional labour market policies being developed in various countries, but it is still based on the premise that transitional periods are less productive than formal labour, while the new emerging realities point to the opposite, namely that value creation is highest through peer production, and not in the market sphere, which is becoming increasingly derivate vis-à-vis social innovation in the P2P sphere.

Before such basic income becomes a reality, open business models based on benefit sharing, and partner state policies should be supported.

In the longer term we have to ask the question about moving from a political economy where peer to peer is a subset of market relations in a context of infinite-growth capitalism, to a political economy where the market for scarce goods is a subset of a peer to peer economy and a civilization centered around the notions of the commons and direct value creation through civil society.

If infinite growth is indeed a logical and physical impossibility in the context of finite natural resources; and when the artificial scarcities currently impeding social cooperation and innovation will be increasingly seen as counterproductive, then such a shift might be seen as a conditional inevitability.

If we find a solution for the solidarity issue, and the right interface and combination between non-reciprocal peer production in the immaterial field; and cost-recovery mechanisms for the production of scarce rival goods, then the resulting society would be seen to be a more adequate expression of the value system expressed by the social doctrine.

For extensive documentation on the emergence of peer to peer formats throughout the social field, see http://p2pfoundation.net

Second Session

FAMILY AND EDUCATION

THE STATE AND THE FAMILY IN A SUBSIDIARY SOCIETY

PIERPAOLO DONATI

1. The paradoxes of state-family relationships as a result of Western modernization

1.1. *The relations between state and family, in societies guided by Western modernization, are marked by a double paradox*

I start by making a sociological observation. In advanced societies, the relations between family and state are characterized by two paradoxes. First: the state considers the family as a private matter (sphere), but it intervenes more and more in its internal and external relations to rule and control them. Second: the state intervenes in family life with the declared purpose to promote social cohesion, but we observe that, on the contrary, its interventions favour highly individualized (subjectivized) behaviours and increase both family and social anomie.

Evidently, there is something that does not work in the structural (institutional) mechanisms of the relations between state and family. The processes of family morphogenesis are widely pathologic, and the political-administrative system is one of the top responsible of such outcomes.

In this paper I want to assert that, to make the processes of family morphogenesis 'physiological' (that is 'healthy'), we need to modify principles and rules upon which the structure of relations between state and family is based, as well as the deriving interactions based on the principle of subsidiarity. There are many various meanings of the concept of subsidiarity. Here I assert a specific concept of subsidiarity. Its specificity lies in proposing a *relational approach* to the comprehension and practice of subsidiarity (that I will explain later on). In brief: the sense and operativity of subsidiarity can be fully understood only if it is combined with solidarity and structurally referred to the principles of the dignity of the human person and the common good.

I will try to explain how and why a society inspired by such principle of subsidiarity may produce a *virtuous morphogenesis*, rather than perverted, of family life.

1.2. *The double paradox just exposed enlightens and explains the current social phenomena being labelled as 'family changes' and the birth of 'new families' in highly modernized societies*

The family loses its traditional identity of married couple with children and broadens in many kinds of relations (Donati 2001). The relations are 'family' ones whether and because they own two basic features: they are relations of *affection* and *care*. What is stressed today is the emergence of *friendship families* as, at about the half of the past century, E.W. Burgess and H.J. Locke foretold the passage of the family *from institution to companionship*. The affection may have sexual contents, even if not necessarily. Care may be symmetrical (as in an adults' couple) or asymmetrical (by age or by different health conditions, as happens between adults and children or adults and elders). Those practising such relations do not assume particular positions distinguishing them by gender or a legally defined membership, because they decide to share only some aspects of their everyday life. In those relations, there is a care engagement, because there is someone taking care of someone else. The elements seeming to define tomorrow's family are the *sharing of affections and reciprocal care in everyday life*.

Behind those changes there is a whole society letting the family's boundaries fail or be crossed and reversed in many different ways. Historically, we must face an unprecedented problem of how to *re*-cognize (knowing ever again) what 'the family' is (Donati 2007a).

The state is the main actor of such process, at the same time necessary and problematic, of how one can re-cognize the family. It is necessary because of a series of reasons resulting from the practicability of laws and welfare entitlements. It is problematic because of the fluid feature of the relations it refers to. The most characteristic feature of the state's action towards family concerns how it handles the family's boundaries between what is 'private' and what is 'publicly notable' (or relevant) in family life. The *private* aspects (the wholly discretionary actions among the family's members) and the *public* ones (the expectations legally recognized as regards the family's members from the other social institutions, particularly from the political-administrative system) are constantly modified and shifted from private to public and vice versa. So family relations are constantly in *fluctuation*. They are redefined moment after moment, situation after situation.

Fluctuations regard the central axis of what constitutes the family, namely parents-children relations and couple relationships.

Let us take a look to the parents' duties towards their children. Some educational duties, once considered at parents' discretion, become publicly notable, namely they are sanctioned by law and must respond to the welfare machineries: a parent who does not take care of an obese child, may be declared unable to be a parent and its parental authority may be revoked; two parents teaching religion to their children may be charged with child abuse and be submitted to restrictive measures. The education of children is more and more entrusted to socializing agencies outside the family. Though those agencies do not reach the results expected, or generate perverse effects, the state introduces some new legislative norms to make parents newly responsible of their children's education. The result is that a parent does not know for what he/she is really responsible to their children.

Similar tendencies are evident in the couple relationships. Marriage is more and more privatized and abandoned. Agreements become implicit and latent. In this case, the result is that a partner does not know for what he/she is really responsible to the other.

To face those results we notice the spread of a new private contractuality, to which family life is entrusted. In the USA, prenuptial agreements report a great increase. In Europe, new agreements have been recognized, like *Pacs* (in France), *Lebenspartnerschaft* (in Germany), *civil partnership* (in the UK) as alternatives to the classical marriage. Those are only some examples of how family is privatizing itself through self-poiesis and, at the same time, it is privatized by the state, namely through public action. To someone, such correspondence seems to respond to the saying of the Roman Law: *ubi societas ibi jus*, meaning that the law would have the sole task to recognize what happens in the society; but things are not exactly like that: the law creates some new social forms, not only institutionalizing the existing ones. Is that subsidiarity?

Someone claims so (in fact, the supporters of the saying *ubi societas ibi jus*). In that case, the concept of subsidiarity corresponds to the family's privatization, supported by the state, implying a growing social fragmentation (rather than solidarity), a radical loss of common goods and a growing individualization clashing with the relational needs of the human person (which is an individual-*in*-relation).

So, in my opinion, the processes in progress do not go in the direction of a real subsidiarity but, instead, they are the effects of the *loss* of a real subsidiarity in the relations between state and family. This loss of subsidiarity creates the two paradoxes I was talking about (even if the family is a private sphere, it is more and more publicly ruled; even if the state intervenes

in the family to create social cohesion, it actually generates social fragmentation and anomie).

The overall results of this way of acting of the modernized societies are characterized by two tendencies: (i) the growing *indifferentiation* of the concept of family (particularly in the middle-upper and well-off classes) and (ii) the growing public *welfarism* to support those individuals being in problematic family situations (thus concerning especially families of low social position and more marginal ones, having no sufficient resources to privately solve their family problems). Those two processes are strictly linked to one another, thus being empirically shown by the fact that the welfare state (namely the scarce public resources that may be destined to the social situations of family need) treats families as a problem of poverty and social marginalization, rather than a problem of empowerment of families as such (the Italian example is emblematic, but the same may be said of the other Western countries).

Changes inside the family are characterized by those two tendencies, being the result of certain model of relations between state and family, that I call *lib-lab* (I will explain it later). The epochal change is highly ambivalent, showing positive and negative aspects. On the one hand, it certainly increases individual liberties (*lib* side) and a certain degree of individual opportunities (*lab* side). On the other, it nourishes conflicts (divisions), break-ups (divorces), weak and precarious forms of family life (single parents), abandonment and neglect towards minors, family violence and abuse, and new demographic imbalances.

We ask ourselves: is there an explication of such paradoxical dynamics, being typical of those societies that follow the model of the Western modernization?

Here I assert two theses.

My first one says that the paradoxes I am talking about can be explained by the fact that the principles controlling the relations between state and family are not able to generate a 'family', but they generate something else. The current leading principle is the compromise between State and Market (the *lib-lab* structure). The joined action of State and Market fragments the family and deprives it of any social subjectivity. The *lib-lab* configuration causes all those paradoxical phenomena which I have referred to.

My second thesis is that the modernized societies are in search of new remedies to their own perverse effects. Here the principle of subsidiarity becomes relevant. In first instance, it may be defined based on two complementary dimensions: (a) the state intervention must not substitute the fami-

ly (*defensive* dimension of subsidiarity) and (b) the intervention has to create the conditions for the families to increase their capabilities to be a family, to avoid fragmentation and anomie (*promotional* dimension of subsidiarity).

If we introduce the principle of subsidiarity, how will things go?

The most modernized societies are actually introducing many measures of family policy inspired by subsidiarity, but they do it with lack of lucidity and adequacy. They have no referring outline to steer them. Let us think of measures like *family friendly social policies*, *Allianz für die Familie*, *corporate family responsibility*, and so on. Such measures try to answer to the problems caused by the lack of aid to the family but, if their action system lacks in a real subsidiary orientation, they risk producing undesired effects and negative consequences on the family. In fact, self-reference and enclosure of societal systems (State and Market above all) still do not permit to 'see the family', but only living arrangements, which are only shadows of the family.

Why can we still talk of a 'family specificity' distinguished from other forms of cohabitation? Is the family still a necessary social form? Is state subsidiarity still able to distinguish the various kinds of families without discriminating any of them? How can the principle of subsidiarity be extended from the state (subsidiary *state*) to the whole society, especially all the actors of civil society (subsidiary *society*)?

Twentieth century society tried to realize social solidarity towards family through the welfare state, rather than subsidiarity. That is why solidarity did not work or caused negative effects. Today, families enjoy more liberty than equality of opportunity and solidarity. Maybe a different way to inflect subsidiarity could put right the failures of the welfare state towards families. The twenty-first century society must newly inflect solidarity with subsidiarity. That is why I believe that we must talk not only of a 'subsidiary state', but, more widely, of a 'subsidiary society', precisely because the state becomes just a sub-system of society.

1.3. *I will proceed in the following way*

First of all, I suggest classifying the existing models of family policy, as inherited from the 20th century, according to their main characteristics and practical outcomes. From this analysis we will find that all these models have serious shortcomings, though for different reasons. All welfare systems are in fact at present trying to reformulate their family policies. But we should notice that, to a great extent, the principles governing the reforms derive from the same premises that caused the problems and fail-

ures of the previous models. It seems, then, that we should rethink family policy in a new framework (§ 2).

How should we redefine family policy? There are many difficulties in this project. I will consider the three questions that I feel are most crucial. The first question is whether family policy ought to be undifferentiated, or whether it should be marked out as something specific and different from other social policies. If we go for indifferentiation, family policy would bear on all kinds of primary relationships, grouping them under the term of 'family relationships'. But if we take the option of differentiation, we need to distinguish those relationships which constitute a family properly and treat them according to definite criteria of need, value, or merit. The problem, then, is one of generalization as opposed to differentiation with regard to family policy. The second crucial question has to do with the individuation of the rights and duties that exist relative to the family. The third crucial question has to do with the problem of whether it is possible and appropriate to recognize the family as a social and legal 'subject'. This is the problem of the rights of the family as opposed to the rights of other subjects, whether they be individual subjects or collective subjects (§ 3).

Resolving these three crucial questions means determining new guidelines of family policy. What is sketched here is a new model which is labeled the *relational* model of family policy. This model takes its origin from the observation that the theoretical and practical answers which are given to the three questions outlined above depend on the logic according to which we conceive 'the rights of the family', and according to whether that logic is more or less relational (i.e. able to define and manage rights as entitlements to social relations, and not only to material provisions). The relational model proposes that the three crucial questions should be approached through a logic that is based on four key concepts. These are: family human rights, solidarity within the associative networks which are composed by families, a new 'complex of citizenship rights' for the family, and the use of instruments which increase, rather than decrease, the social capital of the family. Overall, these principles sketch out a *relational policy* (a form of social governance) based on a principle of 'complex subsidiarity'. This is completely different from the policies of assistance (welfarist policies) which are typical of *lib, lab* and corporate-type solutions (§. 4).

In conclusion, this paper aims at outlining a coherent and viable picture of new principles for family policy, principles which will be able to promote a society that is 'family friendly', rather than destructive of the family. This means a subsidiary society where the family can give rise to the family,

rather than to some other kinds of things (§. 5). This can be summarized by saying that we must operate through a combination of subsidiarity and solidarity in such a way as to produce a *new citizenship of the family* (as in cell D of fig. 1).

Fig. 1- Four possible combinations of subsidiarity and solidarity towards the family		SUBSIDIARITY (towards the family)	
		Absent	Present
SOLIDARITY (from the social state)	Absent	**A** The family depends on external supports which are not up to public institutions (therefore the family depends on private resources, in particular it receives *private charity*)	**B** The family is held to be able to perform its own responsibilities with no or little public support (therefore families are left to *mutual help and self help*)
	Present	**C** The family is entitled to public benefits, but is treated as a passive actor (therefore the family is not e*mpowered*, but substituted in its own tasks and social functions)	**D** The family can rely upon a combination of public support and private networks which are autonomous and entitled to supplementary rights (therefore the family can enjoy an *active citizenship as a family*)

2. THE MODELS OF FAMILY POLICY INHERITED FROM THE 20TH CENTURY: THEIR CHARACTERISTICS AND RESULTS.

2.1. *Three models*

As is well known, there are many different forms of welfare systems.[1]

The most widespread classification is probably that which distinguishes four forms: the *liberal welfare* systems (typical of the Anglo-Saxon countries); the *socialist welfare* systems (typical of the Scandinavian countries),

---

[1] There are numerous theoretical and empirical classifications of welfare regimes and family policies. There are also national reports on family policies in many countries. Other classifications can be made on the basis of different legal ordinances, or, again, on the basis

the *conservative* or *corporative welfare* systems (typical of the countries of central Europe); and the *family welfare* systems (typical of the Mediter-ranean countries) (Esping-Andersen 1990).

This classification is made from a strongly ideological perspective. It is open to many empirical objections. Its questionable points are, first, that is clearly ethnocentric. It judges the different systems of welfare from the point of view of the Scandinavian model, which it regards as the best. Sec-ondly, it encompasses a negative view of the family, and is clearly linked to an individualist philosophy. Thirdly, it does not answer to the empirical variations of the models examined, which are a good deal more complex than the classification suggests (Arts, Gelissen 2002).

From the sociological point of view, it is preferable to follow a path that enables analysis and comparison to be more objective. I propose to pick out three ideal/typical models: the *lib*, the corporate, and the *lab*. We shall see, in a brief overview, what they are – how they are constructed and how they operate – in line with their original characteristics (fig. 2).

i) *Lib* Model

The fundamental principle that inspires the *lib* model is individual lib-erty and the protection of privacy. The family, even to the extent to which it is an object of policy, is essentially defined as a contractual institution between individuals (Becker 1991). In the best of cases, the family is con-ceived as a joint venture of private individuals (according to the American jurist Carl Anderson).[2] The standards which regulate the family are those of the market. Both the family and social policies are considered as expres-sions of personal preferences and tastes. They are choices regulated by the fundamental institutions of the market, i.e. private property and contract.

ii) *Corporate* Model

The fundamental principle which inspires the *corporate* model is that of collective solidarity. This is achieved chiefly in reference to occupational

---

of various 'Charters of Family Rights': e.g. the Charter of Family Rights proposed to the U.N. by the Holy See in 1982 (and not subscribed to by the USA or the USSR). It is not possible here to give even an overview the enormous literature on this subject. I refer you principal-ly to: Bradshow *et al*. (1994); Castles (2003); Cheal (1991); Cherlin (1988); Commaille and de Singly (1997); Donzelot (1977); Dumon (1994); Gauthier (1996); Hantrais and Letablier (1994); Jurado Guerrero and Naldini (1997); Trnka (1999); Zimmerman (2003).

[2] For a critical view on this see C.A. Anderson (1999).

categories, and, in general, in reference to the position individuals hold in the labour market.

The family, in so far as it is an object of social policy, is defined as a social institution based on complementarity between genders and on subsidiarity between generations (Badel *et al.* 2003). Social policy is understood as social security, i.e. as a policy which guarantees a minimum income and monetary backing to face the hazards of life. Family policy is conceived and organized principally as a means to meet the cost of family burdens as related to social status, i.e., particularly in relation to people's position in the job market.

The label *corporate* is given to this model for several connected reasons. First, because in this model, the family is a model shared by the members of a collectivity (*values* are shared). Secondly, because family policies are referred to specific social categories, each of which has specific rights and duties (*entitlements* belong to the individuals involved). Thirdly, because the family is understood as a *corporate* body, i.e. a union of individuals in one subject which represents them (*recognition* of family bonds).

iii) *Lab* Model

The fundamental principle which inspires the *lab* model is social equality. The family, in so far as it is an object of social policies, is considered as a *ménage* or household, i.e. a domestic aggregate or *anagraphical family* (family for purposes of registration). The tendency is to make married and non-married couples equal as regards rights, duties and benefits.[3] Social policy is conceived as a support to individuals in their familial responsibilities and operates essentially through political control of resources (*politics against markets*). The main idea is to release social relations from the market (*decommodification*). Among these social relations is that of the family. Thus, the aim is to rid family relations of economic interests, in order to highlight its purely affective aspects and nothing else.

---

[3] The case of Norway is a particularly clear example, and indicative of the tendencies in all Scandinavian countries (Eriksen 2001).

Fig. 2 – The three ideal-type models of family policies in the 1900's.			
Models of family and welfare policies	*Fundamental characteristic principle*	*Definition of family*	*Mode of operation* (The fundamental regulatory criterion of family policies)
Lib (liberal)	Freedom and protection of privacy	The family as a contractual institution between individuals	Market (the family is regulated by the laws of the market)
Corporate (categorial)	Collective solidarity (according to work categories)	The family as a social institution based on the complementarities between genders and on subsidiarity between generations	Social security systems (designed to sustain the worker's family in respect to his/her status in the labour market)
Lab (socialist)	Equality	The family as a ménage (*household*)	Political command on resources in order to support family responsibilities of the individuals (politics over/against markets)

2.2. *Results and overall valuation of the three models*

As a synthesis of the successes and the failures of the three models, we can state the following (Fig. 3).

1) *Lib* Model.

Positive aspects are to be seen in the freedom of choice granted to individuals in the constitution and management of families. The negative aspects are individualism and the fragmentation of the social fabric produced. Overall, we can evaluate this model by saying that in such a culture, the family becomes an utility or disutility for the individuals.

ii) *Corporate* Model.

This has its positive aspects in the public support that it grants to family solidarity. Negative aspects are: lack of equity among genders and among generations (lack of equal opportunity). Overall, we can evaluate this model by saying that in such a culture, the family is treated by the state as a subsidiary institution.

iii) *Lab* Model.

This model has its positive aspects in the redistribution of resources for the sake of weaker members of society. Negative aspects are: the so-called 'poverty traps' and the loss of social bonds. Overall, we can evaluate this model by saying that in such a culture, the family becomes a purely affective aggregate between individuals who remain together on the base of casual factors.

Fig. 3 – An outline of success/failure of the three models of family policies.			
Models of family and welfare policies	Positive aspects (successes)	Negative aspects (failures)	Overall valuation
Lib (liberal)	Freedom of choice for the family	Individualism and fragmentation of the social fabric	The family becomes an utility/dis-utility for the individuals
Corporate (categorial)	Public support to family solidarity	Lack of equity among genders and among generations (deficit of equal opportunities)	The family becomes a support to the state (subsidiarity in reverse)
Lab (socialist)	Equity and redistribution for the more disadvantaged conditions	Poverty traps and loss of social bonds	The family becomes a purely affective aggregate of individuals

In all three instances, family policies are submitted to troublesome burdens, because the question of 'what is the object of the policies?' becomes more and more of a problem. We are left to choose between the family *as an object of policy which is more and more limited to minority groups within society* (*corporate* model) and the family *conceived as a vague aggregate of casually brought-together individuals and their needs* (*lib* and *lab* models). In either case, it seems as if it will be necessary to abandon the idea of a family policy which truly and accurately responds in a universal way to the family as such.

The family is disaggregated into the needs and rights of individuals, whilst the family unit itself is treated passively and residually. A good example of this trend is the manner in which, in many countries, what was once the 'Family Benefit' (as it was called in the UK), which formally acknowledged communal spending, has been transmuted into 'Child Allowance' (or some equivalent measure), with its individualized 'earmarking'.[4] In consequence, the family institution atrophies and assumes parity with any other form of domestic co-habitation whose status rests upon nothing more than subjective affirmation by its members.

---

[4] In Italy, for instance, some scholars (and the Italian Minister of the Family Rosy Bindi) call for what they call 'the fiscal dowry for each child' (a benefit given to the child summing up the child allowance and family deductions – approximately 2500 euro per year, which the child will use when he will be 18 years old). Measures like this are intended to free children from their parents, and to make irrelevant the bond existing between their parents (be it marriage or any other agreement).

Family policies become thus something other than they should be. They become policies of support for simple, undifferentiated relations of care-giving, and policies directed to bringing about equal life-opportunities for the individuals involved, leaving on one side their gender and generational relations. (This means that these relations become indifferent. They are regarded as being in principle negative and discriminatory, in relation to any attempt to bring about equality of opportunity between individuals.) The relation of the partners is to a great extent left to take care of itself. It becomes a relationship which can be changed at will, on the basis of the ideology of equal opportunity. The relationship between parents and children becomes an object of increasing control and is made more and more binding. These steps mean that conjugal relations are thrown more and more into a state of *anomie*, with negative consequences on generational relations. Society no longer expects that the family will be able to have the educative and socializing capacity which, nevertheless, society continues, in principle, to entrust to it (Luhmann 1997). The family is no longer conceived as the place where trust and social qualities are built up: we even come to expect the opposite.

2.3. *The crisis of family policies and the search for new orientations*

Family policies are in crisis for a series of reasons, which can be summed up in the following table (fig. 4 column a).

a) In the first place, they show a marked tendency to be *assistential*. Benefits are given to individuals in order to relieve them to some extent from their family duties. This is equivalent to *turning family functions into public functions*, which occurs when support for family responsibilities is given by substituting collective external services for family roles. Entrusting a good number of family functions to services which are outside the family leads to an over-burdening of the welfare state. The state fails to meet the expectations which are thus aroused.

b) There is a strong tendency towards making family policies coincide with 'mother-focussed' policies, policies centred on the woman and on the mother-child relationship. (This option is explicitly made in an increasing number of countries such as France, the Scandinavian countries and in general the countries of the European Union). The consequence is a loss of the masculine role and the weakening of inter-generational interchange.

c) A good deal of the policies privatize family values and behaviour, in the sense that they give individuals an incentive to consider family relationships as being completely private matters of taste, choice and preferences (an expression used in this context is *families-of-choice*).

d) Family policies lose their explicit character of being instruments for the support of family bonds because they concentrate on the needs of each individual throughout his/her life. The preferred language in this context is of policies for children, young people, old people, rather than of policies for sons/daughters, parents, or grandparents. (However, as will be discussed later on, there are signs of a move in the latter direction.)

e) Family policies cease to be specifically *family* policies and become indirect policies. That is, they look to the generic needs of the everyday life of individuals – minimum income, health, education, accommodation, employment, etc. (However, as will be discussed later on, a number of people are beginning to recognize that this reductive focus is a mistake.)

Taken as a whole, current family policies make individuals yet more individual, and throw away the social capital which is empirically inherent to the family (Donati 2003b; Donati and Prandini 2007). In this way they produce social disintegration rather than social integration.

In the face of these outcomes, one feels the need to shift to a new set of directions (sketched in fig. 4, column b).

a) The tendencies towards making family functions collective or public functions should be abandoned in favour of a *principle of subsidiarity* (correctly understood). According to this principle broader social formations should not be substituted for smaller formations. Rather, the former should help maintain the autonomy of the latter, and offer such regulation and means that are necessary for them to be able to carry out their own specific tasks on their own. The state's attitude and actions towards the family should turn away from the idea of making the family yet more passive. This does not mean that there should be fewer services: rather, it means the complete opposite, that there should be more services for the family. The difference would lie in the fact that families should be able to choose the services they make use of, and have some influence on the way in which the services are organized. More generally, the state should recognize the demand

that it should not absorb the functions of intermediate social formations, but help them. This help might be made available through further associative forms, e.g. family-based associations. The help would be given in order that the intermediate social formations should be able to provide for themselves the services which concern them. These might be, for example, family counseling, day-care, care of children and old people, home help, etc.

b) Matrifocal policies, focused on women and on the mother-child dyad, should be reoriented towards policies centred on the family nucleus conceived of as a relational system of reciprocity between genders and generations, by means of aids that can act as incentives for the presence of fathers.

c) The tendencies towards making family functions a matter of concern only to private individuals should be abandoned in favour of processes which recognize the value of inter-subjective relations, of the goods which really count in life. The regulations of family policy should support forms of intervention which are of a dialogic nature, forms which give precedence to human contact, to relations of caring. This arises from the fact that in the family rights are no longer an individualistic matter, but a relational matter. It is important to realize that anything that happens within the family – above all, the way in which the family is socially defined and constructed – is not something to which the community can be indifferent. Every vital community develops a culture which is more or less 'civil' on the basis of relations such as these.

Fig. 4 - Old and new orientations of family policies.	
Characteristics of the policies adopted up until now:	**Characteristics that are needed today:**
a. Assistential policies: Benefits are granted to individuals in order that they may be relieved from their familial obligations; this coincides with the *publicizing of family functions* that results when support to family responsibilities is given by a mere substitution of family roles with external collective services.	*a. Subsidiary policies:* benefits are granted so that the people can carry out their assignments in the family and in the surrounding associative nets; in particular, *the subsidiarity between state and family* means that the former has to operate towards the autonomy and the *empowerment* of the family and family associations
b. Matrifocal policy: centred on the woman and on the mother-child dyad	*b. Policy for the family nucleus:* centred on the reciprocity between genders and between generations
c. Policy of privatisation of the family values: the family is merely considered a private affair and the end result of choices and private preferences	*c. Policy of valorisation of family relationships as relational goods (social capital):* the family is a primary relational good (super-individual level)
d. Implicit policies: centred on the individuals with respect to separate needs throughout the life span of the individual; interventions to the good of separate age groups (generational categories) above all, minors and the elderly	*d. Explicit policies:* centred on the relationships between genders and between generations, for the valorisation of social intermediations implemented by the family; interventions on the inter-generational ties as a problem of relational solidarity
e. Indirect policies: centred on the generic needs of people daily life (like lodging, job, feeding, health, education, etc.); use of the family as an instrument in the fight against poverty or for other social problems	*e. Direct policies:* centred on the family nucleus as such (for example: the subjectivity of the family in the tax sphere, the family-income, the family-insurance, etc.); to increase the strength and the social functions of family relationships
= the family as a residual entity	= the family as a social subject

d) Indirect policies should give way to direct policies, *directed towards the family nucleus as such*; we ought, therefore, to speak in terms of 'family work', the 'family home', 'family services' 'family income'. We should orientate ourselves, in the *ad hoc* practical measures we adopt, in this direction (i.e. we should orientate ourselves in favour of the group institution as a whole).

e) Implicit policies should be replaced by *explicit policies for family relations as such* within a framework of intergenerational exchange. When we make an intervention on one generation, we should also bear in mind what effects it might have on other generations. It is possible to have an effect in

favour of or against a particular generation, not only through the measures which are taken directly in its regard, but also through the effects of measures directed to another generation. For example, measures taken for old people may have an effect on young people. More positively, we maintain that it is a matter of urgency that we should reach a new 'social compact' between the generations, both within the family and within the collective sphere (i.e. as regards questions of work, of the distribution and redistribution of resources, and above all as regards the relations of citizens) .

In synthesis: *current needs demand that we should shift from social policies which regard the family as a social residue, to social policies which centre on the family as a social subject.*

To make this shift, we need to see the family as a reality which is 'other' in relation to the agents of social policy (i.e. the state and the agents of the market and of the third sector), not as their 'alter-ego', something made in their image and likeness.

The *corporate* model (derived from what is called the Bismarckian model) certainly observes this otherness of the family, as being what gives origin and originality to family relations. Nevertheless, it ends up in subordinating the family to state power, which is conceived of as the apex and centre of society.

The search for new social policies is particularly evident in the so-called 'third ways' that look for progressive models, which might be capable of combining liberal and communitarian elements.[5]

Some of these 'ways' – the so-called 'communitarian ways' – recognize the family as a collective subject of rights. For instance, Pérez Adán (2001: 137) rightly maintains that a progressive democratic policy stands for recognizing the family as an intermediary social group, on which a specific 'sovereignty' should be conferred. (The term 'sovereignty' appears in the social doctrine of the Catholic church, and has been widely used by John Paul II). The Spanish sociologist proposes that we should work out a new definition

---

[5] The term 'third way' is an expression often used in the past to indicate (in an improper manner) the social doctrine of the Catholic Church. More recently, it has been adopted by Anthony Giddens (1998) to designate a configuration of society that is based on a combination of liberalism and social-democracy. Other people use the same term to refer to other different ideas of society (for instance, the 'communitarian way' envisaged by Amitai Etzioni: see Pérez Adan ed. 2001). Consequently, the term has become very confusing.

of a 'communitarian family'. This attitude is shared by the many different 'neo-communitarian' theories, as they are called. The problem with neo-communitarianism is that it tends rather to affirm its understanding of the family than to justify it in relational terms. It runs the risk of being a merely ideal position, one which is not very practicable at the level of definite policies. From the relational point of view, it is true, the family is indeed a relation which is based on an unconditional consent of love, and it is in virtue of this that it is a community. But this relation is also expressed by means of a contract, by means of a certain hierarchical structure (in relations of descent), and by means of the norms of reciprocity which govern the networks of kinship. 'Sovereignty', indeed, is itself a concept which needs to be translated in terms of relations of autonomy, i.e. of autonomy in the choice of the (systemic) environment on which it is to depend.

Other 'third ways' abandon the idea of a public recognition of the family as a communitarian social subject and prefer to speak of family policies that combine individual freedoms with public control that make the individuals concerned socially responsible. For this reason, I classified them under the *lib/lab* formula.

Among variants of the 'third way' notion, the position of David M. Anderson (2001) is worth looking at. Anderson maintains that it is necessary to shift over to policies which are subsidiary in a strong sense (i.e. policies which create a social environment which supports the initiatives of local communities and families). In particular, he says 'we (the new democrats) can no longer afford to take a "neutral" stance on family structure'. He calls for policies which would make the family stronger and more secure, and maintains that 'the best model of the functioning family' is 'the intact two-parent family' (id.: 110). He proposes a law that would recognize and support the family unit (*Family Unit Act*, FUA). The proposal is interesting, and it fits in with what I have called 'new directions'.

Nevertheless we should notice that in practice there is no change here from the philosophy of modernity. The objectives which David Anderson identifies as 'family policy' are the following: reduction of taxes for working parents; help for community efforts to reduce the number of teenage pregnancies; putting the interests of children first if parents divorce; grants of paid parental leave; substantial support for early day-care for the poorer classes. The family is to be supported as a burden, as something that brings with it a risk of poverty, not as a subject that creates social capital. Moreover, since he maintains that the FUA should respect all kinds of diversity he also maintains that we should recognize homosexual unions as families (the FUA

'must also support gay and lesbian families'). We see here again the risk that in this kind of proposal, family relations would be neutralized as regards sexual differentiation and as regards inter-generational reciprocity.

We can find a huge number of other theorists holding very similar positions, amongst whom is the most well-known exponent of the Third Way, Anthony Giddens. Sometimes we find interesting features in the aim these Third Way thinkers uphold, of reinforcing the family. Anderson speaks of a 'richer liberalism', which would make the USA more like Europe; Giddens, of a 'reformed social-democracy'. Both these ideas mean striking a balance between individual rights and greater social responsibility. But these ideas are not enough to identify a family policy as such, especially if the idea of the family is said to be a 'pure relation' (as Giddens maintains). I do not believe that this Third Way can meet the challenges we face. I do not think that it is possible to formulate family policies which meet the demands of the new directions, on a *lib/lab* foundation (fig. 4, column b). As I have argued at length elsewhere, the *lib/lab* positions do not have an adequate view of the nature of the relations that are proper to a family (Donati 2003a).

3. How to redefine family policy? Three crucial questions.

3.1. *The context and the three crucial questions*

Scholars have rightly observed that the family is an ambivalent reality. This is because it is, at one and the same time, the foundation of society, and the source of its problems. On the basis of this observation, they speak of the *value* of the family as if it were an intrinsic contradiction for society and for social policies (Hardy 1981). There are many arguments for seeing things this way. But these same scholars have not noticed that the contradictions of social policy do not derive simply from the ambivalence of the family, but also from their own intrinsic manner of operating. What happens is that when social policies seek to include the family within the social system, they end up disintegrating it. How can we break out of this vicious circle?

Most reflections on family policy maintain that there is no way out. Scholars stress the fact that in a society which is on its way to globalization, the family lives in an atmosphere of uncertainty. It has lost its boundaries, it is disorientated, it is surrounded by fragmentation and by new fuzzy nets. They claim that every attempt to favour stable, socially integrated family relations is doomed to failure.

One might say that the more one tries to strengthen the family and to define family policy, the more the family slips away and family policy collapses on itself. As I wrote in a Report in 1989 (Donati ed. 1989), the family becomes, in this process, more and more 'autopoietic' (self-producing): that is, it becomes a norm for itself. The family must be produced only by the family and family policies can be useful to the family only through the family.

We can understand this all-inclusive crisis of current family policies through grasping the crucial questions which society today has to face up to.

In order to be effective, should family policies generalise the concept of family or should they differentiate it (i.e., should they distinguish what makes a family as distinct from non-families)?

Either way, how should we define the object of family policy?

What social and legal recognition should be accorded to this object?

Let us now examine these three questions in greater detail.

3.2. *Generalization as opposed to differentiation of family policies*

In the late nineteenth and early twentieth centuries, family policies were developed with a specific function, that of assisting family duties with cash and in kind measures.[6] They had a definite object: married couples with children, in which in general only one person was in employment (the so-called *one-breadwinner family* model). But then things changed.

a) On the one hand, family policies have broadened to take in a wide set of welfare measures, which, though they do relate to the family, nonetheless have other aims. For example, there arose demographic policies, policies against poverty, policies against social exclusion, policies for children, gender policies, policies for the elderly, policies for the handicapped, and so forth. A good deal of confusion arose. Some think that family policies should be a kind of summing-up of these policies, but this is an illusion. Every policy has its own aim, its own means, and its own values, and therefore cannot be contained within another policy or even fully integrated with

---

[6] 'Cash measures' means ways of supplementing income (e.g. family allowances, maternity allowances, child care allowances, etc.) while 'measures in kind' means support which is not, or is not wholly, monetary (education, health services, personal services, etc.).

it. What one must rather attend to is the way in which each policy is special, and then see how it is to be co-ordinated with others. Looking at things this way, there is no doubt that the policy which has become most residual has been precisely policy centred on family relations. But without family policy, the other policies run the risk of failing to reach their objectives.

b) On the other hand, the object – the family – has changed. There is an enormous quantity of literature on changes of the family. I will confine myself to reminding you of the principal causes of these changes. They are: the increasing part played by women in the labour market (the two-career family); the affirmation of the ideology of individual rights of citizens, as equality of opportunities (the egalitarian family), and the processes of emancipation of minors (the democratic family).

It is evident that there is a complex interaction between interventions of social policy on the family, on the one hand, and the changes of the family object, on the other (Donati 2003a). But the point is this: in the situation which is thus defined, should we generalize family policy (in the sense of broadening it to including whatever measure that touches on the family, even if only indirectly or implicitly), or should we introduce new distinctions that differentiate family policy from other social policies?

There is no doubt that the *lab* solution is in favour of generalization. The *lib* solution also tends towards generalization, though with more restrictive and selective criteria. The third solution (the corporate solution) is the only one that tries to maintain a specific policy of the family as such, but it is on the defensive and comes up against ever-increasing difficulties in choosing between generalization and differentiation. This can be seen in the case of countries like France and Germany, which approve social policies that are directed at forms of primary relationships (cohabitation, concubinage, homosexual unions) that are formally distinct from the family, but which are considered part of family policy (Prandini 2001).

A situation of non-differentiation thus arises in which the state pronounces itself neutral with regard to the comparison of family forms. This means that the state gives up pursuing a specific family policy and rather generalizes its interventions with regard to all forms of primary relationships. Such measures lead to diluting the concept of family, to the extent that if we want to sum these tendencies up, we could say that the family no longer exists. What arises is something different, a network of relationships which is often indeterminate. The relationships here consist of many very

different interconnections: children of different parents, couples that have been through several marriages, children and couples who maintain family relationships with an indefinite number of relatives.

Can social policies do without a definition of the family? From the sociological point of view, the answer seems to be No, whether as a matter of fact or from the normative point of view. We need, therefore, to make a distinction between general social policies (addressed generically to the population) and specialized policies towards the family which will be explicit, direct and cohesive.

Once these distinctions are identified, the following question arises: what is the family? Or rather: which family is the object of policy?

3.3. *The question of the definition of family and of relative rights and duties.*

It is true that there are many definitions of the family: anagraphic, statistical, legal, social, cultural, psychological, religious, and others besides. These definitions do not necessarily contradict one another, because most of the time they do no more than reflect the requirements of different practical points of view. Each definition has its legitimate point of view. The problem begins when we have to identify the rights and duties of the family from the point of view of social policies.

There exists a correlation and continuous interaction between the definition of the family and the set of rights and duties that belong to it. If we define the family in a certain way, this definition implies a specific set of rights and duties. If we begin with tangible rights and duties these likewise imply a definition of the family which is consistent with them.

If our goal is that of constructing a 'family-friendly' human society, will a merely operative definition be sufficient? Most scholars take refuge here in pragmatic solutions. But it is evident that this way generates more problems than it solves. No measure of social policy can be effective, in terms of family integration, if the definition of family has a purely subjective character (that is, if it is only self-attested). Family policy must have some institutional character (which arises when given form of the family is recognized as legitimate by society).

In practice, the proposal to generalize the concept of family in fact collapses when one attempts to distinguish between the rights of the family and 'other rights', i.e. the rights of individuals or entities other than family relations. This is because increasing individual rights does not necessarily do anything to develop the family to any extent.

Thus the idea (one dear to modernity),[7] that the process of evolution can be made progressive through generalizing the concepts involved is not a valid evolutionary solution, since it does not tend to produce families, but rather something else. (The generalization of the concept of family in this sense means including all family forms, leaving for the traditional family a position as a more specialized sub-group.) To place the family in competition with other forms of primary relations (co-habitation or free unions which are sex-neutral, and which lack intergenerational agreements which are defined institutionally) only leads to non-family results (Donati 2001), or leads to reducing the family to mere communication (Luhmann 1982). The evolutionist solution of system theory (as stated by Parsons and reformulated in his own way by Luhmann) no longer works, because, as formulated, it refers to mechanisms operating within a cultural context and within a logic of modernity, a context which is no longer available to us.

The family, as the object of social policies, must be redefined in terms of (a) a sharing of values, (b) an entitlement to societal membership, and (c) an acknowledgement of bonds which society means to value.

The growth of subjective rights (Luhmann 1981) and the recognition of new relations (mutual and contractual relations of the couples, of filiations, and of co-habitation of various types) must be made compatible with the functional pre-eminence that the family has in so far as it is a *relationship of free giving and reciprocity (tendentially 'full')*[8] *between the sexes and between generations*. We need to recognize that the family cannot be assimilated to a simple primary relationship, like that of a friendship group, but requires its own institutional recognition. This is true even though the family, from a sociological point of view, is by nature in a position of 'transcendence' with reference to the codifications made by positive law (Bahr and Slaugh Bahr 1996).

I would go further. In principle, it is difficult to hold that both families and other primary relations (free unions, etc.) can both together be the object of social policy. Finding the object of social policy is easier if we recognize the family as a supra-personal social and legal subject, which is different from other relationships.

---

[7] The most explicit and complex theoretical account of this idea is found in T. Parsons.

[8] The expression 'tendentially full' refers to the reality of the family as 'a total social fact' (according to the Marcel Mauss's theory), in so far as – empirically – the family relation involves all the dimensions of human life. Only in the family the human person is considered and addressed in her full personality, and not for a particular quality or function she performs. As a matter of fact, the family is the place (system, sphere) where one can neither refuse to answer to the other (T. Parsons) nor avoid communicating whatever he/she does (N. Luhmann).

3.4. *The question of the family's being a social and legal subject*

Is the family a 'subject' in its own right? What does it mean for the family to be a subject?

From the sociological point of view, the family is a social subject in the following ways. It is a subject in so far as it is a *community relationship*, in so far as it is a *relational good*, in so far as it is a *subject of relational rights*, in so far as *it possesses a citizenship of its own* (Donati 2000), and in so far as it is a *sui generis* nexus between freedom and responsibility. Let us briefly examine these concepts.

a. The family is a community relationship in so far as, while including a contract between spouses and generations, it goes beyond this, because it presupposes pre-contractual relationships and has supra-contractual goals. In other words, the family is the emergent effect of the working together of free giving (as the motor of family relations) and reciprocity (as the social rule necessary for continuing the exchanges between the sexes and between the generations).[9]

b. The family is a relational good[10] in so far as it consists of the goods which stem from the family-relationship and can be generated and enjoyed only by those that share it by acting together. It consists of relationships, not of individual goods. Nor is it the sum of individual goods (that would be a 'total – meaning aggregated – good'). Of course, the family can also generate 'relational bads', when it does not work properly.

c. The family is a subject of relational rights and duties in so far as rights and duties ought to be relationally configured within it.

d. The family is a subject of functions for the sake of society, in whatever way these functions are understood, in so far as whatever happens within the family and whatever the family does has an influence on every other form of social relations.

---

[9] About the difficult issue of how to define reciprocity in respect to gift (free giving) within the family and within the other spheres of society see Donati (2003d).

[10] Here it is not possible to discuss at length the theory of 'relational goods', which I have defined and developed in other papers, books and research reports since 1989 (for the most recent references see Donati 2003a; 2006; 2007b). Suffice it to say that relational goods can be distinguished into primary (family) and secondary (third sector) ones, depending on their distinct qualities, emergent properties and effects. Of course, the social processes which generate relational goods can also generate 'relational bads' in very many different ways.

e. The family has its own citizenship (*family citizenship*) in so far as the family is a 'social person', the possessor of social rights of its own *qua* subject. This right goes beyond the rights of individuals as subjects. It refers not only to the entitlements to free choice in respect of what is provided by the state (for instance, the choice of a public school for children), but also, and foremost, it refers to the chances of families to meet their needs by taking free initiatives (e.g. organizing autonomous schools for their children, or providing personal social services through self-help and mutual help networks and associations) which must be supported by the state.

f. The family constitutes a particular kind of nexus between freedom of choice and responsibility for consequences of actions. This is true both as regards the actions of individual family members and as regards the meaning-bearing societal functions of the family as a social relationship. (This means liberty and responsibility of the family relationship, not merely that of the individual).

There is no doubt that society nowadays manifests a persistent ambivalence with regards to all of these characteristics, which are both pursued and opposed at the same time.[11]

Nevertheless, it is possible that these characteristics can lead us to reach an identifying description of the family as a social subject, a description which goes beyond the tendencies that exist towards making a 'casual' definition of the family. We should realize that we cannot create a coherent and effective policy when the family is approached as the mere outcome of casual individual decisions, or when anything is recognized as a family which asserts itself to be such. What this means is that people make up families as they think best; that anything can count as a family, whatever relationships may be involved, so long as the people concerned feel that these relationships constitute a family. As a practical matter, the concept of the family as a social subject can help social policy make some opposition to the anomic pluralisation of what are currently called 'new forms' of the family, a pluralisation which frustrates and marginalizes the civilizing meaning that the family holds. (Compare what happened in the 1930s under the Nazi regime, as we learn from the Frankfurt school.)

---

[11] This ambivalence is evident, for instance, in the Italian system of social security: see Paola Bozzao (2001).

The nature of the family as a subject is something which is less and less visible, and therefore less and less comprehensible, to politicians and to the apparatus of the state. This is because of the difficulty which the political and administrative system has in perceiving the 'environment' of the family (using the word 'environment' in a systemic sense). At the same time, the nature of the family as subject is more and more noticeable, as part of a process of reflection, in those areas of society which are constituted by the family as a subject. Nevertheless, taking things as a whole, civil society finds it difficult to picture the family, and to recognize what are the outcomes of society's actions towards the family.

From a practical point of view, the question as to whether in social policy the family can be considered as a social subject or not, and if so, as what kind of a subject, and to what degree, is a question that can be clarified by looking at the way in which we see shaped the programs and interventions of those who are the agents of social policies (whether they be explicit or implicit, direct or indirect agents).

From the legal point of view, we well know how and why it is difficult to reach a concept of the family as a subject which is considered as a legal person. Legal theorists like to repeat that law merely regulates social relations which already exist. In the case of the family this observation is fairly ambiguous. It is partly true and partly false, for at least two good reasons. The first is that the law does not recognize the social role which the family in fact carries out, but rather removes it. The second is that the law does not merely regulate already existing relations, but also creates new relations, or makes it possible for them to exist by means of choices that were not previously available.

For a definition of the family as a subject from the legal point of view it might be helpful to have recourse to the concept of family as a 'natural right',[12] the concept of the rights belonging to original 'forms of life',[13] and the legally relevant fact that there is a joint relational responsibility which belongs *to* families (not merely that there are individual responsibilities *within* families).

---

[12] For example, Ronald Dworkin (1977: 174-177) maintains that a just society cannot be founded on contract alone, but requires a theory of natural rights (see the comments in Wolgast 1987: 23). E. Wolgast (1987: 21-32), Viola and Zaccaria (2003) have put forth similar arguments.

[13] The concept of the 'forms of life' is addressed by L. Wittgenstein and introduced in the 'grammar of rights' of E. Wolgast (1987).

3.5. It becomes yet more urgent to adopt this point of view in facing the challenges of globalization and the onset of a society which is to be multi-cultural and multiethnic on a planetary scale. The choices in the field today are: on the one hand, to accept all possible family forms as one accepts simple diversity within the framework of liberal tolerance; and on the other, to accept the fact that supporting a certain model of the family may seem to justify a resistance to civic virtue. Personally I believe that it is possible to avoid having to make one or other of these choices by viewing the family as a social subject which has social functions that cannot be substituted by anything else. These functions can be made to harmonize with cultural diversity within the sociological quality which is proper to the family, to the extent that it is a relationship of full reciprocity between genders and between generations.

Europe is still uncertain about following this path. The so-called 'European Social Model' is largely conceived according to the *lib/lab* approach. The EU's *Charter of Fundamental Rights of the European Union* (solemnly proclaimed at the Nice meeting on December 7, 2000 – as the *Charter of Nice* – and approved again in Lisbon on December 13, 2007 by the 27 member states),[14] is an example of a refusal to recognize the social functions of the family. In this document, the family as such has no citizenship, it is considered as a synonym of *privacy* and is depicted as an 'empty box' in so far as its concrete relationships are concerned.[15] Europe, after having begun to be interested in family policies (EEC 1989), has since gone back on its steps. In the 21st century, it seems to have embraced an institutionalized individualism, which leaves little room for the family's societal functions. Perhaps it hopes that this will enable it to avoid cultural conflicts.[16] But it

---

[14] On December 13, 2007, the leaders of the European Union signed the Lisbon Treaty, a document that restructures the EU's governance. Among its provisions is one that makes the EU's Charter of Fundamental Rights legally binding on members. A protocol to the Lisbon Treaty limits the application of the Charter of Fundamental Rights in Britain and Poland to rights recognized by the national law of those countries. Britain is concerned that the Charter might be used to override its labour laws, and Poland is concerned about the Charter's prohibitions on discrimination based on sexual orientation. The Lisbon Treaty will come into force only if all 27 EU members ratify it.

[15] For more details see my analysis in Donati (2003c).

[16] Several jurists use this to justify the claim that the European Union cannot fully recognise the family as a subject of social reference in social policies. To a great extent, these jurists still reason from within the viewpoint of the *lib/lab* model (for an typical example, see Cananzi 2003).

will be unable to create any family policy. In the Enlightenment-based vision of the new Europe, the family is considered a sort of 'protected natural species', equivalent to rare animals and plants, something which can be made to live in 'reserves' like indigenous peoples, because there is no place for them in the 'rational construction' of society.[17]

Is it possible to recognize the family as a social and legal subject? Certainly it is not possible in either the *lib* or *lab* models, or even in a *lib/lab* mix. These models are all individualist and contractualist (Glendon 1989; 1991). To recognize the family as a subject we must adopt another point of view: we must see the natural rights of persons and of their social development as *relational rights*.

This change of viewpoint cannot occur within a functionalist philosophy, managed by a compromise between the state and the market. Rather, we have to abandon the functionalist point of view which for two centuries has considered the family as a sphere *delegated* by society to carry out certain functions. The extreme point of this theory can be found in T. Parsons (1977: 342), who calls the family a 'fiduciary complex' in the sense of being the operator that is entrusted by other societal institutions with the task of helping to raise children and stabilize adult personalities). But the family is not an institution that exists and operates as a delegate of society, because it is a *sui generis* reality whose nature as a subject is an original one. And it should be evaluated as such. Otherwise it would be impossible to understand how and why the family is a producer of social capital. That is, those who marry give rise to a relationship of trust and cooperation in solidarity, which is based on reciprocity; and this creates social capital for themselves and for the community around them. On the strength of this, this relationship (i.e. the family) may claim the right to be recognized as a subject entitled to a complex of rights and duties that 'exceed' those pertaining to the individuals. Family freedom and autonomy take their meaning from that. Without seeing things from this point of view it would make no sense even to talk of subsidiarity.

3.6. *A new logic of distinctions*

The reader will have noticed that we need a new logic which will bring together the proposals which have been made here for resolving our crucial

---

[17] Such a view has been clearly expressed by J. Coleman (1993).

questions of family policy. This logic is relational to the extent that it examines relationships and differentiates between them according to their quality. This logic claims that:

– the problem of passing from indirect to direct policies can only be resolved through policies which differentiate between different treatments of individuals in relation to their positions within family relationships, even in the realm of the most general social policies that have a universal character;

– the problem of passing from implicit to explicit policies can only be resolved through the definition of the family as a subject of reference;

– the problem of passing from policies which produce a fragmentation of family relationships to those that promote social cohesion can only be resolved by defining the rights *of the family as such* (family citizenship).

These distinctions do not imply discrimination, because at the same time they specify their object and generalize the extent to which it may be shared by various stakeholders. In fact, while they indicate a specificity (that is, a specific family form and a system of rights and duties which are inherent to family citizenship), at the same time they give rise to a diversity (i.e. that which specifies the 'other' social policies, the 'other' primary relationships and the rights and duties that pertain to these 'other' forms). We are thus in a position to discern what unites and what distinguishes social policies with reference to the extent that the wellbeing of the family is at stake.

4. PROSPECTS OF A NEW SUBSIDIARY (RELATIONAL) MODEL

4.1. *A relational vision*

An explicit, direct and cohesive family policy can be 'focused' on the family provided that the family is given a distinct definition and that this definition encompasses the family as a subject.

Family rights must be formulated considering the family both as a relational system in itself and as an institution recognized by other sub-systems and social institutions with which it enters into relations (the school system, health system, fiscal system, welfare system, social security system, etc.).

To make this possible, there must be a relational vision of society, conceived of as a united set of spheres of justice held together by relationships that regulate it according to a principle of complex subsidiarity.

4.2. *The relational model*

In so far as family policies are concerned, the relational model is defined in the following way (for an overview, see Fig. 5).

I) *Criteria which distinguish family policy*

A policy is a family policy if it is directed according to the guiding distinction between family wellbeing and non-family wellbeing. In order for this definition to be unambiguous, reference to the family must be made definite by referring to the family as a social subject. Family policies are those which recognize the family as a subject.

II) *Definition of family*

With regards to social policy, the family is defined as a relationship of full reciprocity between the sexes and between generations.

III) *Complex citizenship of the family*

The family as a relationship has a set of rights and duties of its own that mediate between the relationships that exist between individuals, on the one hand, and society on the other. This is brought about through conjugal and filial relationships. The citizenship of the family is *societal* in as much as it has a civil character (it is pre-political or meta-political), and it is a matter of state citizenship in so far as it is acknowledged by the political-administrative system (of which the nation-state is only one level). The citizenship is termed complex because it is both societal (civil) and political.

IV) *The principle of complex subsidiarity in social policies*

The relationships between the family and other societal sub-systems (state, market and third sector institutions), must be regulated by the principle that each confers value on, and recognizes value in, the other agents and their specific tasks. Subsidiarity is complex because it not only defends certain goods from encroachment, but also promotes these goods: it is not limited to defending the family from the interference of higher-order communities of higher orders, but it actively sustains it in its autonomy (it empowers the family).

The difference between this model of subsidiarity and others is obvious. Earlier forms (*lib*, corporate, and *lab*) take a reductive view of subsidiarity for a variety of reasons. The *lib* model defines subsidiarity as private freedom (subsidiarity as privatization), the corporate model defines it as assis-

tance from the state (subsidiarity as a form of de-centralization, by the apex and centre of society), while the *lab* model defines it as a delegation or externalization of social policies to structures controlled by the state or in some way dependent on its regulations. This applies also to the allocation of welfare services to families (subsidiarity as delegation). The *lib/lab* model makes some kind of a combination of the first and third versions in a concept of subsidiarity which understands it as a provision of individual market opportunities under conditions of equality in access. It entails some advantages. However it does not avoid the characteristic effects of *lib* and *lab* policies, i.e. the immunization of individuals against social relationships (such as the family), because it, like the models from which it derives, focuses on the individualization of rights.[18]

The relational model considers these concepts as typically 'welfarist'. This may be so in a residual manner as in the *lib* model, in an institutional manner as in the *lab* model, or in a selective manner as in the corporate model. In the place of such models, the relational model proposes *relational policies*, which are characterized by their promotion of intra-family relations as the *primary* social capital that sustains the secondary social capital of society (extra-domestic civic relationships, *civicness*) (Donati 2003b). Subsidiarity is understood as a rule that is both internal and external to the family. Subsidiarity is complex because it is both vertical and horizontal, and it exists in relationships which are stratified (or hierarchical) and in those which are horizontal (or network). In particular, the new model of relational subsidiarity understands subsidiarity as a promotion of the norm of extended reciprocity between genders and generations in everyday life-worlds.[19]

4.3. *In short, it should be clear that the relational model is quite different from the welfare-state regimes of a beneficent type, or from compassionate capitalism*

To summarize the distinctive characteristics of the relational model, it will suffice to note that it is new:

1) because it is not only a defender of fundamental values such as those of freedom, solidarity and equality, but it actively *promotes* them through redefining them in the relational sense: freedom is defined as positive free-

---

[18] To my mind this is visible in the French experience as reported by Lanquetin and Letablier (2003).

[19] Examples of the application of a model such as this are numerous and are currently being developed. But I can cite as an example the case of the Region of Lombardy which, in Italy, is pursuing family policies of a subsidiary character: Rossi (2002); Carrà Mittini (2003).

dom *for* something (i.e. for the sake of others); solidarity is understood not as a an association of collective beneficence or collective insurance, but as interdependency; equality is practiced not as uniformity, but as a relation of equity within difference;

2) because it identifies the family as a *relational good* and not only as an individual good. Thus, in agreement with the idea that common goods are natural human rights (Waldron 1987), the family comes to be considered as a human right in so far as it is a relational good;

3) because it redefines the family's wellbeing as *relational wealth* and not as a sum of individual utilities or as the sum of the individuals' wellbeing.[20]

All of the above makes a difference between the relational model and the *lib*, *lab* and *lib/lab* models. With regard to the corporate model, it performs the following operations:

a) It takes into account that, in a society on its way toward globalization, the model of the family which is still adopted today in traditional social security systems is not very likely to be a model shared by all the members of a community. Therefore value sharing must be sought on another level.

b) It takes into account that, within the framework of complex citizenship, family policies can no longer be limited to specific social categories to which specific rights and duties are attributed. For this reason, legal entitlements must follow other relational lines.

c) It sustains that the family can continue to be regarded as a *corporate body*, that is, as a union of single individuals in a subject that represents them; but it also maintains that the responsibilities of the family can no

Fig. 5 – The relational model of family policy (subsidiarity model).	
I. Criteria which distinguish family policy	A policy is defined as family friendly if it is oriented according to the guiding distinction between family wellbeing and non-family wellbeing. In order to make this distinction not ambiguous, the reference to the family must be formulated in terms of its social subjectivity (family policies are those which recognise this subjectivity).
II. Definition of family	A social relationship of free giving and reciprocity between the sexes and the generations
III. Complex citizenship of the family	The family has its own set of rights-duties in as much as it is a relationship of conjugal and inter-generational solidarity
IV. Principle of complex subsidiarity in social policies	The relationships between the family and other societal sub-systems (state, market and third sector institutions), must be regulated by a principle of mutual appreciation and support of each one specific tasks

[20] On the concept of *relational wealth*: Diwan (2000). On the concept of human wellbeing as tied to a community context: Shinn and Toohey (2003).

longer be understood as they used to be (i.e. presupposing certain status-roles and a hierarchy among these). Instead this body must adopt a relational character, i.e. it must recognize and encourage the contributions of individuals through the relationships they bring about.

4.4. *I must underline that the relational model is based on the fact that the distinctions which are necessary in family policies operate in a relational manner. What does this mean?*

The distinction between citizenship/non-citizenship attributed to different forms of the family implies that there are types of families that merit the recognition of a set of rights and duties which have a public value, and that there are other forms which do not. This distinction is not made on the basis of a discriminatory standard. It is made rather on the basis of the characteristics of the relations which are chosen and created by the subjects. If the subjects originate forms of co-habitation in which there is no assumption of social responsibility, then it is the subjects themselves who have decided not to ask for public recognition. If these subjects do ask to be recognized, it is up to the political community to examine what kind of relationship is in question, and what kind of recognition they deserve in comparison with the public responsibilities which the family takes on. This implies that those forms inspired by 'pure individualism' (i.e. regulated by merely private arrangements) should not have the same recognition of citizenship as the family. Also excluded, in part, are those forms of co-habitation in which social responsibility is not originated from within the relationship between the persons living in a household, but is left to outside bodies (public institutions).

This also holds true in the distinction between subsidiarity and non-subsidiarity. 'Non-subsidiary' forms include both *'laissez-faire'* forms (in most Anglo-Saxon countries) and 'state-interventionist' forms (like the French case with the *Caisse Nationale des Allocations Familiales*), because both lack relations of reciprocal conferral of value (empowerment) between the agents. The principle of subsidiarity implies a different manner of relations, that is, a relation of reciprocity in conferral of value for respective tasks. It is not to be forgotten that subsidiarity is not solely a criteria for sharing out functional tasks, but also a way to govern the sphere of relations in which the common good comes into play.

5. CONCLUSIONS: NEW FOUNDATIONS FOR FAMILY POLICIES.

5.1. *A vision*

We may conceive family policy as a programmatic system of actions that must fulfil four requisites or dimensions. Such a system (see Fig. 6):[21] (G) has as its goal the achievement of complex family citizenship; (A) avails itself of a collection of resources which act on the basis of the principle of subsidiarity; (I) is integrated and made cohesive by associational rules of solidarity which promote the 'plural wellbeing' of families; (L) is made legitimate on the basis of family human rights, which are the rights of the human being to 'make a family'. The rights of joint conjugal, parental and intergenerational relationships are thus protected and promoted.

Fig. 6- The four dimensions of family policy.

G
Enactment of the complex (state and societal)
citizenship of the family
(set of rights-duties inherent to the family as such)

A
Instruments which
operate through
the subsidiarity
principle

I
Associational rules
of solidarity for the
"plural wellbeing"
of families

L
Family human rights
(the rights each human person
has in relation to the family
as a relational good)
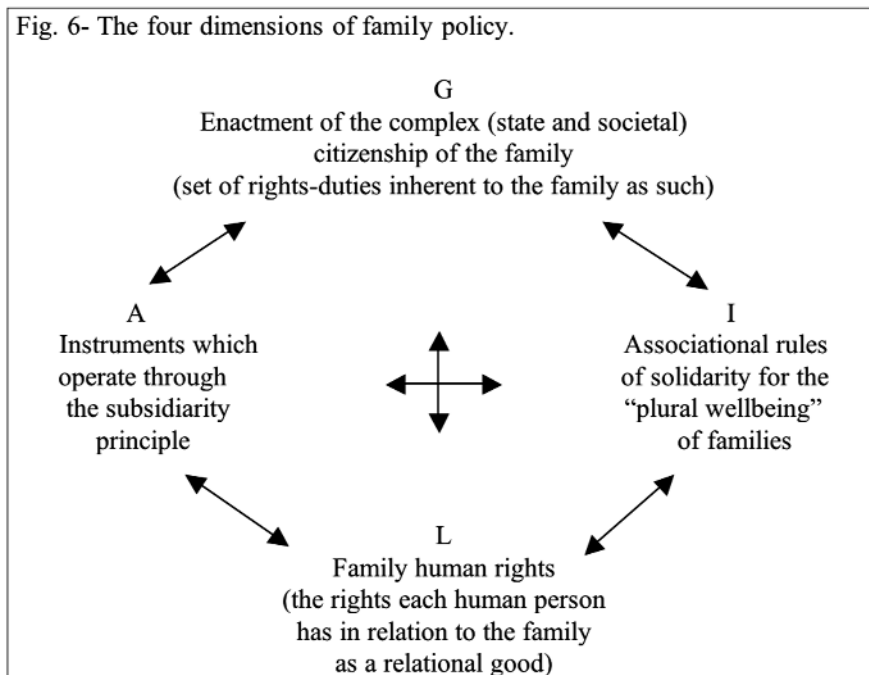
[21] A,G,I,L are the four reference dimensions of the AGIL scheme, originally elaborated by Talcott Parsons and subsequently revised and deeply reformulated in my relational sociology (see Donati 1991: ch. 4).

1) *Achieving the complex citizenship of the family*

The scenario of society in the years to come is that of a community (one that is 'politically organized') which must achieve human rights by making use of 'state' citizenship (that conferred by the state, in its various central and periphery institutions) together with the 'societal citizenship' that stems from civil society (i.e. that which pertains to its social subjects or intermediary social formations). The family thus becomes one of the social subjects entitled to new legal rights according to the guidelines of *societal citizenship*, if we conceive of them as an expression of human rights generated by a *wellbeing society* in which the needs of self-organization are manifested by primary and secondary social formations. Societal citizenship must be seen as an alternative both to statism (the citizenship of collectivized socialism) and to that kind of liberalism which is a mere affirmation of individual rights that are not bound to community responsibilities (the citizenship of the market). Citizenship thus becomes, more than ever, that complex of rights and duties which human beings express through their social formations: both at various different territorial levels, such as the local, regional, national and supranational levels, and through autonomous associative networks

2) *Operative principle of subsidiarity*

The principle of subsidiarity affirms that it is wrong for a 'political' community (in an empirical or in an analytical sense)[22] of a higher rank to take upon itself powers and tasks that belong to a community on a lower level.

Here there may be a limited interpretation, and another more wide-ranging: the first would refer to non-interference in the (minimal) tasks of the minor community, the second would tend to reinforce the minor community within the range of its actions. In other words, we could have a simply *defensive* interpretation in favour of the smallest communities, but there may also be a *promotional* interpretation, in the sense that the larger communities would not only have to protect, but should also work towards increasing the autonomy of the smaller communities, creating conditions

---

[22] 'Political' in the *empirical* sense means what belongs to an administrative system of national importance (states, regions, provinces, municipalities, etc.), since it must make collective decisions which are binding on the collectivity, normally a territorial collectivity, which it affects. 'Political' in the *analytical* sense means what belongs to a social formation (including e.g. the family) which functions as a maker of binding decisions for the common good of all those who belong to it.

for their independent development. In particular the larger communities must regulate social exchanges (whether they be distributive, redistributive, or commutative) in such a way that the smaller communities have sufficient resources to accomplish their goals.

More simply, the principle signifies that: (i) in what concerns the state, political-administrative decisions must be taken at a level as close to the citizens as possible; (ii) with respect to the relationships between the state and the other agents (sub-systems) of society (which we call civil society in so far as it is not vested with state institutional responsibility), there must be present an operative principle that respects reciprocal functional autonomies.

This principle of reciprocal conferral of value on the autonomy of agents implies having a direction (which is a form of social governance) towards the greatest possible synergy between the various subjects of society (institutional and civil), instead of being directed towards the colonization and exploitation of the minor communities by the larger ones. Subsidiarity must be understood not as a residual intervention (according to some, the state must intervene if there is no one else to do so, which is a mistakenly reductive interpretation), but as a principle which permits the various levels and functions of society to be systematically balanced in an integrated mode, without undue substitutions, in such a way as to favour the respective responsibility of each agent in the division of responsibilities.

3) *Associational rules (governance) of solidarity for the 'plural wellbeing' of families*.

Since wellbeing is multidimensional (economic, psychological, social, cultural and spiritual) there must be a plurality of subjects which generate it and which are legally allowed to act as 'public' subjects ('public' does not necessarily mean that they are governmental, but simply that they are recognized as subjects of societal citizenship).

This is the theme of *plural welfare*, which is so called because it is put into practice by 'associative' entities that organize wellbeing in an 'associational' manner.[23] This is the frontier of a conception of *civil* wellbeing quite beyond that of welfare intended as a result (output) of some kind of compromise between the state and the market (*lib/lab*) or as a *welfare mix* (the so-called 'mixed economies'), as a *mix* between public and private in the sense of state and market.

_____

[23] On the concept of 'associational' see: Hirst (1998, 1999), Hirst and Bader (eds. 2001).

A highly complex society such as that of the 21st century can no longer be governed by a Centre that regards itself as the apex of society. Nor can it be left to a market that is composed of atoms which spontaneously align and realign. There needs to be a regulation of society that allows greater freedom to the agents who exist today, within the network of their own responsibilities, and of the forms of *social governance* (not just political government). But how?

We must realize that the compromise between State and Market which has organized welfare systems since the second world war, is no longer sufficient. The State-Market pair, which has been the supporting axis of all modern society, is no longer suitable for the regulation of a family friendly society. The intervention of two other sub-systems is called for. To begin with, we have a third sub-system, the so-called third sector, made up of associations, volunteer groups, social solidarity cooperatives, foundations and other non-profit and non-governmental organizations. This 'third associational pole' is establishing itself today as the pole which is the most dynamic, most active and most capable of making up for the lack of regulation in the Market, as well as that which is most able to avoid the alienation of a bureaucratized society which arises from the state organization. And then there is a fourth sub-system, which we may define as the *family sub-system*, i.e. the whole set of families, understood as units of primary services, and subjects of their own rights and obligations, both in respect of welfare choices (for example the acquisition of goods and services) as well as in respect of the organization of these same welfare services (prosumers).

In other words we must think of a society organized not on two but on four sub-systems, which are to be considered as symmetrical and interrelated poles: the state, the market, the third sector, and the family sub-system, each having equal dignity and all inter-related. Since the third and fourth sectors are those currently least recognized, they must be promoted by any appropriate solutions.

In the case of the 'private-social' third sector, there is a solution which I call 'statutory'[24] since it is based on universalist rules of *social governance*

---

[24] Here 'statutory' does not refer to measures and/or rules enacted by the legislative branch of a government (abiding by law). It means measures and/or rules contained in a statute which has been enacted, created, or regulated by an intermediary body (such as a family association, a corporation, or an international agency) and set up to regulate its scope or authority.

which permit subjects of the third sector (in particular, family-oriented associations) to act as publicly free and responsible social agents, legitimized by proper statutes and by their functions in 'public' service (in the sense of 'public' outlined above). They need this recognition to be able to be considered as subjects of public utility and not merely as private subjects.

4) *The family transformed from being a 'social burden' to being a human right: family human rights*

Family human rights are the basis for legitimizing family citizenship.[25] Many have not yet comprehended in which sense and in which way using the term 'citizenship of the family *as such*' implies something more than the recognition of the rights of the individual (including the rights of the individual to interpersonal relationships). It implies more for at least two important kinds of consideration.

i) First, because individual rights are not 'absolute', but have, within the family, a relational structure; the right everyone has as a person is exercised in relation to the rights of others.

ii) Secondly, if it is true that the family can exercise mediations that are positive on behalf of persons, then these mediations must be recognized as goods in themselves, to be protected as a 'relational good'.

To affirm the citizenship of the family means to recognize and to give value to the regulations and behaviours that are inspired by principles of solidarity, or rather of full reciprocity, which have their justification in the relational rights of the human person. The concept of citizenship lays claim to the positive value of these mediations, rather than claiming legitimization by rules and behaviour inspired by principles of indifference, or worse still, by principles which involve penalizing the mediation of solidarity which the family offers.

People who still do not understand or accept the idea of family citizenship often fail to understand because they are afraid that this recognition is in some way 'anti-democratic'. We must, in contrast, insist upon the fact that the concept of family citizenship *extends* the meaning and importance of the substance of democracy, and *avoids* an ingenuous and mechanical application of merely procedural democracy, which could have harmful effects on the family. To promote the citizenship of the family means, in other words, to choose what goes towards a real, more complete democracy, one that works for the realization of the rights of solidarity, sharing, participation and autonomy of the people as individuals-in-relation with each other.

The new citizenship means that the family is no longer given value solely as a structure of social control, nor considered as a fragmented reality, whether already so or capable of becoming so. Forming part of a family becomes acquiring an entitlement to promotional rights, not merely rights to protection, for individual rights, based on principles of solidarity.

Putting such a scenario into effect is not easy. It is complex, above all, because the recognition of the family as a subject requires not only new welfare provisions for the various types of families (for example those of single mothers), but also a qualitative leap in the conception and in the practice of citizenship. Citizenship, from being a 'statist' concept, must become a 'societal' one: it must become able to recognize the citizenship of those social subjects – especially supra-individual subjects, such as the family – that are decision-making, associative and organizational. Many laws and projected laws, in fact, proclaim the principle of the family as a subject, but the actual legislative measures which they propose turn out to be just another offering of impersonal and anonymous services for this or that particular receiver (the child, the woman, the elderly person) as if these individuals did not live within a family structure. Direction towards the family, the choice of the family as a subject in itself must become part of civic consciousness.

Beyond certain economic provisions (like the 'quotient' system in the taxation of family income), only the recognition of a full citizenship of the family, with all that it implies, can escape the widespread phenomena of apprehension, discomfort, injustices and social pathologies. Without such recognition, indeed, increasing burdens of social solidarity which cannot be assumed by the welfare state will be transferred in a wrongful, implicit, indirect and undeclared manner on to families, and this will be wholly harmful to the pursuit of the goals of social equality and of universalist solidarity that are inherent in citizenship.

If up to now there has been an *inverse correlation between the strength of the state and that of the family*, this historical correlation is no longer valid in post-modern or complex societies. I could even venture the hypothesis that in the 21st century the strength of the family and the strength of the state will bear a positive correlation to each other: but this will be *on condition that the state's role is truly subsidiary*. But it is also possible that the state-family correlation will lose its importance as globalization gains ground.

As a matter of fact, in the functional and relational distinction between state and family, which is something unavoidable, the family must mediate a growing number of relationships in order that the collectivity may be able to function positively. The family can no longer be a segmented element of

society (in the sense that it reproduces by making identical copies of itself, like an earthworm), nor a corporation, nor a small community enclosed within a larger society. It can no longer be an intermediate community in the organicist sense of the term. It must become a communitarian relation of intermediation between the individual and society, which gives voice to a definite sphere of citizenship rights: rights of the person who, by the fact of living in a family, must be recognized and sustained with adequate legal entitlements (or guaranteed 'access rights' to social guarantees and rights) in the practice of the mediations that he or she in fact exercises.

Let us take an example. Society must guarantee the right of children to an education, and the law-making system must guarantee the freedom of choosing a school without discrimination of any kind, and guarantee the right to study as a right of citizenship. Now, the question is: does the right to study belong to the individual or to the family? There is no doubt that the lib/lab welfare system treats it as a mere individual right. According to the relational approach, this is not correct: the right to education must be seen both as an individual and as a family right. The latter is in addition to the former. It is true that this right certainly belongs to the child as a human person. But if we reduce this right only to an individual entitlement, we end up by losing the role of the family, which is sociologically mostly relevant in favouring or disfavouring this right's being effectively exercised. To treat this right as a mere individual property leads to serious failures. Therefore we must consider that the right to education is *also* inherent in the family, because the individual can put it into effect only by passing through the chances offered by the family. If we do not take into consideration the mediation of the family, the right would not be enjoyed in the best way by the child. To make this right effective, then, we must guarantee the rights of the family (the freedom of choosing a school is only one among the others). (To achieve the exercise of the fundamental value of schooling, which is so widely shared, it is possible to think of the private school and the state school as being made equivalent within a single 'public service'. This does not mean either privatizing or statalizing the system of education, whether at its core or at its periphery, but it does mean guaranteeing to families the

---

[25] By 'family human rights' I mean those rights that are inherent to the human being which have as their object the family as a relational good. These rights are intrinsic to the dignity of every human person, but have to do with the family as such. I understand quite well that the concept of human dignity is problematic (Seriaux 1997). But precisely here lies the novelty of the relational approach.

exercise of their rights. Families are spheres of educative mediation for their children.) If this mediation, which constitutes society's *primary social capital*, is not recognized and is not actively promoted, society will take the place of the family. Likewise, those intermediate institutions that create secondary social capital (civicness) through the exercise of real formative choices of the family will also be emptied.

5.2. *In conclusion*

There are four fundamental principles of a family policy inspired by a drive towards a human society.

(i) The relational good of the family as a fundamental right inherent to the dignity of the human being.

(ii) The norm of solidarity as interdependence and reciprocal support not only through redistribution, but also by way of institutions of internal and external mutual assistance in the healthy pluralism of a civil society that organizes family well-being in numerous associative forms.

(iii) The fulfillment of the set of rights and duties of citizenship which pertain to the family as a relational good.

(iv) The use of resources and instruments which increase the primary (family) social capital as well as the secondary (civic) social capital through the principle of subsidiarity.

If we reason from the perspective of a complex principle of justice, which distinguishes between the various spheres of justice, then the entire set of families which pursue the family good (the relational good of reciprocity between genders and between generations) is one of these spheres.

In my opinion, there is a good deal of both theoretical and empirical evidence that suggests that the so-called 'Charters of Rights', both the general Charters and the more specific ones pertaining to the rights of the family, must be re-examined in the light of these principles. In fact, all of the Charters of Rights[26] owe their framework to the cultural and political climate of the 20th century. In reality, each of the Charters still makes reference to a

---

[26] Including the 'Charter of Family Rights' promulgated by the Holy See and signed by John Paul II on October 22, 1983. Notwithstanding the fact that this Charter relates the family rights mainly to the nation-states, it is a fundamental document. It is worthwhile noting that the Charter was proposed by the Holy See at the U.N Headquarters in 1982, but was not approved by the Assembly (it was not signed by the USA nor by the USSR, among other countries).

stratified society which has the nation-state at its apex and centre. But in a society that is on its way towards globalization, these principles need to be universalized and made capable of being pursued beyond the limits of nation-states and beyond the era of industrial welfare. We are now entering a global society that will be a society of networks, where the central problem will not be one of political constitutions, but of *civil constitutions*.[27]

From antiquity, scholars have sustained that family relationships have always been a symbolic model of reference for political systems, in particular as regards the type of relationships that exist between individuals and authorities. Many scholars have stressed that, just as the model of the patriarchal family helped sustain the authoritarian or at least paternalistic states of the *ancien régime*,[28] the modern nuclear family sustains the liberal-democratic states. But they have forgotten to observe that today this correlation has become more interactive, and has in fact been reversed. Today, the fragmentation of the family and the fragmentation of the political system match each other. But this is not the only issue at hand. Of more relevance is that the family of today is becoming a 'neutral' object for political-administrative systems. The outcome is widespread *anomie*. Under these conditions, the family must then be promoted through civil action, that is, through a world-wide civil society, rather than through the states and international governing organizations, which have in large part become indifferent to the fate of the family.

We are in need of a grand, new relational vision to rediscover the bonds between family, civil and political society, if we wish to have social policies that are not only *family friendly*, but *subsidiary to the family* properly, within the framework of a global democratic civil society.

---

[27] For more on this theme, see G. Teubner (2003).

[28] This thesis has been known since Aristotle's times. Modern scholars would find it of value to re-examine the observations of authors such as A. de Tocqueville, M. Horkheimer, J. Habermas and others. An ideological review was undertaken by Todd (1985) and by Commaille and Martin (1998), who nevertheless did not consider the negative results attained by family policies within the lib-lab regimes.

BIBLIOGRAPHICAL REFERENCES

Anderson C.A. (1999), *Criteria for Policies on Marriage, Family and Life*, in *Anthropotes*, a. 15, n. 2.

Anderson D.M. (2001), Towards a Progressive Family Policy, in H. Tam (ed.), *Progressive Politics in the Global Age*, Polity Press, Cambridge, pp. 108-124.

Arts W., Gelissen J. (2002), Three worlds of welfare capitalism or more? A state-of-the-art report, in J*ournal of European Social Policy*, vol. 12, n. 2, May, pp. 137-158.

Badel M. *et al.* (2003), Réference au lien familial et accès aux droits sociaux, in *Famille et droit social*, 'Recherches et Prévisions', n. 73, septembre, pp. 25-34.

Bahr H.M., Slaugh Bahr K. (1996), A Paradigm of Family Transcendence, in *Journal of Marriage and the Family*, vol. 58, n. 3, pp. 541-555.

Becker G.S. (1991), *A Treatise on the Family*, Harvard University Press, Cambridge Mass. and London.

Bozzao P. (2001), La protezione sociale della famiglia, in L. Calafà, D. Gottardi (a cura di), *Famiglia, lavoro, diritto: combinazioni possibili*, numero monografico 'Lavoro e Diritto', a. XV, n. 1, inverno, pp. 55-96.

Bradshaw J. *et al.* (1994), Une comparaison internationale des aides aux familles, in *Recherches et Prévisions*, n. 37, septembre, pp. 11-26.

Cananzi R. (2003), Diritto di famiglia comunitario. In iure condito et in iure condendo, in *La Famiglia*, a. XXXVII, n. 220, luglio-agosto, pp. 18-26.

Carrà Mittini E. (2003), *Dentro le politiche familiari. Storia di una ricerca relazionale sulla l.r. 23/99 della Regione Lombardia 'politiche regionali per la famiglia'*, LED, Milano.

Castles F.G. (2003), The world turned upside down: below replacement fertility, changing preferences and family-friendly public policy in 21 OECD countries, in *Journal of European Social Policy*, vol. 13, n. 3, pp. 209-227.

Cheal D. (1991), *Family and the State of Theory*, Harvester/Wheatsheaf, New York.

Cherlin A. (ed.) (1988), *American Family and Public Policy*, The Urban Institute Press, Washington D.C.

Coleman J.C. (1993), The Rational Reconstruction of Society, in *American Sociological Review*, vol. 58, n. 1, pp. 1-15.

Commaille J., de Singly F. (eds.) (1997), *The European Family. The Family Question in the European Community*, Kluwer Academic Publ., Dordrecht.

Commaille J., Martin C. (1998), *Les enjeux politiques de la famille*, Bayard Editions, Paris.

Diwan R. (2000), Relational wealth and the quality of life, in *Journal of Socio-Economics*, Vol. 29, Issue 4, July, pp. 305-340.

Donati P. (2000), The New Citizenship of the Family: Concepts and Strategies for a New Social Policy, in H. Cavanna (ed.), *The New Citizenship of the Family. Comparative Perspectives*, Ashgate, Aldershot, pp. 146-173.

Donati P. (2001), Famiglia e pluralizzazione degli stili di vita: distinguere tra relazioni familiari e altre relazioni primarie, in Id. (a cura di), *Identità e varietà dell'essere famiglia: il fenomeno della 'pluralizzazione'*, Edizioni San Paolo, Cinisello Balsamo, pp. 37-119.

Donati P. (2003a), *Sociologia delle politiche familiari,* Carocci, Roma.

Donati P. (2003b), La famiglia come capitale sociale primario, in Id. (a cura di), *Famiglia e capitale sociale nella società italiana*, Edizioni San Paolo, Cinisello Balsamo, pp. 31-101.

Donati P. (2003c), Quale cittadinanza per la famiglia in Europa?, in 'La Famiglia', a. XXXVII, n. 220, luglio-agosto, pp. 5-17.

Donati P. (2003d), Giving and Social Relations: The Culture of Free Giving and its Differentiation Today, in *International Review of Sociology*, vol. 13, n. 2, pp. 243-272.

Donati P. (2006), La socializzazione educativa e il capitale sociale: in che modo famiglie e scuole generano beni relazionali?, in P. Donati, I. Colozzi (a cura di), *Capitale sociale delle famiglie e processi di socializzazione. Un confronto fra scuole statali e di privato sociale*, FrancoAngeli, Milano, pp. 122-150.

Donati P. (2007a), Ri-conoscere la famiglia attraverso il suo valore aggiunto, in P. Donati (a cura di), *Ri-conoscere la famiglia: quale valore aggiunto per la persona e la società?*, Edizioni San Paolo, Cinisello Balsamo, pp. 25-62.

Donati P. (2007b), Capitale sociale, reti associazionali e beni relazionali, in *Impresa sociale*, a. 17, vol. 76, n. 2, aprile-giugno, pp. 168-191.

Donati P., Prandini R. (2007), The Family in the Light of a New Relational Theory of Primary, Secondary and Generalized Social Capital, with R. Prandini, in *International Review of Sociology*, vol. 17, n. 2, July, pp. 209-223.

Donzelot J. (1977), *La police de la famille*, Minuit, Paris.

Dumon W. (ed.) (1994), *Changing Family Policies in the Member States of the European Union*, Commission of the European Communities, DGV, Brussels.

Dworkin R. (1977), *Taking Rights Seriously*, Harvard University Press, Cambridge (tr. it. *I diritti presi sul serio*, il Mulino, 1982).

EEC (1989), *Communication from the Commission on family policies*, Brussels, 8 August 1989, COM(89) 363.

Eriksen J. (2001), Unmarried Cohabitation and Family Policy in Norway, in *International Review of Sociology*, vol. 11, n. 1, March, pp. 63-74.

Esping-Andersen G. (1990), *The Three Worlds of Welfare Capitalism*, Princeton University Press, Princeton.

Gauthier A.H. (1996), *The state and the family: a comparative analysis of family policies in industrialized countries*, Clarendon Press, Oxford.

Giddens A. (1998), *The Third Way. The Renewal of Social Democracy*, Polity Press, Cambridge.

Glendon M.A. (1989), *The Transformation of Family Law: States, Love, and Family in the United States and Western Europe*, University of Chicago Press, Chicago.

Glendon M.A. (1991), *Rights Talk: The Impoverishment of Political Discourse*, Free Press, New York.

Hantrais L., Letablier M.T. (1994), Construction et déconstruction de la famille en Europe: une analyse comparative, in *Recherches et Prévisions*, n. 37, septembre, pp. 1-10.

Hardy J. (1981), The family: the basis of society or the root of all its problems?, in Id., *Values in Social Policy. Nine Contradictions*, Routledge & Kegan Paul, London, pp. 39-51.

Hirst P. (1998), Social Welfare and Associative Democracy, in N. Ellison and C. Pierson (eds.), *Developments in British Social Policy*, MacMillan, Basingstoke.

Hirst P. (1999), *Associations, Communities and Conflicts in USA and UK*, mimeo (Italian translation: Associazionalismo: una strategia per l'inclusione, in *Sociologia e politiche sociali*, vol. 2, n. 3, pp. 173-194).

Hirst P., Bader V. (eds.) (2001), *Associative Democracy. The Real Third Way*, Frank Cass, London.

Jurado Guerrero T., Naldini M. (1997), Is the South so different? Italian and Spanish Families in Comparative Perspective, in M. Rhodes (ed), *Southern European Welfare States: Between Crisis and Reform*, London, Frank Cass.

Lanquetin M.T., Letablier M.T. (2003), Individualisation des droits sociaux et droits fondamentaux, in *Famille et droit social*, 'Recherches et Prévisions', n. 73, septembre, pp. 7-24.

Luhmann N. (1981), *Ausdifferenzierung des Rechts. Beiträge zur Rechts-soziologie und Rechtstheorie*, Suhrkamp, Frankfurt (tr. it. *La differenziazione del diritto*, il Mulino, Bologna, 1990).

Luhmann N. (1982), *Liebe als Passion. Zur Codierung von Intimität*, Frankfurt a.M., Suhrkamp (tr. it. *Amore come passione*, Laterza, Bari-Roma, 1985).

Luhmann N. (1997), Limits of Steering, in *Theory, Culture and Society*, vol. 14, n. 1, 1997, pp. 41-57.

Nelson B.J. (1985), Family Politics and Policy in the United States and Western Europe, in *Comparative Politics*, n. 17, pp. 351-371.

Parsons T. (1977), *Social Systems and the Evolution of Action Theory*, Free Press, New York.

Pérez Adán J. (2001), Family and the Politics of Community Life, in H. Tam (ed.), *Progressive Politics in the Global Age*, Polity Press, Cambridge, pp. 125-139.

Pérez Adán J. (ed.) (2001), *Las terceras vías*, Ediciones Internacionales Universitarias, Madrid.

Prandini R. (2001), I diritti della famiglia e le 'famiglie' del diritto: identità e pluralismo nelle relazioni tra società, diritto e famiglia, in P. Donati (a cura di), *Identità e varietà dell'essere famiglia: il fenomeno della 'pluralizzazione'*, Edizioni San Paolo, Cinisello Balsamo, pp. 405-459.

Rossi G. (2002), Promozione e sostegno delle politiche familiari in Lombardia, in *Politiche sociali e dei servizi*, a. IV, n. 2, luglio-dicembre, pp. 135-162.

Seriaux A. (1997), La dignité humaine, principe universel du droit?, in *Acta Philosophica*, vol. 6, fasc. 2, pp. 289-301.

Shinn A., Toohey S.M. (2003), Community Contexts of Human Welfare, in *Annual Review of Psychology*, vol. 54, pp. 427-459.

Teubner G. (2003), Societal Constitutionalism: Alternatives to State-centred Constitutional Theory, in C. Joerges, I.-J. Sand, G. Teubner (eds.), *Constitutionalism and Transnational Governance*, Hart, London.

Todd E. (1985), *The Explanation of Ideology. Family Structure and Social Systems*, Basil Blackwell, Oxford.

Trnka S. (ed.) (1999), *Family Issues Between Gender and Generations*, European Observatory on Family Matters, Seminar Report, Vienna, May.

Viola F., Zaccaria G. (2003), *Le ragioni del diritto*, il Mulino, Bologna.

Waldron J. (1987), Can Communal Goods Be Human Rights?, in *Archives Européennes de Sociologie*, vol. XXVII, pp. 296-322.

Wolgast E. (1987), *The Grammar of Justice*, Cornell University Press, Ithaca N.Y. (tr. it. *La grammatica della giustizia*, Editori Riuniti, Roma, 1991).

Zimmerman S.L. (2003), Child and family well-being in states with different political cultures, in *Families in Society*, 84, 2, April-June, pp. 275-284.

THE STATE AND THE FAMILY IN A SUBSIDIARY SOCIETY GUIDELINES FOR A SUBSIDIARY FAMILY POLICY

MANFRED SPIEKER

To define the family as a relational entity between different sexes and generations and to further demand that this relational unit be given a fully codifed legal status, goes against the grain of a major theme of European thought that harks back to the Enlightenment. This line of thought looks at decisions which lead to matrimony or the founding of a family as strictly private choices made by individual citizens. While such choices are acknowleged to have social relevance that warrant concise legal definition, it is not considered incumbent upon the State to actively promote such endeavors. Although Article 10 of the UN Declaration are: Economic, Social and Cultural Rights [19 Dec. 1966] designates the family as 'a natural core of society', which all member nations 'are to afford the greatest possible protection and support, especially with regard to its formation and its responsibility for the care and education of children', the main tenet of enlightened liberal doctrine does not acknowledge any public interest in the difference of generations or sexes. Every form of long-term relationship – even same-sex unions – are fully accepted as 'family'. The decision for or against such a form-of-life remains as private an issue as choices in favor or against a social club or a neighborhood gardenparty.

Yet, from its liberal vantage point, the State does take an interest in the family. And it is for this simple reason: prevention will always be more cost-effective than therapy. To prevent social exclusion thus becomes a matter of policy. It is after all quite obvious that social, economic, psychiatric and criminal problems would carry a much higher price tag than a preventive agenda that works against the marginalization of socially fragmented families. Such a perspective also allows the State to take one additional step: To design a system of social policy that guarantees individual citizens the capacity to act in pursuit of their fundamental rights. This has several con-

sequences: It guarantees a dignified life when illness, old age, physical handicap, injury or unemployment take away the capacity to earn a living; it provides continued access to the provision of life sustaining goods and services. Such a performative system can also bring benefits to families – or more precisely: to members of families.

This social-corporate approach to family policy is likely to strike a classic liberal as a roadmap to social democracy. From the vantage point of Christian social doctrine, however, this route remains a distinctly liberal one, since it is centered on securing the freedom of citizens and their fundamental rights. This view has found its clearest expression in the 'social market economy' which was enacted in post-war Germany and has achieved some notariety under the label 'Ordo-Liberalism'. Its protagonists, Walter Eucken, Wilhelm Roepke, Alfred Mueller-Armack, *et al*. wished to assert that classical liberalism's entrusting of the welfare of society to market forces alone, was a prescription for failure, since social well-being presupposes not merely a well functioning market, but also a system of social performances – and that both of these dimensions were dependent on the 'ordering' function of the State. From this view point the State is not merely a menace to freedom but also serves as its guarantor.

These briefly sketched approaches to family policy remain nonetheless flawed. They fall short in that they reduce family policy to the denominator of policy for family members and subsequently to social policy. It is of vital importance that family policy view the family as a relational unit of different sexes and generations. It must not only aim at the participation of family members in the life of society but have its sights set on securing a firm legal codification of the family entity. To employ terms that are being used in German policy debates: family member policy must be augmented by 'family as institution' policy. This means the family must be cast as a social subject that is not reduced to its single, constituent members. Such an approach toward a new family policy must then rely on the principle of subsidiarity, which in Donati's view requires a proactive ('promotional') stance and not merely a defensive strategy. Thus, subsidiarity does not only imply protection of the family or its members from State intervention, but likewise the marshalling of the State in order to bring activation about conditions that allow for the active unfolding of families. In my estimation, this represents a warrant to free contemporary family policy from its incarceration by social policy and to establish new guidelines for it.

I. Prerequisites of a Subsidiary Family Policy

1. *Family citizenship – a codified right*

The proposal to create citizenship status for the family, which would transcend the legal rights of its separate members and at the same time affirm the legal subjectivity of the family as 'a relational unit of different generations and sexes', is dependent on an ontological premise. As a rule, such an exploration is not required and yet it looms as a foundational issue for the social sciences and the ever more burning question of policy for families. The ontological premise effects the categories through which we attempt to grasp the independent world of reality and answer the question of its being. Here we can distinguish three aspects that provide us with three corresponding categories: 'substances' – e.g. humans; 'qualities' or 'accidentiae' – e.g. black; 'relations', e.g. married. While substances and qualities are quite readily recognized, we do not detect relations at first sight. These relations are nonetheless real.

Every social philosophy is marked by the scope of its categories. A social philosophy that only acknowledges 'substances' and 'qualities' while relegating 'relations' to the realm of fiction, will necessarily define 'society' and 'family' quite differently from a social philosophy that, in the tradition of Aristotle, places 'relations' next to 'substances' and 'accidentiae'. Still different will be a social philosophy that – in following Hegel and Marx – only grasps 'relations' as real and defines things as bundles of relations. For this very reason Marx understood human beings as 'ensembles of social relations'. Marx and his successors thus expected the emergence of a human being that would be free of all alienation due to the revolution of social relationships, or more concretely: the revolution of property structures.

A 'liberal' social philosophy – by contrast – holds only substances and qualities as real. Here, society is no more than the sum of persons gathered within a structure. The family, in turn, is nothing else than the sum of its members. A family policy formulated from this vantage point will therefore not move beyond a 'family member policy'. The social philosophy that derives its understanding from an Aristotelian doctrine of categories will grasp society not just as a sum of individual persons. Here the focus is on the real relations among human beings and on their common purpose. Likewise, the family consists of real relations amongst its members and their common purpose. 'Family' is not merely a contract between individual persons but an entity in ist own right. While on the one hand, its pur-

pose is the personal development of its members of different generations and sexes – which translates into an agenda for each individual life. On the other hand, the relational entity 'family' has its own reality, out of which arises the claim to its own distinct citizenship within state and society.

2. *The principle of subsidiarity*

The principle of subsidiarity has a twofold dimension, 'not only defensive, but also promotional: it is not limited to defending the family from the interference of communities of higher orders, but actively sustains it in its autonomy (action of empowerment)' (Donati). This twin dimension of limiting and activating State policy does indeed correspond to the principle of subsidiarity Christian social doctrine as enunciated in the first Social Encyclical of Leo XIII, *Rerum Novarum* (1891) and further defined in *Quadragesimo Anno* (1931) by Pius XI.[1] This Social Encyclical – to which the two Jesuits Oswald von Nell-Breuning and Gustav Gundlach were major contributors – is considered the 'locus classicus' of the principle of subsidiarity. There is, however, no Catholic monopoly over this principle. States and societies that are built upon liberty and fundamental human rights manifest the structure of subsidiarity. Inherent is an anthropological premise that has frequently been passed over in the political as well the juridical and social science debates. This shunting aside has wrought flawed interpretations of the principle of subsidiarity, as the treaties of the European Union of Maastricht (1992), Amsterdam (1997), Nice (2000) and Brüssel (2004) exemplify. Although these treaties invoke the principle of subsidiarity as key to the successful furthering of European integration,

---

[1] Pius XI, *Quadragesimo Anno* 79: 'Wie dasjenige, was der Einzelmensch aus eigener Initiative und mit seinen eigenen Kräften leisten kann, ihm nicht entzogen und der Gesellschaftstätigkeit zugewiesen werden darf, so verstößt es gegen die Gerechtigkeit, das, was die kleineren und untergeordneten Gemeinwesen leisten und zum guten Ende führen können, für die weitere und übergeordnete Gemeinschaft in Anspruch zu nehmen; zugleich ist es überaus nachteilig und verwirrt die ganze Gesellschaftsordnung. Jedwede Gesellschaftstätigkeit ist ja ihrem Wesen und Begriff nach subsidiär; sie soll die Glieder des Sozialkörpers unterstützen, darf sie aber niemals zerschlagen oder aufsaugen'. Vgl. auch M. Spieker, Das Subsidiaritätsprinzip. Anthropologische Voraussetzungen und politische Konsequenzen, in: *Die Neue Ordnung*, 48. Jg. (1994), S. 22-34; spanisch: El principio de subsidiaridad. Presupuestos antropológicos y consecuencias económico-sociales, in: *Tierra Nueva* Nr. 86, 22. Jg. (Juli 1993), S. 5-13 und italienisch: Il principio di sussidiarietà: presupposti antropologici e conseguenze politiche, in: *La Società* 17, 5. Jg. (1995), S. 35-50.

they nonetheless reduce the principle – quite inappropriately – to a mere instrument for the enhancement of effective political action.[2]

It is vital to recall the anthropological premise on which the principle of subsidiarity rests. The successful outcome of human life depends largely on the readiness and capacity of the individual person to take initiatives, to accept challenges, to entertain risks and to deliver performances. Pope Paul VI formulated as follows in the Encyclical *Populorum Progressio*: 'Endowed with reason and free will, the human person is as much responsible for his progress as he is for his well being. Supported – yet at times also handicapped by his educators and his environment – everyone is the architect of his own future, the cause of his privation, regardless of other surrounding influences. Every human person may grow through the power of his intellect and his will to attain greater human merit and perfection'.[3] Any hermeneutics of the principle of subsidiarity that takes this anthropological premise into full account will therefore strive to give priority to the personal responsibility of the human being. It will likewise conceive of any assistance by the State as a form of help that serves to facilitate self-help, i.e. an 'action of empowerment'. The emphasis here is not on easing the State's burden but rather on promoting the thriving of individual life. The presupposition is the autonomous, active citizen – not the passive, looked after subject. And it proceeds forward from the autonomous and dynamic family.

The concept of subsidiarity can be traced to the military terminology used in ancient Rome. To wit: *subsidium ferre* = to provide support or cover; to offer a fall-back position. This means that the supporting State is always standing in the second echelon and furthermore, and that the one to whom help is offered occupies the front line and determines his strategy and tactics. The principle of subsidiarity thus obliges the State to be both active and self-limiting. It commits the State to lend support to subordinate units, extending all the way to families for the sake of individual human beings. Yet it blocks the State from intervening in those tasks and efforts that can be fulfilled or carried out by these very units. When subordinate entities prove unable to live up to their tasks on their own, the principle of subsidiarity further obliges the State to not simply assume these tasks but rather search for ways to increase the self-help capacities of the lesser units. The long-term strengthening of self-help capacities has a clear priority over

---

[2] Vertrag über die Verfassung Europas (2004), Artikel I-11.

[3] Paul VI, *Populorum Progressio* 15.

any short-term gains in effectiveness. Whenever the State has taken over an enterpreneurial task it is incumbent to yield back such effort 'to availabile private hands at the earliest possible moment'. Regarding all State intervention in both economy and society, the Encyclical *Mater et Magistra* further specifies that [it] 'must be of such a nature that it does not only avoid any restricting of the sphere of private initiative of the citizen, but must rather provide for its broadening'.[4] In summary, the principle of subsidiarity has a two-fold operational reach: on the positive side it activates the State ; but it also exerts the power of negation by its defensive posture and thereby protects against overreach by the State.

The anthropological axiom, that the successful outcome of a human life is dependent on the readiness and capacity of a person to take initiatives, and live with challenges, must always remain at the center of any gloss or application of the principle of subsidiarity. This truth is made manifest in the disciplines of psychology and paedagogy and in the world of everyday experience. And the family is its foremost proving ground. The family also constitutes the 'aboriginal sphere' where the groundwork for the enactment of these matters is laid. If the State aims at making a contribution to the outcome of human life, then it must promote the readiness and capacity of human initiative, exertion and performance. All of this translates into one mandate: public support for the autonomy of the family.

II. A Subsidiary Family Policy: Guidelines

A subsidiary family policy needs to walk a tight rope between the ban against intervention and the precept to intervene. Decisions in favor of marriage, family, procreation and education are first of all private choices that precede the State and its policy agenda. No substitutionary role of the State is possible, and it simply must remain in the second echelon. The right to form a family is a 'given' that the State has to respect. And yet, what the participants rightly see as a private choice is of downright social and political interest, since these private decisions do not only influence the prospects of society but plainly determine its future.

After ignoring the demographic trends for more than 30 years, the political leadership of the EU member countries has now turned its atten-

---

[4]John XXIII, *Mater et Magistra* 55 and 152.

tion to the 'politics' of these problems. There will be many challenges aris-
ing not merely with regard to pensions and health care but also in policy
areas such as education, innovation and economics, taxation and migra-
tion. By 2002 the fertility rate in the European Union had fallen to 1.47
children per woman (in Germany 2007 to 1.4) – well below the replace-
ment level of 2.1 that is required to keep the population steady. The demo-
graphic trends in Germany, Italy and Spain are especially dramatic. With
regard to rates of childbirth, Germany is among the 'poorest' countries in
the world. In the statistical charts it occupies the rank no. 180 out of a
total of 191 countries listed. Nowhere in the world is the discrepancy
between wealth of capital and poverty of birthrate so pronounced. The
German age quotient, i.e. the ratio of those over 65 to those between 15
and 64 will more than double – from 24% to more than 51% – over the
next five decades, if this trend is allowed to prevail. And already by 2030
ten employed persons will have to generate the revenue of not merely 5
but 10 actual retireds. The effort to change such demographic develop-
ment will be extremely arduous and long-term. All signs are pointing
toward the making of major generational conflicts.

Not only Germany, but every country must have a vital interest 'to priv-
ilege, to protect and to augment those private forms of life which deliver
performances necessary not just for the intimately involved parties but also
for all other spheres of society. Sociologically speaking they thus have a
societal function, and from an economic perspective they produce positive
external effects'.[5] The vital function of matrimony and family which is
accorded the special constitutional protection of Art. 6 of the German
Grundgesetz (Basic Law) forbids the granting of marriage-like rights to
same-sex unions. The same applies to their child adoption rights. It is thus
altogether mistaken to consider the exclusion of these unions from the legal
order as a case of 'discrimination'.

This demographic trend, however, does not really furnish the grounds
for the demand for a new family policy. It is but a foil which makes for a
dramatic setting to an urgent request. Policy making is quite dependent on
such 'alarms' to carry forward difficult decisions. A new family policy
would have been necessary even if the demographic trends were less

---

[5] Familien und Familienpolitik im geeinten Deutschland. Zukunft des Humanvermö-
gens, 5 Familienbericht, hrsg. vom Bundesministerium für Familie, Senioren, Frauen und
Jugend, *Bundestagsdrucksache* 12/7560, Bonn 1995, S. 24.

extreme. It is the significance of the family for the so-called 'human capital' and 'social competence' that forces open the path to a new family policy. But the immediate task for a subsidiary family policy is to further the inclination to found families. The second task is the formation of 'human capital'. This also translates into help with carrying those burdens that are tied to the founding of a family. Here the term 'equalization of burdens' comes into play. Yet, easing existing burdens is not sufficient. Much depends on showing a frame work in which the performance of the family for the benefit of society – the positive external effects – is highlighted and turned into a concept of citizenship for the family.

1. *Readiness to found a family*

A subsidiary family policy that aims at promoting the readiness to found families must remove – or at least reduce – the obstacles that stand in the way of founding a family. Such obstacles are initially external and of a social and political nature. It is often believed that the most serious burdens are of a monetary sort, with negative consequences for the parental level of consumpton as well as burdensome effects on their professional and residential options. Yet this is not quite the case, since there is much compensatory gain in the togetherness, the joie de vivre, the emotional benefits and satisfactions – provided that a certain level of income is maintained. The most serious obstacles that stand in the way of starting families are to be found in the disregard for the educative and socializing performance of the family in the public sphere; more specifically in the prevalent patterns of employment, the tax laws and the laws of social security. A subsidiary family policy may not ignore the financial burdens that are assumed with the founding of families, but must promote above all a concept of greater generational justice in the matter of pensions and retirement. This holds especially true in countries where the claims to retirement pay rest on a contract between the generations. Here – as in the case of Germany – the generation of the employed is directly financing, through their 'social security withholdings', the retirement pay of the generation that has left the workforce. Generational justice thus amounts to a relationship 'in which each generation is presenting as many opportunities and options to the next generation as it has found in place itself'.[6]

---

[6] Max Wingen, Bevölkerungsbewußte Familienpolitik, in: *FAZ* vom 1.4.2004.

The guidelines for a subsidiary family policy cannot help but take into account the distinct situation of a specific society and its legal system. When a system of retirement insurance rests on a generational contract, while the claims for retirement pay are solely based on employment in the workplace to the detriment of educative, nurturing activites, this amounts to an actual bonus for childlessness and also to a structural 'handicapping' of families with children. Childless members of the workforce accrue retirement claims that must be honored by the children of the next generation, while their parents come away more or less empty handed. This pertains especially to mothers, who due to their educative function or their efforts on behalf of care-dependent family members did not enter the workforce and thus did not earn any claims toward retirement. In the codification of family law the State recognizes the duty of parents to pay maintenance for children. By its social security law, however, the State obliges the generation of the children to pay for the needs of the employed but not for the needs of those who actually raised and educated them. This then constitutes the 'scandal' of the contemporary social welfare State, as it exists in Germany:[7] It organizes universal social security but compels the children to financially 'disregard' the very persons who secured their upbringing, namely their parents. In its review of the now famous decision of the German Supreme Constitutional Court of July 7, 1992, the 5th Family Report of the German Federal Government draws the following conclusion: 'Persons who are occupied with raising children and caring for ill or handicapped family members (and are thereby foregoing chances of employment in the workplace) are actually making major contributions to the solidarity of generations and sexes within families. Thus far such efforts have not found appropriate social recognition and material renumeration in the event of old age or invalid status'.[8]

It will be the foremost obligation of a subsidiary family policy to eliminate this scandal and to press for a family-friendly design of the entitlements for retirement and care-giving. This would mean putting the caregiver on equal footing with the job occupant in the workforce. Several paths are available: Consideration of the educative performance may occur when the schedule of dues for eventual retirement is established, or when the

---

[7] Paul Kirchhof, Ehe und Familie als Voraussetzungen für die Überlebensfähigkeit unserer Gesellschaft, hrsg. vom Presseamt des Erzbistums Köln, Köln 2003, S. 15f.

[8] Familien und Familienpolitik im geeinten Deutschland, a. a. O., S. 28.

claim for the start of retirement pay is actually submitted. The first option may conform more fully to the aims of a subsidiary family policy, since its relief giving effect would take hold during the start of a family and not toward its end. Since retirement systems that rely on an apportioned fee structure exert a significantly negative influence on family starts and birthrates,[9] it is of key importance to eliminate the structural discrimination that resides in the laws and statutes which regulate social security. In a system which is financed by levies, the child-rearing work of families must never be categorised as 'outside the scope of insurance'.

2. *Building human resources*

Over and above mere reproduction, the necessary benefits provided by families to society as a whole include their contribution to securing human resources. Human resources comprise the totality of living and social skills which are required for the performance of professional skills and services, and are of inestimable importance for the development of society, the economy and culture. As long as having families and keeping them together were considered universal values, the benefits of families to human resources were both self-evident and private. With family life endangered since the beginning of the 1970s and the exponential increase in divorce rates, extra-marital partnerships and children born outside wedlock, the contribution of families to the formation of human resources now faces considerable threats. The weakening of these contributions has a prejudicial effect not only on the welfare state and benefits system, but also on the future viability of society. Here again, prevention is better than cure.

It is in the family that the course is set for the moral and emotional orientation of each child, for their readiness to learn and to perform, for their communication and relational skills, their reliability and motivation, their approach to conflict and compromise, and their readiness to start their own families, to pass on life experience and assume responsibility for others. It is in the family that decisions are discussed and made regarding success in schools and colleges, the labour market and life itself. Not only the economy and society benefit from the contributions of families, but also the democratic state,

---

[9] Hans-Werner Sinn, Das demographische Defizit. Die Fakten, die Folgen, die Ursachen und die Politikimplikationen, in: Christian Leipert, Hrsg., *Demographie und Wohlstand. Neuer Stellenwert für Familie in Wirtschaft und Gesellschaft*, Opladen 2003, S. 77.

which is dependent on interested, motivated citizens who are ready to partici-
pate and show solidarity, and even churches and religious communities, which
require the collaboration of parents if they are to pass on their faith.

In this hour of need, politics increasingly recognises the value of these
family-sourced benefits. This is the case with education – a sector which
cannot but realize that the formation of human resources in the family is
an important factor in the success or otherwise of its own policies. Also
affected are labour policy, where complaints are frequently heard regarding
the unsuitability or trainig of many young school-leavers; technology and
innovation policy, where the lack of readiness to achieve and to take risks
is keenly felt; right through to social policy, where costs surge when the
trend moves from active citizens who need help to themselves, towards pas-
sive welfare recipients who expect their every need to be met.

So, what measures can politicians take in order to help families build
these human resources? Once they have recognised that the child-rearing
factor is irreplaceable in building such resources, they must begin by
strengthening the work of families in this area. Child-rearing allowances,
parental leave and credit for child-rearing periods in the calculation of old-
age pensions are necessary measures. Child-rearing allowances must not,
however, be merely symbolic. They must do justice to the work involved,
and be index-linked to general wage conditions. They must be sufficiently
high to endow families with the freedom to choose between managing the
household (generally the mother) and working outside the home. It contra-
dicts subsidiary family policy, which must continue to aim to support
smaller units, i.e. families, in the realisation of their specific tasks.[10] It runs
against the objective of achieving civil rights for the family unit, which
should lead to the institution of the family, and not just individual family
members, becoming the focus of state support.

As instruments of a family-member-oriented social policy, state welfare
establishments can help families to stay afloat in cases where child-rearing
allowances are insufficient. However, they are not a tool of an institution-
oriented family policy, since they recognise neither the relational character
of families nor the significance of a family upbringing. In relation to pro-

---

[10] Cf. also Hermann von Laer, Familienpolitik braucht mehr Subsidiarität [*Family Pol-
icy Needs More Subsidiarit*y], Die Tagespost, 22.11.2003; and the paper of the Commission
of the Bishops' Conferences of the European Community, *A Family Strategy for the EU*,
Brussels 2004.

viding for elderly citizens who need care and attention, subsidiary family policy demands that priority be given to measures which strengthen the readiness and capacity of families to undertake such care, rather than developing state-run nursing homes. In addition to material support for the costs of care, such measures might include credits for the caring period in the old-age pension, and in the German context, devoting those involved in alternative civilian service as helpers for family-based care.

Nonetheless, the strengthening of the family's capacity to build human resources requires a rethink not only of family policy, but also from society as a whole, and even more specifically, from the economy. If state family policy is to move from balancing family burdens to balancing family benefits, then the commercial perspective must change so that family-friendly measures are no longer seen as cost factors, but as a competitive advantage. Companies can support the readiness of parents – generally mothers in the first two years – to devote themselves fully to their children's upbringing at the most important stage, by helping them to re-enter the workplace, maintaining some contact even during the child-rearing period – e.g. by allowing the parent to fill in for others during holiday periods, or to take part in training events – or by taking the child-rearing period into account, either partially or wholly, when calculating employee pensions. They can also provide supports to help working mothers combine their family and business responsibilities when faced with unexpected emergencies, e.g. by granting special leave, facilitating flexi-time work arrangements, or providing emergency childcare facilities. Obviously, this last example is only possible for large companies.

Fathers will also need to rethink their values if the contribution of families to building human resources is to be strengthened. Attempts throughout Europe to improve the compatibility of family and career have increased the number of mothers in employment, but have had little effect on fathers. Fathers continue to define their own identities mainly through their careers. Yet the building of human resources in the family depends partly on the participation of the father in family life and in the child-rearing process. A subsidiary family policy could clearly promote such participation, e.g. by granting fathers special paid leave for two weeks immediately after the birth of a child, or by tying a proportion of regular parental leave to fathers.[11] Releasing the father for family life in the first two weeks

---

[11] Cf. the summary of the national reports for the Conference of Family Ministers of the Council of Europe, 20-22.6.2001 in Portoroz, on the subject 'Conciliation de la vie familiale et professionelle'.

after a birth is not intended to ease the mother's burden, but to enable him to participate in family life and thereby in building human resources, for his own benefit and for that of the child. Involving the father in family life in this way also helps to strengthen the civil status of the family as a relational unit of different generations and sexes.

III. Civil Status for Families Demands Family Suffrage

All those who support civil rights for families must consider the question of family suffrage. The right to determine one's government at regular intervals, choosing between different candidates, is the privilege of the citizen. This right must also be granted to the family. Which of the different models of family suffrage is adopted – reduction of the voting age, multiple voting model, or representative model[12] – is a merely pragmatic consideration, in my opinion. Even if the right to vote is conceived as a basic right which corresponds only to individuals, family suffrage is still possible, in that the right then corresponds to each child and not the family as subject, but is exercised in trust by the parents until the child reaches voting age. Legal and technical solutions can be found for issues arising in connection with this fiduciary exercise of the right to vote by parents.[13]

This kind of family suffrage would be in keeping with parents' responsibility for their children, would enhance the status of the family in ageing western societies, and would improve the future viability of society. Even if the right to vote were maintained as an individual right of the different family members, it would strengthen the civil rights status of the family. The numbers advocating family suffrage have increased considerably in recent years. Various German bishops have introduced family suffrage in their dioceses for the election of pastoral councils in parishes. Family suffrage will lend important support to a new family policy based on the family as a relational unit of different generations and sexes.

---

[12] Cf. Ursula Nothelle-Wildfeuer, Das Kind als Staatsbürger. Wahlrecht gegen die strukturelle Benachteiligung von Familien? [*Children as Citizens. Right to Vote versus Structural Discrimination against Families?*], in *Herder-Korrespondenz*, Vol. 58 (2004), p. 198ff.

[13] Which parent should exercise the right to vote? What procedure would apply in the case of divorce or if the parents have different voting preferences?

APPENDIX

A CRITICAL CONSIDERATION TO THE
GENDER-ORIENTED DAY-NURSERY POLICY IN GERMANY

I. THE POLICY OF DAY-NURSERY

In July 2006 the German Government declared the installation of a quality-orientated education and care offer for children under three which fulfils the requirements to be one of the 'most urgent...future projects in Germany'.[14] The first step to extend the public care offer for children under three was the TAG (Law for the extension of day-care), which came into force on 1 January 2005. Its objective was to increase day-care places by 230,000 until the year 2010. At the moment of passing the law, there were 236,000 day-care places, among them nearly 108,000 in the new and 128,000 in the old Lands. So, the supply rate respectively the relation place/child was 6.9% in West and 37% in East Germany. The TAG strove for a doubling of the day-care places. About 70% of the new places were planned to be installed in day-nurseries and 30% in day-care. Especially in the old Lands, they wanted to improve the supply rate. Until autumn of 2006, it rose to 9.4% in West and 41.1% in East Germany. But since Spring 2007, the TAG seems to be waste paper, for the federal family minister suddenly topped its objectives with a new day-nursery project, which no longer strove to achieve 466,000 but 750,000 care places. So, they do not have to install 250,000 but 500,000 new day-care places, although within a longer period, until 2013. By that new project, the supply rate for Germany shall be tripled, from 11.1% to about 33%.

What remains mysterious is the calculation the federal family minister applied to that day-nursery project. Is doesn't go well with the logic of the new child benefit law (BEEG) (Law of pais care) from 5 December 2006. That law was the first great project of family policy under the grand

---

[14] Bundesministerium für Familie, Senioren, Frauen und Jugend, Hrsg., Kindertagesbetreuung für Kinder unter drei Jahren. Bericht der Bundesregierung über den Stand des Ausbaus für ein bedarfsgerechtes Angebot an Kindertagesbetreuung für Kinder unter drei Jahren, Berlin 2006, S. 3.

coalition and Chancellor Angela Merkel. The purpose of the BEEG was to give mothers time to care and educate their child in the first 12 months. Thus children are ruled out for the first year of their life or – if the other parent attends another two months to the care of the child – for the first 14 months of their lives as candidates for child care outside the home. So the children in the second and third year remain as clients for day-care, whether in day-care institutions, whether at day minders. The complete number of children at that age in Germany at the moment is about 1.35 millions (in 2005, about 686,000 children were born, in 2006, about 672,000). This downhill trend is not going to change within a foreseeable term, even if today's birth rate 1.34 remains stable, because the number of women capable of child-bearing is considerably diminishing. So, even in 2013, Germany is not going to have more than these 1.35 million children in the second and third year of their life. A supply rate of 33% would result in about 450,000 day-care places – like advised in the TAG. The 750,000 day-nursery respectively care places for which Ursula von der Leyen steers, means a supply rate of about 65%. The calculation of the minister only works out if she also includes the children in their first year of life, in contrast to the official intention of the BEEG. That fact forces to ask the following questions: What are the objectives the family policy of the grand coalition is pursuing? Which conditions do they take as a basis? Which taboos are they keeping?

II. CONDITIONS

At the beginning of the debate in family policy in winter 2005/06, there was the shock of demographic development in Germany. 'Demographic epoch change', 'Cancelled generation', 'Methusalem plot', 'Diminishing society', or 'Demographic trap', these are the titles of the relevant alarm cries.[15] Since 1972, Germany has had a permanent birth deficit. With a

---

[15] Vgl. Herwig Birg, *Die demographische Zeitenwende. Der Bevölkerungsrückgang in Deutschland und Europa*, München 2001; ders., *Die ausgefallene Generation. Was die Demographie über unsere Zukunft sagt*, München 2005; Stephan Baier, *Kinderlos. Europa in der demographischen Falle*, Aachen 2004; Franz-Xaver Kaufmann, *Schrumpfende Gesellschaft. Vom Bevölkerungsrückgang und seinen Folgen*, Frankfurt 2005; Frank Schirrmacher, *Das Methusalem-Komplott*, München 2004; ders., Minimum, München 2006.

birth rate of 1.34 it does not only miss the reproduction level of society which is 2.1, but the country also is subject to a dramatic process of ageing. A conflict of generations seems to be determined. If the rate of aged people, that means the proportion of people over 65 in the working population between 15 and 65 years, increases from 24% at the end of the last century up to 51% in 2050, if ten working persons do not have to finance the pension of five but the pension of ten pensioners, then the justice between generations is shattered, if you take the following definition of justice between generations: a generation leaves the next generation the same chances of life and development it has found itself.

From the view of national economy and business management, demographic development has another aspect. It will lead to a considerable lack of quality employees, not in 2050 but much earlier. So the fact that many well-educated women leave the working life because of the birth of a child – for a while or completely – seems to be a horrific vision for many entrepreneurs. 'In the face of a diminishing population getting older and older, our economy is not able to do without the high performance and creativity potential of especially these women', this is what Liz Mohn, leader of the Bertelsmann Foundation says, a foundation that is leading in the scope of compatibility between profession and family and that also has great influence in the federal family ministry.[16] The Government admits in its statement to the Seventh Family Report of 2006 that they have introduced a 'change of paradigms' in family policy which is oriented towards the 'professional integration of women' and the intensified extension of an 'infrastructure for education and care'.[17]

In Germany, as an answer to the question concerning the reasons of the demographic development, one possibility seems possible: The insufficient compatibility between family and profession, or, according to Liz Mohn, between profession and family. And there also seems to be only one answer to the question concerning the problems of making family and profession compatible: The missing child-care institutions. So, the projects to extend

---

[16] Liz Mohn, Suche nach der Balance. Vereinbarkeit von Beruf und Familie schafft ein stabiles Zukunftsmodell, in: *FAZ* vom 12.4.2006, *Verlagsbeilage Familie und Beruf*, S. B2.

[17] Stellungnahme der Bundesregierung zum 7. Familienbericht, in: *Bundesministerium für Familie, Senioren, Frauen und Jugend*, Hrsg., *Familie zwischen Flexibilität und Verlässlichkeit. Perspektiven für eine lebenslaufbezogene Familienpolitik*. 7. Familienbericht, Berlin 2006, S. XXIV.

the day-nurseries, the all day kindergartens and the full-time day schools are a logical consequence which proves an old perception of social science: The choice of a concrete strategy to solve a problem is always part of the construction process of the problem itself. The problem of lack of workers has secretly suppressed the problem of too few births. So the question concerning the objectives of the day-nursery policy has to be asked.

III. OBJECTIVES

When the government of Chancellor Merkel started, the family policy explained all requirements to extend the child-care institutions to keep kindergartens free of charge and to install a tax deductibility of private child care cost with the birth rate. They said that a turning-point in the birth rate was necessary and was not only compatible with a higher gainful employment rate of women – the view to Scandinavia or France proved that – but even depended on that. In Norway the birth rate was 1.8 and the working participation of women 86%, in Denmark, the birth rate was 1.7 and the working participation of women 88%. But already the view into the often cited country of France shows that it is not necessary that high birth rates and high gain employment participation of women must be connected. It is true that France with 1.9 has a significantly higher birth rate than Germany, but for years, the working participation of women was always two percent below the German rate – at the moment 57% in contrast to 59% in Germany. And the comparison with East Germany shows again that there is no connection between the gainful employment rate of women and the birth rate. East Germany has with 75% a high working participation of women, but with 1.0 one of the lowest birth rates all over the world. It is also very evident that the very high supply rate with day-nursery places (about 40%) does not have any influence in the birth rate lying significantly under the West German birth rate of about 1.4, although the supply rate in West Germany of all day-care places only is about 10%. So, requiring an extension of day-nurseries covering the whole country must have different objectives than increasing the birth rate.

Rarely in the political debate but in unconcealed form in the relevant studies of the Bertelsmann Foundation and various institutions was the requirement to improve the compatibility between family and profession, which was explained with the mobilization of the female manpower potential. For the potential of gainful employed persons diminished in Germany

until 2050 by a third, women must work in a considerably higher extent than hitherto. Meanwhile, the policy also hesitates less and less to place the 'professional integration of women' into the foreground and to restrict the intended improvement of the compatibility between family and profession to a simultaneous compatibility, but at the same time to ignore the consecutive or the sequential compatibility between family and profession.

Traditional family policy in the last fifty years has been criticized to be too burdened by transfer payments and even to be counterproductive. Child benefits, family allowance, tax allowance and the common taxation for man and wife, and claims to get part-time jobs had facilitated the partial or complete retirement of mothers from the working life and had resulted in a 'waste of human capital, inefficient allocation in the production of household services and in risks for the social security systems'.[18] The longer interruption or even complete retirement from the gainful employment of women because of a child-birth was 'from the view of national economy a waste of human capital' with a 'negative effect on the economic growth'. In a serious manner they discuss whether paid leave given to parents is 'protection or trap'.[19] They promote the abolition of the common taxation of man and wife, the restriction of paid leave given to parents, mother protection and claim to part-time employment and to divert the transfer payments into the extension of public child-care institutions. The fact that there is a vehement debate at the moment concerning paid child-care at home and the increase of family allowance is not surprising. Against the background of the propagated change of paradigms, family allowance and paid child care at home are considered to be old-fashioned instruments of family policy.

The current measures of family policy of the grand coalition consequently adapt to that change of paradigms: Decrease of the transfer payments, extension of day-care institutions and increase of incentives for gainful employment. The BEEG has collected the education benefit, has made the new child benefit dependent on the criteria of gainful employ-

---

[18] So Werner Eichhorst und Eric Thode in der von der Bertelsmann-Stiftung herausgegebenen Studie 'Vereinbarkeit von Beruf und Familie. Benchmarking Deutschland aktuell', Gütersloh 2002, S. 9. *Ähnlich das vom Institut der Deutschen Wirtschaft herausgegebene IW-Dossier 25 Beruf und Familie*, Köln 2004, S. 9.

[19] Ursula Rust, Schutz oder Falle? Elternzeit, Mutterschutz, Teilzeit, in: J. Lange, Hrsg., *Kinder und Karriere. Sozial- und steuerpolitische Wege zur Vereinbarkeit von Beruf und Familie*, Rehburg-Loccum 2003, S. 171ff.

ment which from the view of the families and children is completely irrelevant, and it has reduced the claim period from 24 to 12 respectively 14 months. Even more, in § 15 par. 4 it says that the persons who receive that new child benefit 'are not allowed to work more than 30 hours per week in gainful employment'. What sounds like a ban in reality is permission. Receiving the new child benefit is compatible with a gainful employment of up to 30 hours per week, meaning a four-day-week. The mother or respectively the father shall, after the birth of a child, not only return as soon as possible into her/his job but if possible shall not retire completely from it. And the national economic profit of professional integration of women is still increased, so the Bertelsmann Foundation states in numerous publications, because the extension of care institutions creates new working places for women, for in those institutions – although gender politicians are worried about that – normally the staff is female. So, the gross domestic product is also increased and a new source of dues is opened for the social security.

Beyond the national economic profit, the new family policy also hopes, from the extension of child-care institutions, for a pedagogic profit. Childcare institutions are considered to be the professional form of early education for children less than three years, as first level in the education system from 0 up to 10 years.[20] In these institutions, as it is cited in the National Action Plan of the Federal Government for a child-orientated Germany for the years 2005 until 2010, the 'foundation stone for a successful education biography' is laid. But the conscience concerning the importance of that life phase in Germany still is underdeveloped and 'the most important deficit of early child education and care is the lack of care places'.[21] The study of the Bertelsmann Foundation concerning compatibility between profession and family supposes that the child-care institutions more than the families succeed in 'realizing pedagogic standards' and 'to pass on socialization experience to the children they often cannot get as only child'. But longtime studies about the consequences of day-nursery care for the school career of the children show at best ambivalent results. So, the US American Study of the National Institute of Child Care and Human Development

---

[20] Bertelsmann-Stiftung, Hrsg., Von der Kita in die Schule. *Handlungsempfehlungen an Politik, Träger und Einrichtungen*, Gütersloh 2007, S. 4.

[21] Bundesministerium für Familie, Senioren, Frauen und Jugend, Hrsg., *Nationaler Aktionsplan für ein kindergerechtes Deutschland 2005-2010*, Berlin 2005, S. 15.

(NICHD) 'Are There Long-Term Effects of Early Child Care?', published in 2007, notices that the children kept in day-care institutions at the age of four and a half years before the enrolment at school, in fact have cognitive and language advantages and a greater vocabulary, but at the same time show more behavioural problems.[22] Also in the later school development it is revealed that, 'more time periods of center care continued to relate to children's development in both positive and negative ways, being associated with better memorys, but also with more conflicted relationships with teachers and mothers'. Nevertheless, studies concerning the development of nursery-children mostly are presented with titles like 'The mother-child-bond doesn't suffer', 'Day-nurseries do not cause harm to a child', 'Nursery children without disadvantage in development' or 'Non-family care for little children doesn't show any risks for development'. But here, a nursery care with a small risk presupposes numerous conditions which are given nowhere, a care relation in the nurseries of one caring person to three children, an equated relation between family and non-family care, a phase of settling in together with the mother which must be the longer the younger the child is, and above all an especially well-rested and pedagogically and psychologically trained mother, for a family care of high quality after the daily care in the nursery.

The care and education of the children 'is the natural right of the parents and the duty which at first is incumbent to them', as the Grundgesetz (The German Constitution) states in Art. 6, II, and 'the interests of the child normally are taken best by the parents', as the Federal Constitutional Court stated in its judgement concerning the taxation of marriage and family on 10 November 1998,[23] a fact because of which the Grundgesetz assures to the families 'the priority over collective forms of education', as the Court already emphasized 30 years ago[24] and what Peter Tettinger during the 35. Essener Gesprächen (35th Discussions of Essen) recalled: All these statements of the Grundgesetz and the Constitutional Court seem to be illusions from sunken times.

Apart from the increase in the birth rate, the exploitation of the female working manpower potential and the professional handling of ear-

---

[22] Jay Belsky u. a., Are There Long-Term Effects of Early Child Care?, in: *Child Development*, vol. 78 (März/April 2007), p. 683.

[23] BVerfGE 99, 216ff. (232).

[24] BVerfGE 24, 111ff. (149).

ly child education, the nursery policy of the grand coalition pursues a fourth objective which is difficult to describe by only one term. To describe that objective there is a very moral sounding term of 'gender equity' or 'gender equality'. Much more appropriate in my opinion is the term 'deconstruction of the family'. The objective described in that way becomes clear quickly by the Seventh Family Report of the Federal Government, elaborated by a commission installed by the social-democratic family minister Renate Schmidt on 20 February 2003, and uncritically borrowed by the family minister Ursula von der Leyen who published it at the end of April 2006. This Family Report has written off marriage and family as 'anachronisms'. In the future, the report claims, the majority of people, 'independent from the fact if there was a marriage or not, experience in the course of their life multiple relations with different partners of life'. So, the 'model of a lifelong marriage' is replaced by a 'model of serial monogamy'.[25] As femininity and masculinity are 'social constructions', the family also is 'a social construction'.[26] That means that the family is no relation unit given by the personal nature of man between different sexes and generations, as it is defined in the perspective of Christian Social Theory and the Christian image of man, neither an institution as defined in the perspective of the German Constitution, but a socially and culturally caused artefact, a 'social construction', as the gender ideology pretends. But a construction can always be deconstructed and constructed in a new way and form.

For that deconstruction and new construction, the Seventh Family Report gives a considerable contribution which in my opinion has not been noticed in an adequate manner, neither from the side of policy or science, nor from the churches or the media. Only in the WSI messages, a paper that is near to the trade unions, there are praises of the emancipated family policy of that report. To modernize family life means in the gender perspective of the Family Report to overcome the sex roles, a permanent re-organization of family life. The terms 'negotiation' and 'networking' are the central themes of the whole report. Family is described as a permanent 'process of negotiating'. So, modern family policy must be 'referred to the life story'. Family is a permanent transition. Divorces are also transitions in the course of life. They have to be 'de-drama-

---

[25] 7. Familienbericht , a. a. O., S. 126.
[26] A. a. O., S. 11f.

tized'.[27] In the worst case, they are a temporary crisis. So, modern family life with children is 'work to create a network of the many places of child education'.[28] Here, the day-nurseries receive their importance. It is evident that these institutions form the knots in the net of manifold early child care places. Family only is considered to be one place among others: in the post-modern society it has a 'special responsibility for the family as a lived daily life'. That means in clear formulation: for the care of the children. In that perspective, the extensive installation of day-nurseries does not mean not first and foremost the optimization of early child education, but is a logic consequence of the permanent search for the maximization of individual luck and the resulting deconstruction of the family. So, all day care institutions and all day schools are the conditions to liberate the woman from tutelage and dependence and from the 'master-slave relation' of a marriage.[29]

IV. TABOOS

The question concerning the welfare of the child is the great taboo in the current family policy. If they paid greater attention to that question it would be clear which importance marriage and family have for the development of the child, for the human capital (abilities) of future generations and also for the public weal. The human capital is the sum of the existence and social competences of man which precede the professional expert competences. They are acquired in early childhood – not only in the first 12 or 14 months – in the family. Here, the courses are set for the moral and emotional orientations of the adolescents, for their readiness to learn and to perform, their communication and bond ability, their reliability and moti-

---

[27] A. a. O., S. 116 und 156. Das Plädoyer für eine Entdramatisierung der Scheidung will dem Familienbericht nicht so recht gelingen, da er sich nicht scheut, zahlreiche negative Folgen einer Scheidung aufzulisten. Im Vergleich zu verheirateten Personen hätten Geschiedene ein niedrigeres Niveau psychischen Wohlbefindens, vermindertes Glücksgefühl, mehr gesundheitliche Probleme, eine höhere Rate an Alkohol- und Drogenabhängigkeit, eine höhere Selbstmordrate und vermehrte soziale Isolation (S. 118).

[28] A. a. O., S. 93.

[29] Ute Gerhard, Familie aus der Perspektive der Geschlechtergerechtigkeit – Anfrage an das christlich-abendländische Eheverständnis, in: *Zeitschrift für evangelische Ethik*, 51. Jg. (2007), S. 276.

vation to work, their conflict and compromise ability and their readiness to found their own family, to pass on life and to undertake responsibility for other persons. Here also a decision is made concerning the success in school and professional education and formation system, on the labour market and in coping with life. Not only the economy and the society profit from these performances of the family but also the democratic state which depends on interested, motivated citizens who are ready to participate and to show solidarity, and not last the churches who need families to pass on the belief in God.

Behavioural biology, developmental psychology, paediatrics and today also brain science again and again have emphasized the importance of the first life phase for the formation of human capital – in a positive manner with regard to the maturing of personality, and in a negative manner with regard to the failure of such maturing as a consequence of lack of care and bond in the early childhood. In the first life phase, as the behavioural biologist Bernhard Hassenstein says, 'the slowly developing bond determines in the physical proximity of whom the child feels completely safe. If it was refused to the baby or little child, by several loss of role models or permanent changing care, to build up a stable bond of confidence, a general insecurity and anxiousness is settling down in the child. This anxiousness then dampens or suppresses the complete field of behaviour concerning discovering/ playing/ imitating/creative inventing, which means learning by active experience and the winning of independence and social behaviour without fear. So, also the period of being a little child...also if that phase is understood as a phase of developing independence, lives from preserving the grown bonds; the great start becomes stunted or fails if the little child does not find safety and does not have a secure shelter in those preserved bonds it grew in by destiny…to keep the fundamental bonds... . That is why this is a human task'. From these perceptions, Hassenstein takes the consequence that is vehemently ignored by the current day-nursery policy: That family policy above all must be orientated towards 'protection, stabilization, promotion and enrichment of the holding together and the life community of the family members', and that it must not be misused as an instrument of social policy.

What behavioural biology, development psychology and paediatrics found out more than a generation ago, brain science has confirmed during the last years: 'Early emotional experience is anchored in the brain, safe emotional bond relations are the condition for an optimized brain development. Disturbances are burdens for the children, they are not able to cope with

them the earlier they arise. They lead to a massive and long-term activation of stress intensive control units in the child's brain. So, from these perceptions urgently should result a strengthening of the education competence of parents'. No collective care of little children, and no day-care institution is approximately able to perform that in a similarly intensive manner like the mother or father or – if they are not available, independent from the reasons – a stable role model, a person with whom the child has a stable relation of confidence but who always only remains the second best solution.

So, family policy has to withstand the temptation to compare bad mothers who are overtaxed by the education tasks with good educators (bond persons) among day minders or educators. The Family Report of the German government contradicts these perceptions, too, in a vehement manner. This 'mother-centred' attitude comes from an antiquated sex perspective. It is well-known, 'that children do not need the own mother...to build up reliable bonds'. For this, 'stable role model persons' are sufficient which 'for the sake of the development of emotional autonomy should be very numerous'.[30] Evidently, the authors of the reports did not even realize the contradiction of that affirmation. How can the child get a 'stable' bond person if the persons are 'numerous'?

Among the insufficiently reflected problems of a gender-orientated family policy, the question of the meaning of marriage and respectively divorce for the development of the child and for the public weal is also important. The fact that children growing up in intact families, whose parents are married and faithful and live with a low conflict level, normally have significantly better chances to develop than children whose parents are not married or are divorced, has been proved in numerous studies in different countries and cultures. Among children of not married or divorced parents, the rate of poverty and school drop-out, the rate of criminality and suicide, drug addiction and, among girls, early pregnancies are significantly higher than among children living with their own married parents. In 2006, Robert P. George und Jean Bethke Elshtain delivered many social-scientific proofs of this.[31] The public weal pays a great amount for the decrease of a stable culture of marriage. The Leviathan is standing in the breach. He is growing stronger and stronger the weaker the culture of marriage becomes.

---

[30] 7. Familienbericht, a. a. O., S. 91.
[31] Robert P. George/Jean Bethke Elshtain, *The Meaning of Marriage. Family, State, Market, & Morals*, Dallas 2006.

If family policy gave up its fixation on gender and took into consideration the social-scientific perceptions about the connection between marriage, family and children's welfare, it would have to set focal points which are completely different to the current focal points. It should again orientate towards Art. 6 GG, grant a 'particular protection' to marriage and family and recognize care and education of the children to be the 'natural right of parents and the duty which at first is incumbent to them'. Then, family policy could also learn from those countries which carried out radical reforms in their family policy during the last ten years. Austria, Norway, Finland and Denmark have slowed down the investments in the extension of state child-care institutions and completed them by direct transfer payments with considerable amounts and terms to those parents who care for their children at home. The objective of these reforms was and is to give families more time for the care of their children and to give the parents a real freedom to choose between care in the family and in institutions. The reforms have led to a decrease in gainful employment participation by mothers of little children and to a shifting of mother gainful employment from full-time to part-time employment.

When observing other countries, the Seventh Family Report ignores Norway, Sweden, Finland and Austria. With their reforms they do not fit into its gender perspective.

V. CENTRAL IDEAS OF A SUBSIDIARY FAMILY POLICY

Family policy in Germany needs considerable corrections. To tackle these corrections means to presuppose a renunciation concerning making day-nursery policy be only an instrument for the development of the population, the labour market, for the Pisa competition or gender policy. Family policy only then is a policy for the family if it accepts that the family as a relation unit of different sexes and generations based on the marriage 'has its legitimation in human nature and not in the acceptance by the state'.[32] That is why marriage and family in the German Grundgesetz are mentioned in the part concerning fundamental rights. To found a family is a human right the state not only has to respect but to protect. The family is

---

[32] Pontifical Council for Justice and Peace, ed., *Compendium of the Social Doctrine of the Church*, Rome 2004, 214.

the beginning of relations between persons. Here, the person learns 'what it means to love and to be loved, and what it concretely means to be a person'.[33] So, the duties of the family members are 'not contractually stipulated, but they arise from the character of the family itself, which is based on an irrevocable marriage and structured by relations growing after the procreation or adoption of children'.[34] In the family the person perceives that the reciprocal devotion in all dimensions of human existence, that love and fidelity are the last, not analyzable reason for the success of life. Concerning that perception which in fact is not the newest: you cannot perceive anything of it in the Family Report, even more, in many paragraphs, the report gives the impression not only to ignore the differentiation and reciprocal completion of the sexes but even to refuse it. In its gender-orientation, it moves at the border of denying the sexual identity of the human person.

The Catholic Church repudiates this orientation with clear words in the *Compendium*. 'Faced with theories that consider gender identity as merely the cultural and social product of the interaction between the community and the individual, independent of personal sexual identity without any reference to the true meaning of sexuality, the Church does not tire of repeating her teaching: "Everyone, man and woman, should acknowledge and accept his sexual identity. Physical, moral and spiritual difference and complementarities are oriented towards the goods of marriage and the flourishing of family life. The harmony of the couple and of society depends in part on the way in which the complementarities, needs and mutual support between the sexes are lived out. According to this perspective, it is obligatory that positive law, according to which sexual identity is indispensable, because it is the objective condition for forming an couple in marriage"'.[35]

The family is no 'negotiation process' but the first relation unit, which is rooted in the personal nature of man, the 'fundamental and life cell of society'. Its protection and its well-being are the fundament of the public weal. The 'priority over the society and the state' must be given to the family. This has consequences for the education not only but especially in the first phase of life which is so important for the development of the child and the success of his own life. The family 'plays an original and irreplaceable role in raising children'. Right and duty of the parents to educate their

[33] John Paul II, *Centesimus Annus* 39; *Compendium* 212.
[34] *Compendium* 212.
[35] *Compendium* 224.

child arise from their role in passing on human life. This right and this duty are 'not derived and original and primary, ...irreplaceable and inalienable, and therefore incapable of being entirely delegated to others or usurped by others'. The consequence is that with regard to the duty of educating their child parents are not facing the alternative 'educate on our own' or 'put into a care institution'. With the procreation of a child they also undertake the responsibility for his education. So, on the level of education responsibility there is no liberty to choose. Normally, parents are and remain not only the first persons with the right to educate but also the first persons with the duty to educate their children. In Art. 6 II, the Grundgesetz has taken that into consideration. On the level of the means and instruments, the parents rely on state, church or self-leaded institutions which help them to undertake their education responsibility. They are not the only educators of their children, but they always remain the first educators.[36]

A consequence for family policy from that priority of the family is the principle of subsidiarity that forbids to the state to seize tasks the family is able to carry out itself. But the principle of subsidiarity does not only have a negative dimension limiting the state, but also a positive dimension which activates the state. So it would be a misunderstanding to derive from that principle a ban of action for the legislator. But it obliges the state to 'respect' in all measures 'the priority and the originality of the family',[37] and to help the family to regain that position where it is endangered, instead of taking its position. If a family cannot fulfil one of its tasks, the state has to help according to the principle of subsidiarity so that the family is again able to undertake that task. With regard to the current discussion concerning child care in the first phase of life, concerning day-nurseries and compatibility between family and profession, from the subsidiarity principle the following central ideas result:

1. Transfer payments are irreplaceable. They are investments into the human capital of society, not a social support or even 'traps' for the equality of the sexes. They are forms of aid which help families to undertake their own tasks. Child benefit, family allowance (old and new form), paid leave of parents, consideration of marriage and family in the tax law and consideration of education periods in the pension law are necessary. They are only going to do justice to the performance of education, if they are not only

---

[36] *Compendium* 240.
[37] *Compendium* 252.

symbolic like the care allowance, planned not before 2013 and so vehemently discussed, but if they are even developed to a real education income and if education is recognized as a profession. Only then they give the family the liberty to choose between family management, as a rule by the mother, in the first three years of the child and a gainful employment out of the house. Finally, a reform of retirement security is urgently necessary, which includes the children in the contract of generations and which takes them into consideration concerning the premium as well as concerning the benefit claims, to finish the transfer exploitation of the families. In contrast to that, child allowances in tax law have nothing to do with family policy although the federal family ministry never tires of calculating that in the public. They are a mere consequence of the demand of tax equality demanding to burden the taxpayer according to his performance ability and to diminish the taxable income by the existential needs of the children.

2. Of course, a subsidiary family policy has to take care of the compatibility between family and profession. But it has to break away from the fixation on simultaneous compatibility. Its engagement also, even more, has to consider the sequential or consecutive compatibility. Behind the formula 'compatibility of family and profession' the following threat is no longer allowed to stand: 'Woe betide those who still attend to their children themselves'. Everybody who considers the conditions for the optimized development of the child can only come to the result that the simultaneous compatibility of family and profession is the second best solution. The sequential solution is more child-orientated. But because of various reasons, the simultaneous form can be necessary for young parents. For parents who because of their income are forced to have a double gainful employment, who still have not finished their apprenticeship or studies or who – certainly in rare cases – are permanently overtaxed with the education of their child, a day-care institution is a great help. To extend day-care institutions is not a priori a fall of man. But it is going to be one if the day-nurseries only serve as an instrument of population policy, labour market policy, education policy or gender policy.

The better solution, because it is more child-oriented, would be the sequential compatibility between family and profession. After an interruption of employment because of children, a subsidiary family policy has to help mothers to return into their former or another profession. This would also correspond to the desires of the affected wome, only 17% of whom, according to a March 2007 study of the Ipsos Institute, think that children are kept best in a day-nursery, while 81% think education at home by the

parents is the best. But the sequential compatibility between family and profession under observation of the subsidiarity principle is not only the task of the legislator but also of the society, especially of the economy.

And here, the unions and the companies themselves are also required. During an education period, the enterprises could, by regular contacts to their employees – for example by integrating them into the flow of information, by offers for temporary replacement or training – and by complete or partial consideration of the education period in the calculation of the enterprise's pension, facilitate the utilization of an employment interruption for the purpose of education and the reintegration into the profession.

Apart from the organization measures listed here, being a family-friendly company also requires a change of attitude for which the Institute of German Companies gives a nice orientation. In its dossier 'Profession and family' it asks the enterprises to keep in mind that 'mothers often have to offer more than women without children: The competences gained during the family phase like organization talent, capacity to take stress, ability to solve problems and conflicts and negotiation skill qualify them for leading tasks in the company. Various studies prove that employees with children do not only have a higher stress capacity but also are more able to work in a team, have more responsibility and are calmer'.

3. A subsidiary family policy must not only be a policy for family members but also a policy for institutions. It has to observe the family as relation unit, as an 'institute' as Art. 6 GG is demanding. It has to correct the process of de-institutionalization of marriage and family that we have been observing since the seventies of the last century, and it has to strengthen the status of the family as citizens. Among the possible consequences of such an effort for the system of laws only one should be mentioned: the right to vote. Everyone who wants to strengthen the status of the family has to ask the question of family vote.

The right to elect the government in regular periods and for this to have the possibility to choose between several candidates, in the democratic system is the privilege of the citizen. This right must also be given to the family. Which of the different models of family vote – lowering the age of voting, model of several votes or model of representation – is preferred is worth a public debate. The vote model with which you could avoid that exclusion and which also excludes a collision with the law principle of 'one man – one vote', is a children's vote the parents take as fiduciaries until the children achieve the legal voting age, like they also care as fiduciaries about the rights of the child for example to get an educa-

tion. Such a family vote would correspond to the responsibility of the parents for their children and, even if it was an individual right of every family member, would strengthen the family's state as citizens in ageing societies. A subsidiary family policy observing these central ideas should not give up the extension of the day-nursery places. But it must regard and use that extension as a service for the family and especially of the child instead as a service for the labour market, the education and the gender policy. It should finish the tutelage of the family and instead of that strengthen the citizen status of the family in the interest of the public weal and the culture of life. For both, the family is the first actor.

FAMILIE UND ERZIEHUNG

PAUL KIRCHHOF

I. Die Familie als Kerngemeinschaft einer Solidarität in Subsidiarität

Der Mensch ist eigenverantwortliche, autonome Person, lebt aber zugleich in einer Gemeinschaft, die seine Existenzbedingungen bestimmt und für die er mitverantwortlich ist. Der Mensch ist auf Begegnung, Dialog, wechselseitige Anregung und Hilfe angelegt.

Augustinus sagt: „Alle Menschen sind in gleicher Wiese zu lieben. Da man aber nicht für jedermann sorgen kann, so muss man vornehmlich für jene Sorge tragen, die einem durch die Verhältnisse des Ortes, der Zeit oder irgendwelcher anderer Umstände gleichsam durch das Schicksal näher verbunden sind". Die Gemeinschaftsgebundenheit und Gemeinschaftsverantwortlichkeit des Menschen als soziales Wesen (Solidaritätsprinzip) wird vor allem dadurch verwirklicht, dass der Mensch zunächst seinen eigenen Lebensbereich eigenverantwortlich regelt, er also für sich und seine individuell bestimmten Gruppen das Angebot der Freiheit selbst wahrnimmt, die größere Gemeinschaft hingegen die Initiative und Leistungsfähigkeit des Einzelnen fördert, Hilfe zur Selbsthilfe leistet, dem freiheitlichen Staat eine soziale Letztverantwortung zugewiesen ist (Subsidiaritätsprinzip).

Die Kerngemeinschaft dieser Solidarität in Subsidiarität ist die Familie, die Haus-, Lebens-, Erziehungs-, Beistands- und Unterhaltsgemeinschaft von Eltern und Kindern. Diese familiäre Gemeinschaft dient vor allem dem Kind: Elterliche Erziehung vermittelt Sprache, Lebenssicht, Selbstbewusstsein, Urteilskraft. Familiärer Unterhalt erübrigt Sozialhilfe. Der Dialog zwischen Eltern und Kindern macht psychologische und therapeutische Beratung überflüssig. Elterliche Strenge führt das Kind in die Rechts- und Sozialordnung ein, vermeidet den Konflikt zwischen Polizei und Staatsanwalt. Ehelicher Beistand und familiärer Unterhalt machen staatliche Sozialsysteme finanzierbar. Elterliche Religiosität führt das Kind in die geistige Weite des Glaubens und der Kirchlichkeit.

Ob allerdings solche Familien gegründet werden und ob die Familien ihren Erziehungs- und Sozialauftrag hinreichend wahrnehmen, hängt von der Bereitschaft der Menschen zu Ehe und Kind ab. Der freiheitliche Staat[1] gibt seine eigene Zukunft in die Hand der Familie. Er baut auf die Bereitschaft der Menschen, Ehen zu gründen, sich Kinder zu wünschen und diese in familiärer Zuwendung zu erziehen. Doch diese Verfassungsvoraussetzung[2] ist in den modernen Industriestaaten nicht mehr selbstverständlich, der demokratische Rechtsstaat deshalb in seiner Existenz gefährdet.[3]

Die Entwicklung von Geburten und Sterbefällen,[4] die steigende Lebenserwartung der Menschen, die sich vermindernde Zahl von Ehen, die zunehmende Häufigkeit von Scheidungen, der Wiederanstieg der außerehelichen Geburten und die Zahl der Alleinerziehenden belegen, dass der Zusammenhalt der Menschen in der Lebens- und Erziehungsgemeinschaft der Familie gelockert, die gegenseitige Bindung in einer lebenslänglichen Verantwortungs- und Beistandsgemeinschaft[5] geschwächt zu werden droht.

II DER ZIELKONFLIKT BEI DER FAMILIENGRÜNDUNG

Dieser Krisenbefund hat seine Ursache in einem Zielkonflikt, der die jungen Menschen durch drei gegenläufige Ziele bedrängt:

---

[1] Zum Verhältnis von Verfassungstaat und Familienpolitik vgl. Christian Seiler, Entwicklung der Bevölkerung und Familienpolitik, in: Josef Isensee/Paul Kirchhof (Hrsg.), *Handbuch des Staatsrechts* (HStR), 3. Aufl., Band IV, 2006, § 81; Matthias Pechstein, *Familiengerechtigkeit als Gestaltungsgebot für die staatliche Ordnung*, 1994; Udo Di Fabio, Der Schutz von Ehe und Familie: Verfassungsentscheidung für die vitale Gesellschaft, *NJW* 2003, S. 993 f.; Friederike Gräfin Nesselrode, *Das Spannungsverhältnis zwischen Ehe und Familie in Art. 6 des Grundgesetzes*, 2007, S. 97 f.

[2] Zum Verhältnis von Verfassungsinhalten und Verfassungsvoraussetzungen: Josef Isensee, *Grundrechtsvoraussetzungen und Verfassungserwartungen*, HStR V, 1992, § 115; Paul Kirchhof, Grundrechtsinhalte und Grundrechtsvoraussetzungen, in: Detlef Merten/Hans-Jürgen Papier (Hrsg.), *Handbuch der Grundrechte in Deutschland und Europa*, Band I, 2004, § 21.

[3] Für Deutschland: vgl. *Statistisches Bundesamt*, Fachserie 1, Reihe 1, Gebiet und Bevölkerung 1994, 1996, S. 33, 34, 55, 174; dass., Fachserie 1, Reihe 3, Haushalte und Familien 1994 (Ergebnisse des Mikrozensus), 1996, S. 211.

[4] Herwig Birg, *Die demographische Zeitenwende – der Bevölkerungsrückgang in Deutschland und Europa*, 2001; Jürgen Borchert, *Renten vor dem Absturz – Ist der Sozialstaat am Ende?*, 1993.

[5] Vgl. BVerfGE 80, 81 (90 ff.) – Erwachsenenadoption.

a.   Junge Menschen wollen eine Lebens-, Zuwendungs- und Verantwor-
     tungsgemeinschaft von Ehe und Familie gründen.[6] Jede Gesellschaft
     ist darauf angewiesen, dass sie hinreichend Kinder hervorbringt, die-
     se gut ausbildet, ihnen eine Lebensform bietet, in der ein junger
     Mensch Sprache und Begegnungsfähigkeit, Freiheitsbewusstsein
     und Urteilskraft, Wertungssicherheit und Verantwortungsbewusst-
     sein entwickeln kann.

b.   Junge Menschen – Männer und Frauen – wollen im Beruf etwas lei-
     sten, die dort erlebte Begegnung, Anerkennung und das Einkommen
     in Anspruch nehmen. Zugleich ist unsere Wirtschaft auf diese Arbeits-
     kräfte angewiesen. Die Wirtschaft beobachtet neben der sinkenden
     Geburtenrate vor allem auch eine besonders starke Verringerung des
     Bevölkerungsanteils, der dem Arbeitsmarkt zur Verfügung steht.[7] Der
     Wirtschaft ist deswegen daran gelegen, dass die Frauenerwerbstätig-
     keit zunimmt, insbesondere die jungen Mütter möglichst bald in das
     Erwerbsleben zurückkehren.[8] Zugleich wird der Verfassungsauftrag
     zur Gleichstellung von Mann und Frau[9] vor allem auf die berufliche
     Leistung bezogen,[10] Leistung und Erfolg der Familientätigkeit werden
     vernachlässigt. Die Ökonomisierung des Denkens und der Lebensge-
     staltung drängt die Familie an den Rand der Gesellschaft.

c.   Die Kinder beanspruchen die Zeit ihrer Eltern. Die Eltern nehmen
     ihr Erziehungsrecht und ihre Erziehungspflicht durch Unterhalt,
     Zuwendung, Verstehen, Autorität wahr. Die Eltern vermitteln ihren
     Kindern ihre Muttersprache, machen sie durch ihre Aufmerksam-
     keit, ihre Impulse, ihre Teilhabe an ihrer Entwicklung selbstbewusst
     und begegnungsfreudig, führen sie in unsere Lebensformen, Werte,
     Wirtschaftsweisen ein. Auch wenn die Eltern die Erziehung ihrer
     Kinder fremder Hand überlassen oder sich durch Miterzieher wie die

---

[6] Vgl. Kurt Biedenkopf/Hans Bertram/Margot Käßmann/Paul Kirchhof/Elisabeth Nie-
jahr/Hans-Werner Sinn/ Frans Willekens, *Starke Familie. Bericht der Kommission „Familie
und demographischer Wandel"*, 2005, S. 23 f.

[7] Deutsches Bundesministerium für Familie, Bundesverband der Deutschen Industrie
e.V., Institut der Deutschen Wirtschaft, Bevölkerungsorientierte Familienpolitik – Ein
Wachstumsfaktor, 2004, S. 7.

[8] a.a.O. S. 14 ff.

[9] Vgl. dazu Werner Heun, in: Horst Dreier (Hrsg.), GG, *Kommentar*, 2. Auflage, 2004,
Art. 3 Rn. 101.

[10] Vgl. die Darstellung bei Heun a.a.O. Rn. 99 ff.; Seiler a.a.O. Rn. 28 ff., 34 ff.

Medien entlasten, bleibt die Pflege und Erziehung der Kinder zuvörderst Sache der Eltern.

Diese drei Ziele von Familie, Beruf und Zuwendung zum Kind scheinen gegenläufig, teilweise unvereinbar. Vor allem der Gegensatz von Familie und Beruf scheint oft unüberbrückbar, veranlasst – insbesondere wegen der räumlichen Trennung von Familienort und Berufsort – die jungen Menschen vielfach, sich entweder gegen das Kind oder gegen den Beruf zu entscheiden. Deshalb steht die staatliche Familienpolitik vor allem vor der Aufgabe, Familie und Beruf so vereinbar zu machen, dass für beide Eltern das Angebot der Familienfreiheit und das Angebot der Berufsfreiheit im Ablauf ihrer Gesamtbiographie von jedem der Beteiligten angenommen werden kann, ohne dass dadurch die Entwicklung des Kindes beeinträchtigt würde.[11]

III ENTSOLIDARISIERUNG GEGENÜBER DER FAMILIE?

1. *Familiäre Verantwortungsgemeinschaft als Regelfall*

Die Freiheit zu Ehe und Familie ist ein Angebot, dessen Annahme der freiheitliche Staat erwartet, nicht erzwingt. Diese Verfassungsvoraussetzung baut auf eine gediegene Grundlage, den Willen der Menschen zur Familie. Die Familie begründet einen faktischen Generationenvertrag, der die Eltern zur Erziehung, Zuwendung und Betreuung veranlasst, Eltern und Kinder in eine lebenslängliche Unterhalts- und Beistandsgemeinschaft führt. Eine Unterhaltsgemeinschaft sichert zunächst den Unterhalt der Kinder, stützt später die Eltern in Not und Alter. Die Beistandsgemeinschaft sichert gegenseitige Hilfe bei existenzieller Schwäche. Eine Gemeinschaft des Erbens gibt das Familiengut von der Elterngeneration auf die Kindergeneration – im Lebensführungsvermögen steuerfrei – weiter.

Diese Familiengemeinschaft wird in der Regel aufgrund der Ehe der Eltern begründet und entfaltet. Die Lebensgemeinschaft von Vater und Mutter ist die Grundlage, auf der die Eltern durch Vorbild und Erziehung Sprache, Wissen, Erfahrung, Selbstbewusstsein, Entscheidungskraft vermitteln, Kultur, Bindungsfähigkeit, Gemeinschaftsbewusstsein sichtbar machen, im stetigen Dialog die Kinder zum Erwachsensein führen, die Eltern selbst

---

[11] Dazu Gregor Kirchhof, *Der besondere Schutz der Familie* in Art. 6 Abs. 1 des Grundgesetzes, AöR 129 (2004) S. 542.

zukunftsoffen bleiben, ihre Unterhaltspflicht auf die eheliche Erwerbsge-
meinschaft stützen, auch ihren Zusammenhalt in stetiger finanzieller Ver-
antwortlichkeit untereinander sichern. Elterliche Religiosität führt das Kind
zu den Fragen nach Ursprung und Ziel der menschlichen Existenz, nach
dem Sinn des Lebens, zur Neugierde für das Danach, gibt dem Kind geisti-
ge Weite. Diese familiäre Verantwortungsgemeinschaft hat der Staat recht-
lich so auszugestalten, dass sie den Regelfall des Zusammenlebens bildet.

2. Familie und Beruf

Dieser Auftrag ist allerdings gegenwärtig teilweise unerfüllt geblieben
und auch verletzt worden. Das Verfassungsrecht bietet den jungen Men-
schen gleichzeitig Freiheit zur Familie und Freiheit zum Beruf an. Tatsäch-
lich aber werden die jungen Menschen vor die schroffe Alternative gestellt,
sich entweder für die Berufstätigkeit oder das Kind zu entscheiden. Diese
faktische Alternativität bedroht die Offenheit und Freiheit zur Familie.

Die familienfeindliche Struktur der gegenwärtigen Berufs- und Wirt-
schaftsordnung hat ihren Grund in der Trennung von Erwerbsort und
Familienort – von Arbeitsplatz und Familienwohnung – sowie in der recht-
lichen Herabstufung der Familientätigkeit zu einer wirtschaftlich unerheb-
lichen Leistung. Während die Eltern sich früher in landwirtschaftlichen
und gewerblichen Betrieben gleichzeitig der Erziehung und dem Erwerb
gewidmet, sie damit auch die in der Arbeit liegenden Möglichkeiten der
Begegnung, der Anerkennung und der Einkommenserzielung wahrgenom-
men haben, wird der wirtschaftliche Wert der Erziehungsleistung heute
nur noch beruflichen Erziehern zuerkannt, die in Schule, Kindergarten
oder therapeutischer Einrichtung tätig sind. Die familiäre Erziehung bleibt
in der Privatheit des Familienlebens und der eigenen Wohnung und scheint
deshalb von vornherein nicht entgeltwürdige Leistung, sondern Konsum,
nicht Quelle für Einkommen, Wohlstand und Sicherheit, sondern Aufwand
für die persönliche Lebensführung.

Unsere Leistungsgesellschaft muss deshalb wieder die Leistung erkennen
und anerkennen, insbesondere die unverzichtbaren Zukunftsleistungen der
Eltern als Wert und damit als entgeltwürdig behandeln. Ein Elterngeld sollte
deshalb den erziehenden Eltern zumindest für die ersten drei Lebensjahre
des Kindes ein Honorar zuwenden. Damit würde die Leistungsgesellschaft
die wichtigste Leistung, das Haben und Erziehen von Kinder, so anerkennen,
dass die Eltern – traditionell die Mütter – dank ihrer Kaufkraft wieder in
den Mittelpunkt der Gesellschaft treten, sie als Leistungsträger des Gesell-
schafts- und Wirtschaftssystems erkannt und anerkannt werden.

3. *Das Arbeitsrecht*

Die strikte Trennung von Berufs- und Familienort benachteiligt – in herkömmlicher, verfassungsrechtlich so nicht veranlasste Aufgabenteilung – vor allem die jungen Frauen, die den Willen zu Ehe und Familie haben, aber auch eine Berufstätigkeit ausüben wollen, dann aber den Kinderwunsch um der Berufstätigkeit willen zeitlich immer wieder verschieben, bis letztlich aus der Verschiebung ein Verzicht wird. Diese Entwicklung belastet viele individuellen Biografien erheblich, gefährdet auch die Zukunft der Demokratie in ihrer Jugend. Deswegen muss die Familien- und Erwerbstätigkeit offener und durchlässiger werden. Rechtliche und ökonomische Vorkehrungen müssen ein zeitliches Nebeneinander der Freiheitsbereiche zulassen, vor allem auch nach Erfüllung des Familienauftrags verlässlich eine Rückkehr in die Erwerbstätigkeit ermöglichen. Ehe- und Familienfreiheit einerseits und Berufsfreiheit andererseits sind zu einem schonenden Ausgleich zu bringen, so dass beide Freiheiten größtmöglich zur Entfaltung kommen, nicht aber die Ehe- und Familienfreiheit zugunsten der Berufsfreiheit verdrängt wird. Praktisch gefordert sind familienfreundliche Arbeits- und Ferienzeiten, Halbtagesstellen, die den Eltern arbeitsteilig eine gleichzeitige Präsenz in Familie und Beruf erlauben, Computerarbeitsplätze, die eine räumliche Trennung von Familien- und Erwerbsort lockern, Kinderbetreuungseinrichtungen möglichst in der Nähe des Erwerbsortes.

4. *Die Dreiteilung des Lebenslaufs*

Die Bereitschaft zur Familie leidet gegenwärtig auch unter staatlichen Zeitvorgaben. Der Staat regelt den Zeitpunkt von Schulbeginn, Berufsausbildung und Studium, begrenzt auch die möglichen Unterbrechungszeiten während der Berufstätigkeit, bestimmt sodann das Eintrittsalter in die Rente. Diese Dreiteilung des Lebensverlaufs schafft für den jungen Menschen eine „Rushhour", in der er gleichzeitig eine Familie gründen und sich eine Berufsstellung schaffen soll.

Die jungen Menschen stehen meist erst kurz vor Erreichen des 30. Lebensjahrs erstmals ernstlich vor der Frage der Familiengründung. In diesem Alter, in dem der Mensch üblicherweise zur Selbstidealisierung neigt, hat der Heiratswillige aber schon viele Jahre über den idealen Partner nachgedacht, die Erwartungen an diesen dann aber so sehr gesteigert, dass er schließlich feststellt, im Diesseits gebe es einen solchen Idealpartner nicht.

Würde hier der Lebens- und Berufsverlauf gelockert, die Menschen etwa mit 23 oder 24 Jahren ihre Ausbildung vorläufig abschließen, dann eine Familiephase einschieben, danach bei der Arbeitsplatzsuche oder bei der Fortsetzung ihrer Ausbildung als Eltern bevorzugt werden, so würde die Familienbiografie wieder den natürlichen Anforderungen angenähert; die jungen Menschen gründen Anfang 20 freudig und beherzt eine Familie.

Gegenwärtig hingegen sind die Lebensläufe der 20- bis 30-jährigen so organisiert, dass der Abschluss der Ausbildung und der Eintritt in das Erwerbsleben für junge Männer und Frauen das beherrschende Ziel ist, die Familiengründung und die Entscheidung für Kinder trotz prinzipiellen Familien- und Kinderwunsches deshalb verschoben wird und oft unterbleibt.

5. *Der sozialrechtliche Generationenvertrag*

Mit der Trennung von Erwerbstätigkeit und Familientätigkeit hat die familiäre Erziehung nur noch den wirtschaftlichen Wert, dass die Eltern bei Krankheit, Arbeitslosigkeit, Alter und Notfällen einen Unterhaltsanspruch gegen ihre Kinder gewinnen, also durch ihre Kinder soziale Sicherheit erfahren. Auch dieser wirtschaftliche Wert der Erziehungsleistung ist aber im „Generationenvertrag" der öffentlichen Sozial „versicherung" kollektiviert, von der familiären Erziehungsleistung gelöst und sogar gegenüber der Beitragsleistung als geringwertigerer Beitrag im Generationenvertrag herabgewürdigt worden. Dadurch wird die sozialstaatliche Errungenschaft der öffentlichen Sozial„versicherung", die auch den Kinderlosen im Krisenfalle wirtschaftliche Sicherheit bietet, zu einem rechtsstaatlichen Skandalon: Die alleinigen Träger dieses Generationenvertrages, die Eltern und in erster Linie die Mütter, sind in diesem „Vertrag" nicht oder kaum aus eigenem Recht beteiligt. Sie werden enteignet. Hier fordert der Verfassungsauftrag des Familienschutzes und der Gleichberechtigung von Mann und Frau strukturelle Veränderungen. Die öffentliche Sozialversicherung ist keine beitragsfinanzierte Versicherung, in der ein Versicherter ein Stammrecht erwirbt und aus diesem sein Alter sichert, sondern ein Umverteilungssystem, in dem die arbeitende Generation die ausgeschiedene finanziert.

Wenn das Familienrecht den Unterhaltsanspruch der Eltern gegen die Kinder weiterhin anerkennt, das öffentliche Recht der Sozial „versicherung" die Kinder jedoch vorrangig verpflichtet, die Erwerbstätigen und nicht die Erziehenden zu finanzieren, so kehrt sich der verfassungsrechtliche Gedanke der familiären Unterhaltsgemeinschaft in sein Gegenteil: Im alltäglichen Normalfall muss das Ehepaar mit Kindern zur Erfüllung des

Erziehungsauftrags auf die Erwerbstätigkeit eines Elternteils, damit auf dessen Einkommen und Rentenanspruch zeitweilig verzichten, hat dafür aber die Aufwendungen für Kinder zu tragen, während ein Paar ohne Kinder über zwei Einkommen, zwei Rentenansprüche und deren Kumulation im Hinterbliebenenfall verfügt. Der Staat organisiert die sozialstaatliche Errungenschaft einer Sicherung in Alter und Krise für alle – auch die kinderlosen – Erwerbstätigen, zwingt dabei aber die Kinder, die eigenen Eltern, die ihnen Erziehungsleistung und Erziehungsaufwand zugewandt haben, leer ausgehen zu lassen.

Deshalb muss die Solidaritätsgemeinschaft der Alters- und Krankheitssicherung neu definiert werden. Träger dieses Versicherungssystems sind die Eltern, traditionell die Mütter, die dieser Gesellschaft im Wachstum ihrer Kinder Wachstumschancen geben. Auch die Wirtschaft wird sich nur entwickeln, wenn in Zukunft junge Erfinder, Unternehmensgründer, Arbeitnehmer und Konsumenten das Wirtschaftsleben in die Hand nehmen können. Die Solidarität eines Sozialversicherungssystems fordert deshalb, die Eltern, die für die Kindererziehung auf den eigenen Erwerb und damit das eigene Einkommen verzichten, in diesem Sicherungssystem dem Grunde und der Höhe nach als Erste zu berechtigen. Kindererziehung und geldwerte Beitragsleistung sind deshalb als Grundlagen der öffentlichen Sozialversicherung gleichwertig und müssen zu gleichwertigen Leistungen führen.

6. *Das Steuerrecht*

Das Steuerrecht muss familiengerecht umgestaltet werden. Die Einkommensteuer hat die Familie als Unterhaltsgemeinschaft anzuerkennen und deshalb das Einkommen der Eltern insoweit steuerfrei zu belassen, als es zur Sicherung des existenznotwendigen Aufwandes der Kinder in angemessener, realitätsgerechter Höhe benötigt wird. Soweit die Eltern Einkommen beziehen, einen Teil dieses Einkommens aber unterhaltsrechtlich ihren Kindern schulden, können sie über diesen Teil nicht – auch nicht für Zwecke der Besteuerung – verfügen. Dieser Unterhaltsaufwand vermittelt den Eltern deswegen keine steuerbare Leistungsfähigkeit; das Einkommen unterliegt insoweit nicht der Einkommensbesteuerung. Dabei ist es unter den Bedingungen der gegenwärtigen Leistungskraft unseres Rechts-, Sozial- und Kulturstaates geboten, nicht nur den Aufwand für das sächliche Existenzminimum des Kindes von der einkommensteuerlichen Bemessungsgrundlage abzuziehen, sondern ebenso die Kosten der Kinderbetreuung, mögen die Eltern diese eigenhändig oder durch einen Dritten leisten,

sowie die Aufwendungen für einen Erziehungsbedarf des Kindes, der das Kind durch das Erlernen und Erproben moderner Kommunikationstechniken, den Zugang zu Kultur- und Sprachfertigkeit, die verantwortliche Nutzung der Freizeit oder die Gestaltung der Ferien zu einem verantwortlichen Leben in dieser Gesellschaft befähigt. Dabei stellt sich die grundsätzliche Frage, warum beim Erwerbsaufwand der tatsächliche, individuelle Aufwand abgesetzt werden darf, beim familiären Existenzaufwand hingegen nur das Existenzminimum berücksichtigt wird, die unterhaltspflichtigen Eltern also oft einen Teil des nach den Vorgaben des Zivilrechts geschuldeten Unterhalts aus versteuertem Einkommen leisten müssen.[12] Bei Eltern mit geringem oder ohne Einkommen hat der Staat im Rahmen des Förderungsauftrags Kindergeld zu leisten. Diese Familien werden durch steuerliche Abzugsbeträge nicht entlastet, sind umso mehr auf eine sozialstaatliche Sicherung des Familienexistenzminimums angewiesen.

Ein Prinzip familiengerechter Besteuerung wäre das Familiensplitting, die Ausdehnung des bewährten Prinzips der Ehegattenbesteuerung auch auf die Familie. Während die Ehe eine „Gemeinschaft des Erwerbs" ist, deswegen ebenso wie alle anderen Erwerbsgemeinschaften den gemeinsam erwirtschafteten Gewinn auf die Beteiligten aufteilen darf, ist die Familie eine Unterhaltsgemeinschaft, in der die Kinder am Einkommen der Eltern teilhaben, weniger zum Einkommen der Familie beitragen. Deshalb ist die Familie als eine vom elterlichen Einkommen lebende Gemeinschaft zu behandeln, der Anteil der Kinder aber nicht in gleicher Höhe wie der Anteil der gemeinschaftlich erwerbenden Eltern zu berücksichtigen. Auch bei der Erbschaftsteuer muss die Familie als eine Gemeinschaft behandelt werden; die Eltern müssen das Familiengut, soweit es Lebensführungsvermögen ist, steuerfrei an ihre Kinder weitergeben können.

Eine steuergerechte Familienpolitik wahrt auch eine ausgewogene Balance zwischen indirekter und direkter Besteuerung. Wenn gegenwärtig die Belastung durch die Umsatzsteuer und andere Verbrauchsteuern stetig steigt, verschiebt sich die individuelle Last von den Erwerbstätigen zu den Familien. Eltern werden in der Regel ihr gesamtes Einkommen konsumieren, um den Lebensbedarf ihrer Familie decken zu können. Deshalb trifft die indirekte Steuer – oft mit einer Durchschnittslast von über 20% – die Familieneinkommen voll, während die Kinderlosen bei gleichem Einkom-

---

[12] Vgl. Paul Kirchhof, Ehe- und familiengerechte Gestaltung der Einkommensteuer, *NJW* 2000, S. 2792 (2794 f.).

men einen Teil ihres Einkommens sparen und investieren können, sie inso-
weit indirekte Steuern meist überhaupt nicht zu tragen haben. Die Einkom-
mensteuer kann auf die Einkommens- und Familienverhältnisse des Steu-
erpflichtigen zugemessen werden, die indirekte Steuer vermutet in der
Kaufkraft eine individuelle Leistungsfähigkeit, mag diese aus Spitzen- oder
Familieneinkommen finanziert sein, unterscheidet im übrigen in der Regel
nicht zwischen notwendigem und vermeidbarem Bedarf, zwischen Exi-
stenzbedarf und Luxusbedarf.

IV Resolidarisierung mit der Familie

1. *Mitverantwortlichkeit der Rechtsgemeinschaft*

Es gehört zu den traditionellen Einsichten der allgemeinen Lehren vom
Staat, dass die individuelle Vernunftfähigkeit sich unter dem Einfluss von
bestimmten „Institutionen der Sittlichkeit" entfaltet, deren erste die Fami-
lie ist, in welcher der Mensch aufwächst und „im Sinne der Nächstenliebe
und Tugendhaftigkeit" erzogen wird.[13] Der Zusammenhalt des Staates wird
zerstört, wenn die Sicherungsfunktion der Familie entbehrlich erscheint:
Ohne Familie gibt es keine wirksame Erziehung, ohne Erziehung keine
Persönlichkeit, ohne Persönlichkeit keine Freiheit.[14] Auch das Verfassungs-
recht geht davon aus, dass der Freiheitsberechtigte in Distanz zum Staat,
im Umfeld und unter Begleitung der sich ihm lebenslänglich zuwendenden
Eltern, im Rahmen von deren Mitverantwortlichkeit zu einem Staatsbürger
heranwächst, der die ihm angebotenen Freiheiten umfassend wahrnehmen
kann und der als Teil des Staatsvolkes zum Garanten für den Bestand der
Verfassungsordnung werden soll. Deshalb stellt die Verfassung die Familie
unter den besonderen Schutz der staatlichen Ordnung.

Dieser Schutzauftrag ist schon zu erfüllen, wenn das ungeborene Kind
sein Recht auf Leben beansprucht. Dieses Kind ist besonders schutzbedürf-
tig, weil seine Existenz der Mutter anvertraut ist, dem Kind hingegen die

---

[13] Georg Wilhelm Friedrich Hegel, Grundlinien der Philosophie des Rechts oder
Naturrecht und Staatswissenschaft im Grundrisse, in: *Gesammelte Werke*, hrsg. von Eva
Moldenhauer und Karl Markus Michel, 1986, § 33 S. 86 f.

[14] Montesquieu, Considérations sur les causes de la grandeur des romains et de leur
décadence, in: ders., *Œvres complètes*, Paris 1964, S. 452 ff. (zur Erklärung des Untergangs
des Römischen Reiches).

herkömmlichen Instrumente zur Durchsetzung eines Rechts – die Klage, die Demonstration, die Versammlung, die Gründung einer Vereinigung oder Partei – noch verwehrt sind, es nicht einmal durch ein Lächeln die Sympathie seiner Umwelt gewinnen kann. Deshalb haben auch Staat und Recht das ungeborene Kind zu schützen: Die Frau hat das Kind auszutragen, die Rechtsgemeinschaft dieses Kind mitzutragen.[15] Diese Mitverantwortlichkeit verwirklicht sich insbesondere in der Rechtstellung, welche die Berufs- und Wirtschaftsordnung den Eltern zuweist. Der Anspruch jeder Mutter auf den Schutz und die Fürsorge der Gemeinschaft verpflichtet den Gesetzgeber, „Grundlagen dafür zu schaffen, dass Familientätigkeit und Erwerbstätigkeit aufeinander abgestimmt werden können und die Wahrnehmung der familiären Erziehungsaufgabe nicht zu beruflichen Nachteilen führt". „Dazu zählen auch rechtliche und tatsächliche Maßnahmen, die ein Nebeneinander von Erziehungs- und Erwerbstätigkeit für beide Elternteile ebenso wie eine Rückkehr in eine Berufstätigkeit und einen beruflichen Aufstieg auch nach Zeiten der Kindererziehung ermöglichen".[16]

2. *Krippenplätze*

Da die Zukunft von Demokratie und Freiheitlichkeit des Staates in der Hand der Familien liegt, werden gegenwärtig strukturelle Neuerungen für einen wirtschaftlichen Rahmen der Familienautonomie erwogen. Dabei zeigt sich allerdings erneut, dass die Anliegen der Gegenwart, insbesondere des derzeitigen Erwerbs, stärker sind als die Anliegen der Zukunft.

Seit der Antithese zwischen der familiären Erziehung im altgriechischen Athen und der staatlichen Erziehung im altgriechischen Sparta ist umstritten, ob die Kinder in den ersten Lebensjahren besser durch die Eltern oder besser durch den Staat erzogen werden. Dieser Streit ist verfassungsrechtlich beantwortet: Die freiheitlichen Verfassungen sind bestimmt vom Vertrauen in die Erziehungskraft und Erziehungsbereitschaft der Eltern. Elterliche Freiheit und Verantwortlichkeit bestimmen, ob die Eltern ihr Kind eigenhändig erziehen oder sich fremder Hilfe bedienen.

In diesem Freiheitskonzept entscheidet nicht der Gesetzgeber, ob das Kleinkind zuhause von den Eltern oder in der staatlichen Krippe erzogen werden soll. Vielmehr sollte der Staat die für ihn verfügbaren Finanzmittel

---

[15] BVerfGE 88, 203 (258 f.) – Schwangerschaftsabbruch II.
[16] BVerfGE 88, 203 (260) – Schwangerschaftsabbruch II.

den Eltern in die Hand geben, damit diese entscheiden, ob sie dafür einen Krippenplatz erwerben oder das Kind eigenhändig erziehen wollen. Das Angebot der Krippenplätze bestimmt sich nach elterlicher Nachfrage, die Einrichtungen fühlen sich den Eltern als ihren Financiers verstärkt verantwortlich. Die Frage, ob eine Ersatzerzieherin drei oder zehn Kinder im zweiten Lebensjahr betreut – ob sie also gleichsam Drillinge oder Zehnlinge versorgt –, wird durch die Eltern beantwortet. Nach diesem Freiheitsprinzip werden die verantwortlichen Eltern bald wieder Maßstäbe entwickeln, die eine Arbeitsteilung zwischen Familie und Beruf am Wohl des Kindes, nicht am Bedarf der Wirtschaft oder nach der Werbung einer Ideologie ausrichten. Im Ausnahmefall, in dem die Eltern diese Entscheidung über das Kindeswohl nicht in vertretbarer Weise treffen können, trifft der Staat im Rahmen seines Wächteramtes eine Verantwortlichkeit, die er insbesondere in seiner Einwanderungs- und Ausländerpolitik, seiner Sprach-, Schul- und Vorschulpolitik, seiner Sozialpolitik wahrnimmt. Wesentlich bleibt aber, dass die allgemeinen Normen sich nach der Normalität einer verantwortlichen, durch die Freude am Kind und die Hoffnungen auf dessen Zukunft bestimmte Familie richten, das Gesetz den Eltern grundsätzlich nicht das Freiheitsvertrauen verweigert, sie gerade in der für das Kind entscheidenden frühkindlichen Phase nicht durch staatliche Maßnahmen in den Erwerb drängt und Anreize zur Vernachlässigung der Kindesanliegen setzt.

Würde der Gesetzgeber den Eltern pro Kind ein angemessenes Erziehungsgehalt anbieten, so gewännen die Familien in der Gegenwart ähnliche wirtschaftliche Gestaltungsmöglichkeiten wie die Kinderlosen, würden also nicht wegen ihrer Kinder benachteiligt. Dieses Erziehungsgehalt würde Eltern und Familien eine arbeitsteilige Erwerbs- und Familientätigkeit ermöglichen, der Familientätigkeit Anerkennung zusprechen, im eheinternen Wechsel von Erwerbs- und Erziehungstätigkeit eine dank der Erziehungserfahrung verbreiterte Berufsqualifikation für beide Elternteile erlauben, damit Rückkehr und Aufstieg in die Erwerbsberufe nach Abschluss der Erziehungstätigkeit erleichtern, zudem das Wohnangebot kindgerecht umgestalten, Freizeit- und Erholungsmöglichkeiten wieder auf die Familie ausrichten. Das Verfassungsrecht ist hier Anstoß, der Gesetzgeber als Erstinterpret der Verfassung Gestalter dieser Entwicklung.

3. Kinderwahlrecht

Eine Demokratie schlägt die Brücke zwischen individueller Gemeinschaftsverantwortung und Zusammenhalt des Staatsvolkes in einer Rechts-

gemeinschaft durch das Wahlrecht. Dieses Wahlrecht bietet eine aktuelle Chance, um die Familie in ihrer Bedeutung und ihrem Gewicht stärker in der Solidargemeinschaft des demokratischen Staates zur Wirkung zu bringen.[17] Die Demokratie folgt dem Prinzip: Ein Mensch – eine Stimme. Ein Kind ist ein Mensch, sogar der Mensch, der von den politischen Grundsatzentscheidungen – über Friedenspolitik, Umweltschutz, Bildungssysteme, Generationenvertrag, Staatsverschuldung – noch länger betroffen ist als die bisher Wahlberechtigten. Selbstverständlich kann der Minderjährige sein Wahlrecht noch nicht ausüben, soweit ihm dazu die Verstandesreife, die Mündigkeit fehlt. Das Wahlrecht hängt deshalb von der Vollendung der Volljährigkeit – meist des 18. Lebensjahres ab.

Doch die fehlende Fähigkeit, ein Recht selbst auszuüben, hindert nicht die Berechtigung. Wie ein Säugling Eigentümer sein kann, in seinen Eigentümerrechten aber von seinen Eltern vertreten wird, so könnte ein Kind auch wahlberechtigt sein, wobei das Wahlrecht durch seine Eltern – wegen des Wahlgeheimnisses von Vater und Mutter mit je einer halben Stimme – ausgeübt wird. Damit sind die Kinder nicht mehr Staatsbürger mindernden Rechts. Das Parlament wird auch von der kommenden, hauptbetroffenen Generation legitimiert. Wahlkandidaten und Parteien suchen ihre Themen und ihre Programme vermehrt in Wachstum und Zukunft durch das Kind. Die Familie rückt auch politisch in die Mitte von Gesellschaft und Staat.

4. Erziehung zur Freiheit in kultureller Bindung

Die Erziehungsaufgabe ist den Eltern anvertraut, weil die Eltern ihrem Kind ein Leben lang unkündbar und unscheidbar verbunden sind, in der Nähe der Familie größtmögliche Verantwortlichkeit für das Kind entsteht,

---

[17] Vgl. Dieter Suhr, Transferrechtliche Ausbeutung und verfassungsrechtlicher Schutz von Familien, Müttern und Kindern, *Der Staat* 29 (1990), S. 69 (73); Hans Hattenhauer, Über das Minderjährigenwahlrecht, *JZ* 1966, S. 9 (10); Konrad Löw, Kinder und Wahlrecht, *ZRP* 2002, S. 448 f.; Franz Reimer, Nachhaltigkeit durch Wahlrecht? Verfassungsrechtliche Möglichkeiten und Grenzen eines „Wahlrechts von Geburt an", *Zparl* 35 (204), S. 322 (324); kritisch insbesondere Hans H. Klein, Generationenkonflikt am Beispiel des Kinderwahlrechts, in: *Festschrift für Rupert Scholz*, 2007, S. 277 f.; Reinhard Mussgnug, Das Wahlrecht für Minderjährige auf dem Prüfstand des Verfassungsrechts, in: *Festschrift für Gerd Roellecke*, 1997, S. 165; Rainer Wernsmann, Das demokratische Prinzip und der demokratische Wandel. Brauchen wir ein Familienwahlrecht? *Der Staat* 44 (2005), S. 4366.

der Staat insoweit in Distanz gewiesen wird. Doch die heranwachsenden Kinder müssen in die Gemeinschaft einer Sprache, eines Elementarwissens, einer Mindesterziehung zur Achtung des Rechts, zur gegenseitigen Rücksichtnahme, zur Übernahme von Verantwortlichkeiten geführt werden. Deswegen wirken bei dem heranwachsenden Kind Familie und Staat, elterlicher und schulischer Erziehungsauftrag zusammen, um die Entfaltung des jungen Menschen zu einer freiheitsbereiten, kulturgeprägten Persönlichkeit zu stützen und zu fördern. Dieser Erziehungsauftrag des Staates bündelt nicht nur das Elternrecht zu gemeinsamer, aufeinander abgestimmter Ausübung, sondern steht qualitativ gleichgeordnet neben dem elterlichen Erziehungsauftrag und eröffnet dem Staat die Möglichkeit, allen Kindern eine Grundausbildung und Mindestmündigkeit zu vermitteln, sie zum Verständnis der Kultur und Verfassung zu erziehen, gerade in der pluralistischen Gesellschaft mit ihren weiten Freiheitsräumen die tragenden Grundwerte der Verfassung zu verwurzeln. Die Erziehung zur Achtung der Menschenwürde, zum verantwortlichen Gebrauch der Freiheit, zur Vertrauenswürdigkeit bei Wahrnehmung der Meinungsfreiheit, zu Pflichtbewusstsein, Leistungsbereitschaft, mitmenschlicher Rücksichtnahme und Schonung der materiellen und immateriellen Lebensgrundlagen ist nicht allein der Wahrnehmung des Elternrechts überlassen, sondern eigenständiger Auftrag des verfassungsrechtlich gebundenen Staates.

Eine grundrechtsgeprägte Rechtsordnung ist durch eine Sicht des Menschen bestimmt, der in das soziale Zusammenleben eingebettet und insoweit in seiner Beliebigkeit beschränkt ist. Die Garantie der Menschenwürde sieht jeden Menschen dank seiner Individualität oder seiner Personalität im Besitz eines „absoluten inneren Wertes" kraft moralisch-praktischer Vernunft[18] und verspricht jedem Menschen in dieser Rechtsgemeinschaft Achtung und Schutz seiner Würde. Jeder Mensch ist in der Gleichheit aller Menschen in diesem Staat Rechtsperson, beansprucht den Schutz der körperlichen und seelischen Unverletzlichkeit, ist in sozialer Anerkennung und in Achtungsansprüchen in die Rechtsgemeinschaft aufgenommen, gewinnt dort den Status eines Beteiligten am Rechtsverkehr, ist Adressat der verfassungsrechtlichen Freiheitsangebote unter den Bedingungen der jeweiligen Freiheitskultur.

---

[18] Hans Carl Nipperdey, Die Würde des Menschen, in: *Grundrechte* II, 1954, S. 1 ff.; Peter Häberle, Die Menschenwürde als Grundlage der staatlichen Gemeinschaft, in: Isensee/Kirchhof (Hrsg.), *Handbuch des Staatsrechts der Bundesrepublik Deutschland*, Bd. I, 1987, § 20 Rn. 33 ff. Zur Gegenansicht (Menschenwürde als Folge der Leistung) Niklas Luhmann, Grundrechte als Institution, 1965, S. 64 ff.

Dieser mit Würde und Freiheit begabte Mensch lebt nicht in der Vereinzelung, sondern in der Gebundenheit und Betreuung der Familie. Die Familie ist Erlebnis-, Entfaltungs- und Verantwortlichkeitsbereich von Eltern und Kindern, bildet eine eigenständige, selbstverantwortliche Gemeinschaft, deren Bedeutung für die Persönlichkeitsentwicklung aller Beteiligten jede andere menschliche Bindung übersteigt. Die Familie bringt Würde und Freiheit aller Familienmitglieder zur Entfaltung, vermittelt den Heranwachsenden aber zugleich den Achtungs- und Würdeanspruch aller Menschen. Insoweit regelt das Verfassungsrecht Elternrecht und Elternpflicht im Gleichklang, sieht das Elternrecht stets in einer rechtlichen und gesellschaftlichen Ordnung und weist die Eltern in die Begleitung von „Miterziehern", das elterliche Erziehungsrecht auf das Zusammenwirken mit andern privaten, gesellschaftlichen und öffentlichen Verantwortungsträgern.[19] Elterliche Erziehung nimmt die Wertungen der Rechts- und Kulturordnung in Freiheit auf, formt sie für die jeweilige Gegenwart und gibt sie an die nachfolgende Generation weiter. Hier liegt die verlässliche Quelle von Rechtskontinuität, Wertungssicherheit und Gestaltungsoffenheit. Das Elternhaus vermittelt eine wertgebundene Weltsicht und sinnerfüllte Lebensweise, damit die Kinder die vielfältigen Angebote einer freiheitlichen Verfassung auch tatsächlich annehmen können.

5. Familiäre oder staatliche Lebenshilfe?

Die verfassungsrechtlich gewährleistete Freiheit meint grundsätzlich die Freiheit vom Staat. Da der Mensch aber von Geburt an – bei Krankheit, Armut, Enttäuschung, Vereinzelung bis zur Altersgebrechlichkeit – auch hilfsbedürftig ist, braucht er Zuwendung, Erziehung, Beistand und Unterhalt. Die Institution, die diese Gemeinschaft gegenseitiger Verantwortlichkeit und Lebenshilfe begründet, ist die Ehe und Familie. Sie bietet die Voraussetzung für die bestmögliche Entwicklung der Menschen,[20] festigt entsprechend der auf Dialog angelegten geistigen Natur des Menschen Zusammengehörigkeit und Zusammenhalt, gedanklichen Austausch und wechselseitige Förderung, bietet Lebenshilfe, die von grundlegender Bedeutung für die Fähigkeit zur Freiheit und für die Ordnung des Gemeinschaftslebens ist.

---

[19] Vgl. Hans F. Zacher, Elternrecht, in: Isensee/Kirchhof (Hrsg.), *Handbuch des Staatsrechts der Bundesrepublik Deutschland*, Bd. VI, 1989, § 134 Rn. 6, 10 f.
[20] BVerfGE 25, 167 (196) Nichtehelichkeit; BVerfGE 76, 1 (51) Familiennachzug.

Freiheit vom Staat baut also auf enge Bindung unter den Freiheitsbe-
rechtigten, baut auf eine Solidarität, die aus der individuellen Verantwort-
lichkeit für die eigene Familie erwächst. Die Wahrnehmung verantwortli-
cher Elternschaft erübrigt die staatliche Lebensbegleitung des Kindes.
Familiärer Unterhalt erspart öffentliche Sozialhilfe. Private Pflege ersetzt
die Dienstleistungen von Seniorenheim und Krankenhaus durch persönli-
che Zuwendung. Die eheliche und familiäre Lebensgemeinschaft wirkt bei
Orientierungsarmut und drohender Rechtsverletzung ausgleichend und
friedenstiftend, schützt damit vor polizeilichen und gerichtlichen Eingrif-
fen. Gäbe es die Ehen und Familien nicht, könnte der Rechtsstaat seine
Freiheitlichkeit nicht bewahren, der soziale Staat würde seine Leistungs-
kraft überfordern.

Da der Staat nur Freiheitsrechte anbieten und günstige Rahmenbedin-
gungen für die Annahme dieses Angebotes schaffen kann, die Bereitschaft
der Menschen für die Annahme insbesondere der kulturellen Freiheiten
aber von ihrer Erziehung abhängt, muss der Staat gerade in der Gegenwart
den Erziehungsauftrag der Familien entschieden stützen und stärken. Jede
Generation kann nur die Kultur entfalten, deren Wurzeln in vorausgehen-
den Generationen gelebt sind. Will sie nicht jeweils das Auto neu erfinden,
sondern sich auf dem überkommenen Wissensstand weiterentwickeln, so
muss insbesondere auch die kulturelle Grundlage von Staat und Recht in
der Generationenfolge kontinuierlich erneuert werden. Ehe und Familie
sind Bedingung der Freiheit, der in Demokratie und Rechtsstaat vorausge-
setzten Hochkultur, der Entfaltung von Religion und Kirchlichkeit.

THE GERMAN INITIATIVE
'LOKALE BÜNDNISSE FÜR FAMILIE'

JAN SCHRÖDER

1. OVERVIEW

More than 13,000 institutions, thereof more than 4,000 business companies, work together in 500 'Lokale Bündnisse für Familie'. Together they realize more than 5,200 projects for more family-friendliness of the German society on the local level. And often have fun doing so! Symposia concerning the balance of family and work life, a ticket for ten hours of child care, cheap diaper baskets for young parents, workshops concerning the education of children, grandpa- and grandma services and a safe way to school may serve as small examples for the huge variety of these projects. Every single one of these 'Lokale Bündnisse für Familie' is self-organized and decides by itself what has to be and what will be done.

In every one of these 'Lokale Bündnisse für Familie' partners from different groups of society come together in an outcome-oriented manner, e.g.: business companies, local governments, social organizations, churches, trade unions, chambers of industry and commerce and the families themselves. Starting as partnerships to realise projects many 'Lokale Bündnisse für Familie' develop to local networks with strong social bonds. Even on the national level step by step a family of the 'Lokale Bündnisse für Familie', the 'Bündnisfamilie' develops.

The idea was brought up in 2004 by the former German family minister Renate Schmidt. At that time she started the initiative 'Lokale Bündnisse für Familie' together with the President of the association of German Chambers of Industry and Commerce Ludwig Georg Braun. Her vision was: all over Germany 100 'Lokale Bündnisse für Familie' are working by the end of 2006. In November 2004 the hundredth 'Lokales Bündnis für Familie' joined the initiative! By the end of 2006 more than 350 were active and nowadays we can count 500 'Lokale Bündnisse für Familie'.

A service agency acting nationwide was installed by the Federal Ministry and supports this development. It just entered the fifth year of work. Here 'Lokale Bündnisse für Familie' can request support in building up and developing their organizational structures. Support is also given in questions of relationship to press and other media. And finally networking and knowledge transfer are main assets since the service agency focusses on sustainability of the 'Lokale Bündnisse für Familie'.

In a first step this paper decomposes the initiative as it exists in the year 2008 into its structural elements after giving a short overview of the German family policies. In the next step the path of development leading to the seen structure is outlined and finally everything is put together again by adding the construction principles and driving powers to the structural elements.

In this manner it can be shown that subsidiarity, solidarity and market forces work together to produce the common good 'family-friendliness' which enables families as well as family-members to choose their private way to combine work and family life.

2. GERMAN FAMILY POLICY – A SHORT OVERVIEW

Time, infrastructure and income – this is what families need to realize the freedom of choice in arranging their family and work life. German family policy has a focus on this goal, 'freedom of choice', and these three issues. They have been stressed in the seventh national report on family issues.

In consequence family policy relies strongly on partnerships with other institutions. First of all because time and infrastructure are influenced by many partners: business companies, communes, trade unions, social organizations and public transportation may serve as example. And secondly because the facilities of the National government to influence work and family life on the local level are limited. These partnerships work because in the last years it has been widely understood that family-friendliness is not only a social but an economical benefit for society. A family-friendly society has a stronger national economy and stronger business companies than a society where this common good is not or little present.

Several studies have outlined these economical effects. This leads us to the elements of German family policy:
–   working on public attention for the importance of family-friendliness by playing on the entire keyboard of public relations is one essential part,
–   ensuring income especially for working parents like the "Elterngeld" is another and finally
–   the forming of societal partnerships is the third branch of this new and sustainable policy which was started in the year 2003 and continued by the new minister for family affairs Ursula von der Leyen in 2005.
Altogether this new German family policy is different from the classical welfare policy – it is a societal policy.

Partnerships are formed on the national as well as on the local level. On the national level in 2003 the ministry formed the 'Allianz für die Familie' together with the head organizations of German economy, the national association of the chambers of commerce, industry and handcraft, trade unions, foundations active in the field of compatibility of work and family life as well as scientists and politicians. The partners of the 'Allianz für die Familie' start initiatives and projects which support the described development of German society. One of the major assets is the initiative 'Lokale Bündnisse für Familie'.
It follows the goals:
    – Time and infrastructure for family life
    – Societal engagement for family-friendliness
    – Sustainability of the 'Lokale Bündnisse für Familie'.

3. STRUCTURAL ELEMENTS OF THE INITIATIVE 'LOKALE BÜNDNISSE FÜR FAMILIE'

Many different partners and networks shape the face of the initiative 'Lokale Bündnisse für Familie'. Every one of them takes over specific functions, acts with a specific attitude toward the common good 'family-friendliness' and interacts with the other partners. This paragraph gives an overview on who is active in the initiative and what they do for the success of the initiative. This functional approach sets the basis for understanding how the initiative works. Nevertheless it is limited like any other organigram. It has to be seen in connection with the construction principles and the driving powers described later on.

3.1. *The Ministry*

The idea to start the initiative was developed in the German ministry of family affairs. Since then one major branch of its activity is the financing and steering (see 4.2) of the service agency 'Lokale Bündnisse für Familie' as well as the managing of the whole initiative. Financing in the necessary scale is possible through the financial aid of the European Commission. It must be mentioned that the single 'Lokales Bündnis für Familie' doesn't receive any financial aid by the German Ministry of Family Affairs.

Another branch of activities of the ministry deals with initiatives, studies, projects and publications to create and disseminate knowledge useful for the initiative. Some of these are realized within the 'Allianz für Familie' or together with other partners. This sets up a strong basis of knowledge and awareness which is crucial for the success of the initiative 'Lokale Bündnisse für Familie'. In this context one has to mention the intense work on public relations by the ministry which is essential for the mobilization of partners.

Furthermore several projects initiated and financed by the ministry produce in-depth knowledge of the potentials and functional principles of 'Lokale Bündnisse für Familie'. In 2006 and 2007 studies were realized concerning the economical benefit and the internal network-structure of 'Lokale Bündnisse für Familie'. 2007 and 2008 three 'Lokale Bündnisse für Familie' are supported in developing methods, instruments and proceedings in the outcome-oriented management of 'Lokale Bündnisse für Familie'. Since 2004 six projects have been realized to develop specific solutions for more family-friendliness and thus to demonstrate the potentials of networks on the local area. The development of family-cooperatives and solutions for family-friendliness in hotels and restaurants may hold as examples for topics of these projects.

3.2. *The single 'Lokales Bündnis für Familie'*

As mentioned above in a 'Lokales Bündnis für Familie' different partners from all parts of local society come together to create 'family-friendliness'. Among these partners one can find small and big business companies, social associations, communes, trade unions, churches, chambers of trade and industry, job centres, sports associations, nurseries, hospitals, kindergartens and so on. Every one of them has individual goals. Within the 'Lokales Bündnis für Familie' they develop solutions which serve these individual goals as well as the common goal of 'growing family-friendliness of the local society'.

Let's look at a typical example. German school holidays last about 13 weeks per year. German employees enjoy something around 6 weeks of holidays. So often enough employees have to deal with several weeks without child-care for their schoolchildren. This is a problem for the employers too, because parents are distracted, some may become sick and altogether quality and output of work drop. In many 'Lokale Bündnisse für Familie' employers have found partners to provide child care in the holidays. Costs are shared between companies, parents and other stakeholders, knowledge is introduced by nursery teachers, rooms and playgrounds are allocated by firms, staff is found by job centres – and in the end: children are happy and have exciting holidays, employees have a higher attachment to their company, work flow is better and some nursery teachers may have even found a new part-time-job. Economical and social goals are served likewise.

And this is the main reason why nationwide more than 4,000 companies and almost all of the nationwide 81 chambers of industry and commerce engage in 'Lokale Bündnisse für Familie'. Altogether far more than 13,000 institutions of all kinds are active and realize more than 5,200 projects for more local family-friendliness. Every one of these 'Lokale Bündnisse für Familie' is individual in its topics, projects, participants and its way to organize itself. Some of them form loose networks, others have a strong project-oriented structure and still others exist in the form of round tables. To realize the effectiveness of these networks it is necessary to keep in mind that a main outcome of the 'Bündnis'-work is that all participants become more family-friendly themselves. And this reflects in their everyday work and not only in the 'Bündnis'-projects. These projects may be found in seven fields of action:
  – compatibility of work and family life
  – child care

- education
- living together of the generations
- family-friendly environment
- civil engagement and
- health and care

By far the most important ones – measured by the all over amount of engagement – are the first two mentioned fields of action.

Every one of the 'Lokale Bündnisse für Familie' has a self-defined organizational structure as an individual program of action. Structure and program depend on the origin, the goals and the interests of the local partners who join the network.

3.3. *The 'Bündnisfamilie'*

All 500 'Lokale Bündnisse für Familie' together form the 'Bündnisfamilie' – the family of 'Lokale Bündnisse für Familie'. This 'Bündnisfamilie' is characterized by a feeling of belonging together. Within the 'Bündnisfamilie' a lot of social contacts and networks exist and knowledge flows between the 'Lokale Bündnisse für Familie'. This knowledge covers the three topics:

- working principles of networks,
- hints for the successful realization of projects and
- means of public relations.

'Bündnisfamilie' is more than merely a word for the sum of all 'Lokale Bündnisse für Familie'. It uses all the connotations of the word 'family' and thus it somehow expresses the spirit of the initiative (see 6.3): 'As a 'Lokales Bündnis für Familie' you are not alone but you are part of a big nationwide movement towards more family-friendliness.'

3.4. *'Bündnisfreunde'*

'Bündnisfreunde' – the friends of the 'Bündnisse' – this is how we call partners on the national or federal state level who support 'Lokale Bündnisse für Familie' in their work. These partners are large business companies like Rama (Unilever), JAKO-O (a company selling toys), Adidas and Douglas, almost all federal states, associations of German towns, villages and counties, foundations acting in the field of family policy, the national associations of handicraft, industry and trade, the national association of trade unions as well as national associations of social welfare institutions and politicians acting on the local level. 'Bündnisfreunde' either

have a close relationship to the national ministry of family affairs or to the service agency – sometimes even both.

Every one of these institutions supports the 'Lokale Bündnisse für Familie' in a different way. Some of them are members of the 'board of the trustees' and thus demonstrate the importance of the initiative by appealing for engagement within the initiative. Many of the federal minsters for family affairs personally engage for the initiative in public. Some 'Bündnisfreunde' give advice to 'Lokale Bündnisse für Familie' concerning financing projects or necessary knowledge for the realization of projects. The federal state Brandenburg e.g. shows 'Lokale Bündnisse für Familie' how to achieve European financing for their projects.

Others realize projects in public relations together with the service agency. Rama for example realized the national campaign 'Mehr Kinder besser betreut' with more than 1,000,000,000 media contacts. JAKO-O presents the development of the initiative regularly in its catalogues. And the national association of towns and villages realizes nationwide symposia on topics of family-friendliness.

And finally networking is supported by a lot of 'Bündnisfreunde'. First of all they support the networking of 'Lokale Bündnisse für Familie' and thus the development of a strong 'Bündnisfamilie'. And secondly they bring in their own networks on the federal or national level.

3.5. *The service agency 'Lokale Bündnisse für Familie'*

The service agency offers five different kinds of service to the initiative. It is maintained by the consultancy JSB Dr. Jan Schröder Beratungsgesellschaft mbh & Co. KG. The work of the agency is financed by the German Ministry of Family Affairs and the European Social Fund. Details concerning the value of this structure and the way of managing the initiative and the agency may be found in paragraphs '6.4 Structure' and '4.2 Managing the unmanageable'. The services offered by the agency comprise the following:

Consultancy for constitution and further development of 'Lokale Bündnisse für Familie'. Consulting aims at the organizational development of the local networks including the finding of participants. Inspiration is given concerning goals and projects for more family-friendliness. Consultancy follows the idea 'help for self-help' and the consultants help intensively during the first steps of network-building. Afterwards they restrict themselves to short impulses for the further development. The idea behind this is a

strong belief that it is very important for 'Lokale Bündnisse für Familie' to take over responsibility for their own development in a very early stage. Understanding this type of consultancy is crucial for understanding the manifestation of subsidiarity within the initiative.

Public relations. First of all the service agency helps 'Lokale Bündnisse für Familie' to learn about the way public relations works. This comprises measures, techniques and strategies as well. In consequence the initiative has hundreds of small local press offices and not only the single press office of the service agency. The latter is especially active on the regional and local level to contact the press and to inform them about the developments within the initiative. E.g. every month a 'Bündnis' of the month is chosen and local newspapers as well as regional radio stations love to report about such approvals.

Networking: the development of the 'Bündnisfamilie' (see 3.3) crucially depends on knowing each other personally. Internet may help to get in touch but the personal contact between partners from different 'Lokale Bündnisse für Familie' is crucial. Symposia and regional meetings are important means to support networking and the development of the spirit of the initiative (see 6.3). The website supports networking by supplying addresses and knowledge about what 'Lokale Bündnisse für Familie' do. Furthermore networking is assisted by the messages of the internal communication. One is 'We don't deal with copyright questions – we deal with the question of copying right!'

Developing the quality of projects. know-how to realize projects has been gathered in more than 5.200 projects by now. Nobody can write all this down. But the service agency works to make this know-how accessible by describing projects realized often and by building up an internet-based database of projects to enforce the 'copying right'.

Building up and developing strategic partnerships: as shown in '3.4 Bündnisfreunde' give different forms of support to 'Lokale Bündnisse für Familie'. Part of the work of the service agency is to develop concepts of cooperation and realising them together with partners on the Federal or National level. Essential parts of this work are the discussion of shared goals and a decision which means of cooperation is adequate.

All these services have gone through a lot of changes during the last four years (see 4.1). To support these changes internal quality management as well as an outcome-oriented management have continuously been developed.

4. DEVELOPMENT OF THE INITIATIVE

Since 2004 the initiative has seen extremely different phases of development. The nucleus in 2003 consisted of some good examples and the intention of the German Ministry of Family Affairs to convince others of the idea of 'Lokale Bündnisse für Familie'. The service agency was founded rather quickly and then things began to develop in a pace nobody really had foreseen. This gave rise to undreamed-of possibilities for the enlargement of the common good 'family-friendliness'. On the other side the ministry and the service agency had to cope with undreamed-of challenges too: the arising huge numbers of partners and demands stood for a pile of work as well as for new chances of development made possible by the large numbers and the feeling of belonging together in the 'Bündnisfamilie'.

A phase model was developed in the second year of the initiative giving orientation for the development. It was followed by stepwise implementing of an outcome-oriented management model. This makes the common good 'family-friendliness' accessible to management efforts in an initiative characterized by a limited influence of the partners on the National level. Because of the subsidiary setting one may speak of the 'management of the unmanageable'.

New developments are still going on. And most of these developments are due to the creativity and strong will of the partners in the 'Lokale Bündnisse für Familie'. Management will follow these changes and most probably new phases will occur soon.

4.1. *Phase Model*

Four phases characterize the development of the initiative 'Lokale Bündnisse für Familie': the phase of acclamation, the phase of affirmation, the phase of societal onset and finally the phase of sustainability; in German: 'Akklamations-, Affirmations-, Aufbruchs- und Nachhaltigkeitsphase'. These phases are characterized by the development of the structural elements, specific messages in public relations and the setting of services kept in hold by the service agency. Though phases overlap and none of them really ever ends their start can clearly be distinguished looking backwards. The following table illustrates the attributes of these phases.

Phase	Structural elements	Message	Service by the service agency
Acclamation	Rising number of 'Lokale Bündnisse für Familie'	Organize 'Lokale Bündnisse für Familie' – it's worthwile!	Consulting in questions of network building and public relations
Affirmation	develops into a 'Bündnisfamilie', starts the dissemination of knowledge	See, it works!	+ networking + transfer of knowledge
Societal onset	gets support by strong societal partners	Society changes!	+ binding of partners
Sustainability	and intensifies knowledge transfer in questions of networking, project work and press relations and develops self-supporting regional support structures.	It's a lasting phenomenon!	+ intensifying all services concerning aspects of sustainability

4.2. *Managing the unmanageable*

Why unmanageable? Simply because of the subsidiary structure of the initiative: Nobody can tell 'Lokale Bündnisse für Familie' what to do. They define themselves what is necessary for more family-friendliness on the local level. The ministry does not directly influence the 'Lokale Bündnisse für Familie' in their decision abaut what is important on the local level.

Nevertheless: management is still possible. Influencing of the initiative works by disseminating information and defining the services offered by the service agency. Doing this the specific needs of the 'Lokale Bündnisse für Familie' play an important role. Management is a 'bottom-up' as well as a 'top-down' process. The service agency is set up as a link between the part-ners 'ministry' and 'Lokale Bündnisse für Familie'.

After this general introduction let's have a closer look: First of all man-agement deals with watching developments within the initiative. Secondly management means changing the wording and services offered by the serv-

ice agency. This may be illustrated by a simple example. In the end of the year 2004 more than 100 'Lokale Bündnisse für Familie' were part of the initiative. This made it possible to arrange meetings not only on the national but also on the federal level – a level where regional identity is existent in Germany. In these meetings the seed of the spirit of the initiative started to sprout. This led to the following: in the middle of 2005 the word 'Bündnisfamilie' was used the first time by the service agency. And it was accepted by the 'Lokale Bündnisse für Familie' because it gave a feeling of 'Bündnis'-identity loaded up with positive connotations. This was another push for the growing of the spirit of the initiative.

The way this management works changed a lot within the last four years. Watching developments relied on personal impressions of the ministry and the service agency in the first one and a half years. The huge pace of changes didn't give much time for development of any measuring or evaluation instruments. In 2006 a first external evaluation of twelve 'Lokale Bündnisse für Familie' was done to measure economic effects and to illustrate the organizational structure of 'Lokale Bündnisse für Familie'. This gave valuable results for the consulting services of the service agency and inspired the development of self evaluation tools for the 'Lokale Bündnisse für Familie' introduced in 2007. Parallel to this mapping developed – maps of engagement in network development, network maps and so on… In other words: monitoring became more professional. In the upcoming next two years evaluation will be enforced – concerning the image, outcome and way of working of the 'Lokale Bündnisse für Familie'. This will be everyday monitoring as well as scientific evaluation.

The second branch of management – the changing of messages and services of the service agency – was professionalized as well. This was quite a challenge because the resources available did not grow with the number of 'Lokale Bündnisse für Familie' and the rising number of services offered. So prioritization became important more and more as well as the realization of synergies and the cooperation with partners. 'Don't do anything which somebody else can do for the initiative!' became central for the development of the service agency. Further on management-instruments like portfolio-matrix, scenario-techniques and outcome-diagrams supported a systematic comparison of expected outcome and invested resources and thus supported decision-making. A specific outcome-oriented contract between ministry and JSB ensured the realization of the decisions made.

Altogether management in the beginning was an act of incremental development, typical of a pioneer business. With growth and experience the necessity of systematic management grew and professionalization took place, typical of a growing business.

5. Solidarity, subsidiarity and market forces – construction principles of the initiative

Subsidiarity makes the initiative attractive. Solidarity makes it strong. And market forces work in favour of the initiative. In short this describes the interaction of the three construction principles of the initiative.

5.1. *Solidarity*

Solidarity has three different forms of appearance in the initiative: solidarity between individuals, solidarity of individuals with society, solidarity between the 'Lokale Bündnisse für Familie'.

Examples of solidarity between individuals are projects like 'Wunschgroßeltern' or 'Sozialpaten'. In 'Wunschgroßeltern'-projects young families and elder people without grandchildren come together and develop family-like bounds – the wish to have a grandmother, a grandfather or a grandchild is fulfilled in this way. 'Sozialpaten' are individually engaged people with a lot of life experience, who 'adopt' others and help them e.g. in financial questions, in contact with authorities, in difficult situations within the family or in other questions of daily life.

Solidarity of individuals with society is found in all areas of the initiative. Why do people engage in establishing the local networks and do much more than project work? Why do companies like JAKO-O, a German toy company, publish information about the initiative in their toy catalogues? Why do more than 1% of the inhabitants of Isselburg come together and found a 'Lokales Bündnis' in their town? Many of these people are driven by far more than individual interest to realise certain projects – let it be altruistic or economical interest? They engage themselves because they feel solidarity with the whole society – on the local as well as on the national level. They engage because they are convinced that it is worthwhile to change society in a human way. They engage because they feel enlarging the common good 'family-friendliness' is a good thing worth the effort.

Finally we can find solidarity among the 'Lokale Bündnisse für Familie' themselves. Ab initio one of the central messages of the service agency was: 'Don't care about copyright-questions! Copy things right, learn from each other – this is the right way to achieve as much family-friendliness as possible'. Probably because of the widespread solidarity of the second kind – solidarity of individuals with society – this message was turned into action. The whole 'Bündnisfamilie' is a network with a huge flow of knowledge between the 'Lokale Bündnisse für Familie'. Partnerships between coordi-

nators develop, partners of one 'Bündnis' travel to the other one to tell their success-stories. All together there is an up-coming feeling of 'We belong to one big family!' The 'Bündnisfamilie' itself is developing from a knowledge-oriented partnership to a national social network.

5.2. *Subsidiarity*

From the beginning subsidiarity is a trademark of the initiative. The German Ministry of Family Affairs offers assistance to local partners without demanding that these partners take over the political goals of the ministry. The main reason for this approach of an enabling policy: time and infrastructure for families are mainly influenced by local partners and circumstances. This means that in every city, in every county, even in every village family-life is different. Thus only local partners possess the necessary knowledge and the influence to produce the common good 'family-friendliness'. In addition one has to keep in mind that in Germany local actions of the central government are restricted by law. In conclusion the German ministry established the service agency for local consulting and nationwide networking. Furthermore the national network 'Allianz für die Familie' supports the initiative.

Altogether the initiative is an excellent example of subsidiarity: the responsibility for family friendliness is located on the local level. The national level supports the local level in those fields of work where knowledge, experience, activating elements or organizational power is needed. This support is given without influencing the topic of the individual projects on the local level. Nevertheless in the end we find a 'win-win' situation because most 'Lokale Bündnisse für Familie' engage in the field of better compatibility of family and job life as well as in projects for better child care. Exactly these are the main fields of interest for the Federal Government and the co-financing European Union. Additionally building of networks is a goal of the European Social Fund and societal engagement is a central goal of the Federal Ministry of family affairs as an element of the new sustainable family policy. The newest development in creating 'win-win' situations are partnerships between the Federal Ministry and 'Lokale Bündnisse für Familie' to develop new ideas for child care.

Subsidiarity as a construction principle may be found in even more places within the initiative. More than 50 'Lokale Bündnisse' exist on the county level – typically areas with 100,000 to 300,000 inhabitants. Many of them deal with initiating further 'Lokale Bündnisse für Familie' in the

county villages (mostly less than 30,000 inhabitants) or supporting the existing 'Lokale Bündnisse für Familie' by knowledge-transfer. Several of the German states do the same. Big national partners like the trade unions, the associations of the chambers of crafts, industry and commerce, the national associations of communes and counties as well as several foundations support the initiative. They generate and spread arguments for engagement and information on the topic of family-friendliness and convince their members to engage. They take part in big events of the initiative as the yearly actions on the International Day of the Family (May 15th). This development is enforced by the actions of the German ministry and the service agency.

At the local level we find another exciting development. Amongst the local authorities and the 'Lokale Bündnisse für Familie' the relationship is characterized by strong changes. In the beginning of the initiative local authorities supported 'Lokale Bündnisse für Familie' following the principle of subsidiarity. With the steady growth of many of the 'Bündnisse' they start to be partners of the communes – meeting at eye level.

Concerning subsidiarity let's give a last glimpse to the service agency itself. It works like a sort of intermediate organization – not really subsidiary and not really centrally organized. It was built up by the consultancy JSB Dr. Jan Schröder Beratungsgesellschaft mbH & Co. KG, which won several competitions initiated by the German Ministry of Family Affairs to explore the market for this kind of services. The range of supporting services offered by the service agency is defined by the individual needs of the 'Lokale Bündnisse für Familie', by the general development of the 'Lokale Bündnisse für Familie' and by the interests of the German Ministry of Family Affairs as well.

5.3. *Market forces*

Market forces lead to a high interest of business companies and local authorities to engage in 'Lokale Bündnisse für Familie'. Staffing policy, product policy, public relations and the attractivity of sites for companies and families are the major topics in this field.

In growing numbers companies realize qualified personnel is getting rare in Germany. As a reaction to this measures of work-life balance become an element of staffing policy in an increasing number of companies. But, for example it is not easy for most companies to realise childcare by themselves, be it child care during the long school holidays or child care

in the evening hours when the normal kindergarten is closed. 'Lokale Bündnisse für Familie' are the ideal place to find collaborators with the necessary knowledge and competences.

In addition engagement in a 'Lokales Bündnis für Familie' may lead to new product ideas. For example a company in Halle nowadays sells the product 'family-friendly living' instead of the product 'four-room apartment'. The new product consists of the apartment plus childcare in the near neighbourhood plus play yards plus… It was realized with assistance of several partners, e.g. the local authorities, a private association of parents, local youth clubs and others more.

Last but not least companies realise that being family-friendly is good for the image: family-friendliness not only attracts employees but family-friendliness sells. In 2006 the initiative realised a campaign together with Unilever under the brand 'Mehr Kinder besser betreut'. The deal was: good image for the product Rama and public visibility for the initiative 'Lokale Bündnisse für Familie'. To do this in a credible way Unilever itself increased its internal efforts to raise the family-friendliness of the working conditions.

Local authorities don't act on product markets, but they do act on site markets. Every day companies and families decide where to live or to build up a new plant. So-called 'soft' factors like 'family-friendliness' or 'cultural attractions' become hard factors in this competition in an increasing amount. Publications of the German Ministry of Family Affairs like the Family Atlas enforce this competition. The national associations of counties and villages recommend their members to engage in 'Lokale Bündnisse für Familie' to influence this soft factor positively. At the end of the year 2007 it was put on the record that 'Lokale Bündnisse für Familie' are strategic partners of the villages to improve the landscape of child care.

6. WHY DOES IT WORK? – DRIVING POWERS OF THE INITIATIVE

Without the people acting within the initiative structural elements, construction principles and a phase model are nothing. They are the clue to understanding the success of the whole initiative. Family-friendliness is not just anything for them, it is a goal worth much more effort than necessary to realise local projects. This attitude of many of the partners finds its reflection in the spirit of the initiative. Professional structures, communication and management of knowledge support the development of this spirit as they help partners to fulfil their goals.

6.1. *Family-friendliness*

Family-friendliness is a very specific common good. In realising it a huge variety of other goods are realised: economic values like family-friendly jobs, family-friendly goods and services or social values like a better living-together of the generations. This makes it easy for institutional partners with very different background to engage in producing the common good together because at the same time they help to fulfil their own institutional goals. And they do this in a very efficient way in the 'Lokale Bündnisse für Familie'.

Yet another attitude makes this common good special. In comparison with goods like 'healthy environment' success may be achieved much faster. Within a few months, e.g. it is possible to establish child care during the school holidays, whereas projects concerning environment usually have longer life-cycles. These elements of quick success are essential for the working of 'Lokale Bündnisse für Familie' – they make it fun to be and stay engaged.

And interesting enough – in Germany as in a lot of other countries – nobody really powerful felt responsible for the common good 'family-friendliness'. This makes it easy for 'Lokale Bündnisse für Familie' to establish themselves because no institution sees a competitor in them.

6.2. *People*

How to describe more than 10,000 people? Outcome- instead of problem-orientation comes to mind – no endless discussions of problems or definitions of the word 'Familie' but finding solutions characterizes the way of working in 'Lokale Bündnisse für Familie'. People are open for and interested in other opinions – this attitude is the core of finding new solutions and 'win-win' situations.

Who are these people? A major part of the partners in the 'Lokale Bündnisse für Familie' are representatives of institutions – quite a large number working at the management level. They bring in both their personal and institutional power which makes the initiative different from grassroot movements where people act as individuals. This configuration ensures access to resources and influence on many fields important for developing the common good 'family friendliness'.

And last but not least – most civil movements preferably accept people with altruistic attitudes as real participants. 'Common goods can only be

produced when the partners want to do good things in an altruistic or idealistic way!' seems to be common belief within many civil movements. Not so in the initiative 'Lokale Bündnisse für Familie' – here you can find altruistic or idealistic people as well as people with economic motives – and many of them follow both motives. And probably all of the partners have a humanistic idea of man.

6.3. *Spirit*

The best way to feel the spirit of the initiative is visiting one of the many events where 'Lokale Bündnisse für Familie' meet. These events are something like a family festivity as well as a forum for discussion, exchange and development of new ideas. Positive action and change lie in the air as well as a feeling of belonging to an exciting movement not yet seen in Germany. Scientists already state the initiative is one of the biggest civil movements seen.

One part of the memory of the initiative is the First German Family day. In the middle of Berlin the initiative 'Lokale Bündnisse für Familie' with more than 1,500 hosts had more than 20,000 guests – on a brilliant sunny day! The German President congratulated giving the initiative the title of a location in the 'Land of Ideas'. And the initiative proudly showed what is going on in Germany. Pictures of this event illustrate the spirit of the initiative. One thing you can see: people enjoy being part of the initiative. In Germany you seldom hear the word 'Spaß' in connection with efficient and meaningful work – in the initiative you do. It's part of the spirit.

Most probably this family feeling develops because 'Lokale Bündnisse für Familie' attract a specific type of people. No money is given by the government. So only those engage who are really willing to change something towards a family-friendly society. And they keep going because the initiative and other parts of the German family policy give them the feeling they do the right thing at the right time. Intrinsic and extrinsic motivation come together – and give rise to the specific spirit which makes many of the protagonists engage much more than usual.

6.4. *Structure*

The operation of the service agency was given to the private consultancy JSB Dr. Jan Schröder Beratungsgesellschaft mbH & Co. KG with specific knowledge in outcome-oriented management and the consulting of networks. This specific public-private partnership helps the whole initiative to work in the way it does. By outsourcing the ministry not only buys knowledge and manpower. The PPP-structure makes it possible for the service agency to operate in kind of a semi-independent way.

Through cooperative outcome-oriented management its actions are linked to the new sustainable family policy. Its mandate is to realize one of the central ideas of this policy: only the cooperation of different institutions, especially covering business companies, makes family friendliness possible in a broad manner. On the other hand the mandate does not comprise telling the local partners what to do or not to do to achieve more family-friendliness. Management is a management by goals relying strongly on

confidence in the work of the service agency. Confidential cooperation between ministry and service agency was one criterion in the call for bids because of its high importance.

Consequently in finding ways to cooperate with 'Bündnisfreunde' or in developing the consulting at the local level the service agency is quite free in the choice of means as long as they meet the goals agreed upon with the Ministry of Family Affairs. As a result of this the service agency could develop its own institutional identity and is experienced as a rather independent institution by partners in all areas of the initiative. This plus the developing spirit helped to set off unseen forces for a cooperative movement towards a family-friendly society. This structure probably gives strong support to the seen subsidiarity of the initiative.

6.5. *Communication*

'Do good things and talk about them!' From the beginning this was a central message distributed and realized within the initiative. Good public relations of the ministry and the whole initiative turned family-policy into a 'winning topic'. This is the result of independent nation-wide studies. Family policy is no longer seen as a part of social welfare but it is seen as an important part of societal development – with economical importance. More than 20.000 press articles – mostly in local newspapers concerning local actions – together with campaigns and actions of the 'Bündnisfreunde' have left quite an impression.

And on the local level communication helps to develop the spirit of the 'Bündnisfamilie' and enforces the learning from each other as well as attracting new partners to engage in a 'Lokales Bündnis für Familie'. Communication in combination with the proven positive results of 'Bündnis'-work leads to statements as the following by a High German official in a federal ministry 'You can't walk past 'Lokale Bündnisse für Familie' if you want to do good family policy nowadays.' Just remember: in 2004 nobody knew about the idea and 4 years later an unforced statement like this!

6.6. *Know-how transfer*

'Lokale Bündnisse für Familie' produce know-how: know-how in realizing projects, know-how in organizing networks and partnerships and finally know-how in public relations. The great value of this know-how: it is not academic but pure practice. One can speak of the initiative 'Lokale Bünd-

nisse für Familie' as a great nationwide laboratory for realizing family-friendliness on the local level and making it public. But it is more than a laboratory. Know-how is spread throughout the 'Bündnisfamilie' – a nation-wide network of knowledge develops day by day.

Let's have a look at how this distribution of knowledge works. Every single bit of know-how is connected to people – people who have experienced difficulties and the great feeling of success. Speaking in general terms there are two ways of distributing this know-how. Separating it from the people with experience and writing it down – knowledge then is paper-based or linked to any other medium of information. Or bring people into contact. The initiative stresses especially the latter. Events, internet, consulting – every product of the service agency aims at bringing people together – at the local, regional, federal and national level. Know-how transfer is accompanied by social networking this way. The term 'know-how transfer' which usually has rather technical connotations turns into a major contribution to the spirit of the initiative.

7. CONCLUSION

The initiative 'Lokale Bündnisse für Familie' can only be understood as a whole. The academic approach may put flashlights on single parts of the initiative. Some more parts may be found on the web-site www.lokale-buendnisse-fuer-familie.de. But you don't get the whole picture unless everything is brought together in reality. I say the following coming from High Energy Physics as a scientist and usually dedicated to analytical work:

Only feeling the initiative is understanding the initiative!
And I'd cordially like to invite you to do so!

EDUCATION, SUBSIDIARITY AND SOLIDARITY: PAST, PRESENT AND FUTURE

MARGARET S. ARCHER

Introduction

The development of education throughout Modernity presents a paradox. To be educated gradually became considered an indisputably good thing, like health. Yet, nothing in the historical emergence and subsequent development of educational systems meant that they were orientated towards the *common good*. Instead, the 'good' that was sought was the promotion of sectional interests, increasingly organised to contest the control of education and thus the definition of instruction. Of course, every group involved in these struggles presented the achievement of its educational ambitions as being for the 'general good', but such self-interested rhetoric says nothing about the *common good*. In relation to the idea of *munus regale,*[1] interest groups placed much less stress upon the first term, *munus,* as free-giving or rendering service, than upon *regale*, (mis)interpreted as the domination of education.

Indeed, the fact that all known educational systems emerged from struggles to control education also meant that the recognition of each contending party as having gifts to contribute was over-shadowed by the *competitive conflict* in which they were engaged. Such conflict made any idea of co-operation, let alone relations of reciprocity, between these contestants a contradiction in terms. Simultaneously, social solidarity was a victim of these struggles for control. Since the interest groups

---

[1] See Russell Hittinger for an exceptionally clear discussion of the relationship between *munera* and subsidiarity, 'Social Pluralism and Subsidiarity in Catholic Social Doctrine', *Annales theologici 16 (202),* pp. 388-408.

involved (throughout Europe) represented particular sections of the stratification system (whether Estates or Classes) as well as sectional interests (the new industrialists or the various religious denominations etc.), the educational advancement of one was to the detriment of others. *Competitive conflict* is hostile to solidarity because its tendency is to foster social cleavage(s).

In other words, the components and relationships that Donati outlines as constituting 'The Configuration of an action system for the common good',[2] where *subsidiarity* and *solidarity* are based upon recognition of the *dignity of all human beings* and mutually reinforce one another for the *common good*, were entirely lacking in the interactions resulting in the emergence of State Educational Systems in Europe. The reasons for this are embedded in the *competitive conflict* out of which State Educational Systems emerged, from roughly the end of the eighteenth century to the end of the nineteenth.[3] *Competitive conflict* is zero-sum and thus the antithesis of interaction for the common good, which is an emergent benefit for all and thus, in principle, constitutes a win-win situation for all (especially children and the young in this context).

It is important not to see the Catholic Church as a bystander or disinterested observer of the interaction resulting in the emergence of State Educational Systems. Prior to those events it had enjoyed an unopposed monopoly over the provision, control and definition of such formal instruction[4] as existed in most of Europe, with the Post-Reformation Churches occupying a similar unchallenged position in Protestant countries. In short, the Churches supplied the buildings, the teachers and the texts. Formal education has always been particularly expensive in terms of physical and human resources, which is one important reason why the ecclesiastical position was unassailed for so long – that and the relative indifference of other social groups towards formal education.

---

[2] Pierpaolo Donati, 'Prospects: Discovering the relational character of the common good', PASS, XIV Plenary Session 2008, Figure 1, p. 271f.

[3] The material and arguments advanced in part 1 of this paper are covered in detail in Margaret S. Archer, *Social Origins of Educational Systems*, Sage, London, 1979.

[4] In the years preceding 1789 in France there had been criticism from the provincial *parlements* (especially by Rolland and La Chalotais) and the *ancien régime* only became an unambiguous supporter of Catholic-run education once the ultramontaine Jesuits had been expelled (1762) and the more Gallican and modernist Oratorians had become the leading teaching order.

As Hittinger importantly points out, it was precisely the French Revolution, whose educational effects involved confiscating Church schools and prohibiting religious orders and secular clergy from teaching that prompted Catholic social doctrine into being. '[T]he post-1789 church-state crisis is what gave the Church real incentive to develop a body of social doctrine. On this score it is important to understand that the social doctrine did not begin with the industrial revolution and the problems of benighted and dislocated workers. It began with the need to defend the institutions of the Church'.[5]

Precisely because the Church's defence of its right-and-duty to teach was part and parcel of the conflictual interaction leading to the formation and development of State Educational Systems, this is where I will begin in Part I of this paper. A State Educational System is defined as 'a nationwide and differentiated collection of institutions devoted to formal education, whose overall control and supervision is at least partly governmental, and whose component parts and processes are related to one another'.[6] This definition stresses that both the political and the systemic aspects should be present together for a State System of Education to exist. The appearance of either characteristic alone was not uncommon in European history. I begin here because the emergence of State Educational Systems, at different times in different countries, marks a new boundary between the State and civil society as far as education is concerned. Yet, such State systems were structured in very different ways within Europe – the most important distinction being between those that were centralised and those that were decentralised. The main question examined here is whether centralisation and decentralisation made a significant difference to the role that other parts of civil society could play in education. That is, did the structuring of the new State Educational Systems influence their responsiveness to the principle that later became known as *subsidiarity*? It is equally important to ask if either type of structure was more closely associated than the other with promoting the social *solidarity* that needs to accompany *subsidiarity* if the common good is to be generated in and from education.

Part II moves on to consider much the same issues during 'late' modernity, in other words during the twentieth century and especially its final quarter. Throughout Europe (which increasingly included Central and

[5] Russell Hittinger, 'The Coherence of the Four Basic Principles of Catholic Social Doctrine – An Interpretation', PASS, XIV Plenary Session 2008, p. 106.
[6] *Social Origins of Educational Systems*, *Ibid.*, p. 54.

Eastern Europe), State Educational Systems now operated in the context of representative democracy, which was far from being the case at their origins. Moreover, in the last couple of decades many State systems in Europe and other parts of the world have come to endorse certain forms of 'devolution' at the level of individual educational establishments – schools, colleges and universities. This policy raises exactly the same issues as those examined in connection with centralisation and decentralisation. Does such managerial devolution promote *subsidiarity* and *solidarity* and are they promoted conjointly, as needs to be the case?

Finally, Part III examines the new millennium and asks whether the structural and cultural transformations, whose most obvious effect has been to generate globalisation, are more propitious to education working for the common good? Much of this is sketchy and tentative. Any conviction that it carries is predicated upon the assumption that it is now possible to discern the first signs of modernity being superseded – a prospect with considerable implications for education in relation to the common good.

PART I. THE EMERGENCE OF STATE EDUCATIONAL SYSTEMS

In those countries where State Educational Systems developed endogenously[7] their consolidation followed one of two basic patterns. Either new political elites used the command they had recently gained over the central State apparatus to *restrict* existing educational provisions and their suppliers and then to *replace* these – through public and no longer private funding – under their own *étatiste* control. This is a politically directed 'top down' process, explicitly designed to serve the State and its (often new) governing elite. However, problems over mobilising the novel but requisite public funding and of marshalling support and minimising opposition usually meant that certain educational concessions had to be made to powerful elements in civil society in order to consolidate the system.

Conversely, where educational discontent with existing provisions lay amongst interest groups with little influence upon government – even to

---

[7] Worldwide, these are probably in a minority because of territorial conquest (for example, Napoleon's European conquests) and imperialism, where the external power imposed the domestic model (for example the French in North Africa) or one suited to their version of colonial rule (as throughout the British Empire).

the point of their lacking enfranchisement – a different process led to the emergence of State systems. Basically, it consisted in market competition where independent networks of schools and colleges were *substituted*; ones designed to serve the parties whose requirements were obstructed by the status quo in education and in the hope of undermining the latter if its own network of establishments could prove more popular. However, since such competing networks were usually plural and because the existing suppliers fought back, market competition resulted in deadlock. Such 'middle up' *substitution* both invited and allowed State intervention to consolidate a State System of Education through the *incorporation* of these diverse networks, sponsored by different parts of civil society and with divergent definitions of instruction, under a single governmental authority for education.[8]

State Educational Systems originating from *restriction* are invariably *centralised* ones because their predominant characteristics are strong *unification* (tight State control) and principled *systematisation* (such that certain educational institutions lead from one level to another, whilst others are designed as terminal, according to the perceived requirements of the governing elite). Conversely, the other pair of characteristics, common to all emerging State Educational Systems, are weak: *differentiation,* requiring relative autonomy from central control, was kept as low as possible and resulted in limited *specialisation* to provide those particular educational services sought by different parts of civil society.

On the other hand, the reverse characteristics preponderated in State Educational Systems originating from *substitution*. Their relatively strong *differentiation* and *specialisation* resulted from the incorporated networks retaining sufficient control to continue supplying many of the distinctive services for which they had been formed. Correspondingly, *unification* remained weak because governing elites had to work with what was there, as functioning establishments whose practices were defended by their founders and suppliers. *Systematisation* was exceedingly difficult to impose on these chaotic, overlapping and still adversarial networks. In short, these invariably become *decentralised* systems.

---

[8] These two paragraphs greatly over-compress the intricacies of the interactions involved. They are treated at length in the 800 pages of *Social Origins of Educational Systems*, *Ibid.*, which analyses the emergence of four endogenously developed State Educational Systems in France and Russia (centralised) and England and Denmark (decentralised).

The structural differences between centralised and decentralised State Educational Systems are crucially important for explaining many processes in the decades following their consolidation: how public instruction is defined and by whom; which portions of the general population have access to which parts of education; by what means educational change can be introduced; and the patterns of change themselves – local, incremental and slowly additive or central, dramatic and uniform. Despite the fact that the above processes are far from being irrelevant, what will be accentuated in this paper are the implications of centralisation and decentralisation for the four intertwined[9] principles of Social Doctrine: the *dignity of the human person*, *subsidiarity*, *solidarity* and the promotion of the *common good*.

(i) Centralised State Educational Systems

France, after 1789,[10] will be used as the exemplar here because so many other European educational systems owe their origins to the imposition of the *Université impériale* model in the wake of Napoleonic conquests – just as their legal systems still owe much to the *Code Napoléon*. In Hittinger's terms,[11] the Imperial University was a particularly 'mean' exemplar of the 'concessionary model' because the very concessions made to civil society were intended to buttress State power and priorities in education.

Whilst all of the revolutionary Assemblies[12] had sought to promote national unity and to replace religious teaching by secular enlightenment, had also envisaged a State monopoly of public instruction (with the exception of Lepelltier's plan), and had endorsed gratuity, female equality and universal enrolment, one key element was the central importance they attached to primary education as a means for enhancing social *solidarity*. This was a joint function of the 'generous' republican conception of citizen-

---

[9] It is extremely important, as Roland Minnerath stresses, to see the interconnections between these principles rather than viewing them in isolation. 'Les principes fondamentaux de la doctrine sociale. La question de leur interprétation', PASS, XIV Plenary Session 2008, pp. 45-56.

[10] This very compressed account can be found in extended form in Michalina Vaughan and Margaret S. Archer, *Social Conflict and Educational Change in England and France 1789-1848*, Cambridge, Cambridge University Press, 1971.

[11] Russell Hittinger, 'The Coherence of the Four Basic Principles...', *Ibid.*, pp. 87-90.

[12] Cf. C. Hippeau, *La Révolution et l'éducation nationale*, Paris, 1883 for a detailed discussion of the educational plans presented to the three Revolutionary Assemblies.

ship and of political awareness that popular support was indispensable to the survival of the new regime.

Successive laws were too short lived to shape a new system, quite apart from the constraints represented by a complete lack of trained lay teachers and an absence of funds with which to carry out *replacement* of the now debarred Church schools. Only under the Empire of Napoleon Ist did the new State system finally take shape. By then, *étatisme* and its requirements had obliterated any concern for educational egalitarianism, even in order to promote *solidarity* in the interests of political stability.

It is helpful that the Emperor was not reticent about publicly stating his aims and rationale for State education. His own words[13] can be used to present his outlook towards the spirit of the four key principles of Social Teaching. Of course, these latter had yet to be articulated but they were to owe much to the resistance invoked by Napoleon's view of Church-State relations and its practical embodiment in his *Université impériale.*

As far as the cardinal principle of the *dignity of the human person* was concerned and the role that education could play in realising the potential of each and every one – to which the Revolutionary Assemblies had been far from deaf – Napoleon counter-posed his conviction that 'to instruct is secondary, the main thing to do is to train and to do so according to the pattern which suits the State'.[14] That pattern meant that if the State had no need of mass instruction, the people had no right to it. Consequently, 'no special allocation of funds was ever made in the budget of the Empire for primary education'.[15] Instead, the cost and task were passed back to the Church. Responsibility for this level was restored to the *Frères de la doctrine chrétienne,* provided they swore their oath of allegiance to the Emperor, taught the *Catéchisme impérial* and underwent inspection to ensure that teaching did not exceed literacy and religious instruction. This policy in primary schooling had a double aim: to control the Church in the State and the people in society.

In relation to both *subsidiarity* and *solidarity* the Emperor became gradually convinced that only a State monopoly over education[16] could lead to the integration he sought – between education and State service and between citizenship and nationalism.

---

[13] These, as all other translations from French sources, are my own.

[14] L. Liard, *L'Enseignement supérieur en France, 1798-1889,* 2 vols., Paris, 1888, p. 69.

[15] A. Delfau, *Napoléon Ier et l'instruction publique,* Paris, 1902, pp. 40-1.

[16] A. Aulard, *Napoléon Ier et le monopole universitaire,* Paris, 1911, p. 363f.

> Teaching is a function of the State, because this is a need of the nation. In consequence, schools should be State establishments and not establishments in the State. They depend on the State and have no resort but it; they exist by it and for it. They hold their right to exist and their very substance from it; they ought to receive from it their task and their rule. Then again, as the State is one, its schools ought to be the same everywhere.[17]

Not only was *subsidiarity* explicitly prohibited by the decree of 1808, which forbade any private school without State authorization, but was exacerbated by the central standardisation of national curricula, of qualifications and of teacher training – the latter reinforced by making teachers Civil Servants.

Solidarity was deliberately set aside. The new educational system was intentionally bifurcated into (terminal) primary schooling for the masses, whereas for the bourgeoisie, *lycées* led to the *baccalauréat* and from there into higher education and on to the professions, the military officer corps and the higher reaches of the civil service. Hence, the bourgeoisie became a 'diploma elite'. In terms of *solidarity* the ephemeral unity of the Third Estate had been riven in two. As Goblot commented, 'It is not completely true that the bourgeoisie exists only in culture but not in law. The *lycée* made it a legal institution. It even has official certificates, with a ministerial signature … The *baccalauréat* is the real barrier guaranteed by the State, which is a protection against invasion'.[18]

Napoleon's defence of his State system depended upon the linkage he forged between his definition of State requirements and the general good of society. The efficiency of governmental administration and the stability of civil society could be presented – if only in contrast with the disorder of the revolutionary years – as synonymous with the interests of society. And the *common good*? That was for the State to define, to generate and to arbitrate upon. The one thing it was not, was a good emergent from *human dignity*, *subsidiarity* and *solidarity*,[19] all of which had been categorically nullified during the consolidation of the Imperial University.

Napoleon had declared that 'Public education is the future and the duration of my work after me'. The structure of this centralised educational system proved durable but, like all social institutions, not everlasting. Since this is not the place for a potted history of education, suffice it to say

---

[17] Cited in L. Liard, *Ibid.*, II, p. 35.

[18] E. Goblot, *La Barrière et le Niveau*, Paris, 1930, p. 126.

[19] See Pierpaolo Donati, 'Prospects: Discovering the relational character of the common good', PASS, XIV Plenary Session 2008, pp. 659-666.

that despite the political turbulence of the 19th century, the possession of central control over instruction proved irresistible to successive regimes and governments. Differences in political support-bases were dealt with by making additional, selective concessions to the relevant sectors of civil society: demands from the burgeoning industrial economy were propitiated by various adaptations to existing schools from the July Monarchy onwards; *liberté de l'enseignement* (conceded under the Loi Falloux in 1850) restored the Church's right to open private Secondary schools – albeit with stringent controls hedging their independence.

However, the endurance of centralization throughout the 19th century simply re-confirmed its 'concessionary' nature. Demands for educational change from civil society were strongly constrained to work through one process of interaction alone if they were to stand any chance of success, namely, 'political manipulation'. This is illustrated in Figure 1 (next page). To obtain any further concession entailed aggregating such demands with entirely different groups in order to put effective pressure on central government. Yet, the aggregation of demands spelt their dilution, if various interest groups were to work together. In turn, dilution meant that, even when 'successful', the changes gained were always insufficiently specific to satisfy the original demands.

There was no alternative. The teaching profession itself (denied the right to become a professional association until 1924) was equally powerless to respond directly to any wishes teachers might have countenanced from local civil society as they were to engage in the 'internal initiation' of pedagogical change in line with their professional values. Similarly, interest groups could not engage in direct 'external transactions' with any part of the State Educational System. Instead, they had to go outside education and find allies with whom to exert joint pressure on the political centre. The alternative resort of the re-buffed, namely to use and to extend the private sector, was of little use to them because it lacked the independence to offer anything significantly different from provisions defined by the State.

In short, the centralized State Educational System typically had vitriolic critics and, at most, tepid supporters from within civil society. This is why it was prone to periodic outbursts of direct action, usually followed by panic legislation and then by administrative clawing-back of the new concessions obtained.[20] In conclusion, the 'concessionary' cen-

---

[20] I have analysed the 'May events' of 1968 in these terms. Margaret S. Archer, 'France', in her (Ed.), *Students, University and Society,* London, Heinemann, 1972.

tralised model of education continuously frustrates large sections of civil society and militates against realisation of the key principles of Social Doctrine.
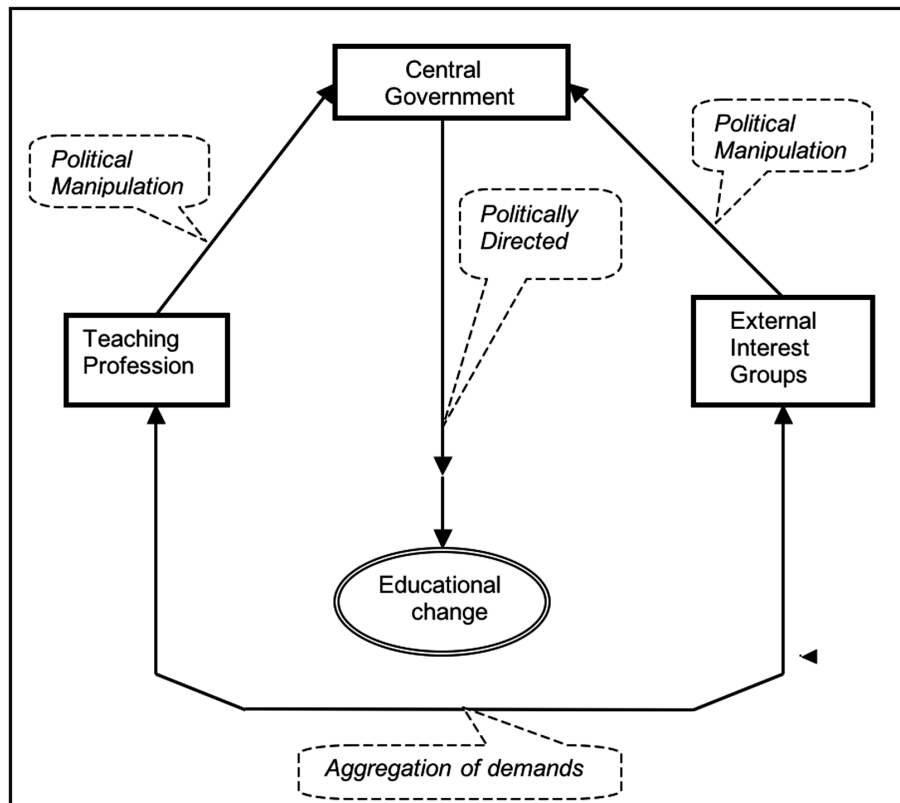
Figure 1. Educational interaction in the Centralised System.

(ii) The Decentralised Educational System

Sometimes *subsidiarity* is interpreted as being equivalent to decentralization. To confound or conflate the two is a mistake. Although a limitation of central powers is necessary for the actualisation and maintenance of *subsidiarity*, decentralization alone is not co-existent with its realisation. The reason for this is rooted in the need for *subsidiarity* and *solidarity* to be mutual-

ly reinforcing, to work in tandem if they are to promote the *common good*.

On the contrary, decentralization *tout simple* is simply a free market model in education. Bluntly, it may indeed be responsive to the educational demands of the wealthier parts of civil society, but its precise effect in satisfying these is to reduce social *solidarity* by widening the gap between those served by the educational system and poorer groups who lack the resources 'to have a say'. Indeed, as a market model, decentralised education may (and usually does) increase the educational 'wealth' of all over time, whilst maintaining marked social differentials in its distribution.

Using Hittinger's terms, the (protracted) consolidation of England's decentralised State System of Education conforms more closely to his 'power-check' model. However, in the beginning, the main groups involved were rather more concerned with checking one another's progress in the foundation of competitive educational networks – hoping to be able to declare check-mate eventually – than as parts of civil society attempting to limit the power of the State. Only when central government began to intervene seriously in the educational market did all network suppliers seek to repel those political incursions damaging to their particular interests.

Between the Reformation and the late eighteenth century, the Established Church of England continued to run and to develop Cathedral schools, endowed schools, colleges (which had become Oxford and Cambridge Universities), all of which had been confiscated from the Catholic Church. By the start of the nineteenth century both Tory and Whig parties considered themselves as beneficiaries of Anglican education on two counts. The social exclusivity of secondary and higher education complemented that of the two political parties; the production of churchmen was in no way seen as incompatible with the instruction of statesmen. Secondly, growing working class unrest made the contribution of religious instruction to social quietism increasingly valued. Both parties supported the National Society for Promoting the Education of the Poor in the Principles of the Established Church, which funded elementary schools through voluntary subscription.

Conversely, two groups felt particularly impeded by the Anglicans' acquired right to define instruction and from these came market-based *substitution* – the form taken by *competitive conflict* over education in England. On the one hand, there were the industrial entrepreneurs for whom Anglican education's confirmation of hereditary privilege and whose concentration on classicism and pure mathematics were irrelevant to the spirit of capitalism. On the other, there were the Dissenters (members of the Free

Churches), disbarred on religious grounds from attending many endowed schools and from University graduation because of the Test Acts[21] and also from entering the teaching profession.

Because there was a significant overlap between these two groups – the entrepreneurs and the Nonconformists – this enabled the British and Foreign School Society to challenge the Anglican control over primary instruction in the marketplace. However, the control of the former by Nonconformists effectively alienated the working class leadership who strongly endorsed secular rationalism. With the latter, we now have the three networks that were to struggle for educational control throughout the nineteenth century – the Established Church, the entrepreneurial-Dissenter alliance and the secularist aristocracy of labour. Given that neither of the latter two groups was enfranchised,[22] their use of *substitution* is readily understood.

Relations between the competing parties resulted in the partitioning of elementary instruction amongst those engaged in market competition. Given distrust of State intervention on the part of Anglicans and Dissenters alike, coupled with Tory reluctance to pursue it – no education being viewed as the best instruction for the poorer classes – yet Whig commitment to extending literacy, these stances represented a parallelogram of forces whose outcome was the 'Voluntary System' – meaning that schools received government subventions but that such finance was funnelled through the two Voluntary societies.

However, by the mid-nineteenth century, market competition 'did not produce a surplus of schools and cheap education, as some educational "free-traders" expected, but tended to paralyse the activities of all parties, so that schools were built that could not be maintained and children were educated for such short periods that they could benefit very little from the instruction given'.[23] Increasingly, *competitive conflict* for educational con-

---

[21] Finally abolished in 1870, these tested knowledge of the 'Thirty-Nine Articles' of the Church of England and thus conformity to the teachings of the Established Church.

[22] Most of the former, as property owners or rent-holders gained the vote in 1832. Because of this property qualification most of the (male) Working class did not (until 1866 or even 1884). Their disillusionment at their exclusion in 1832 was a major factor in persuading the Chartist movement to go it alone in the educational struggle, despite their poverty of economic resources, and to found their own Halls of Science and Mechanics Institutes. See M. Tylecote, *The Mechanics' Institutes of Lancashire and Yorkshire before 1851*, Manchester, 1957.

[23] Eric E. Rich, *The Educational Act, 1870*, London, Longmans, 1970, p. 63.

trol reached deadlock between the promotive networks. To extricate themselves from this stalemate each protagonist sought Political Party support for the advancement, finance and protection of its network. Since all did the same, the unintended consequence – at the end of the century – was their *incorporation* into a State Educational System.

The (Tory) 1902 Act created a single central authority for English Education[24] and linked the networks together for the first time to form a system. Undoubtedly, it was the working class definition of instruction that lost out. Given minimal political sponsorship in the absence of a 'labour party', it was virtually eliminated. Compared with the ferocity of elementary school politics, secondary and higher education were settled by give and take between the political elites. The Anglicans maintained their traditional definition of instruction in the independent Public Schools and ancient Universities; middle class technical instruction was accommodated and came under the aegis of the new Local Educational Authorities in 1902, whilst the University extension colleges, serving business and commerce, received their Royal Charters

When the social origins of an educational system are based upon market competition, then 'checks and balances' undoubtedly generate weaker educational powers for the State because of the much lower degrees of *unification* and *systematisation* that are politically possible. However, are the four principles of Social Doctrine better realised in State educational systems such as the English, the Danish and those of the component States of the USA?

When *competitive conflict* takes the form of *substitution,* the active participants funding and fostering any given network are interest groups defending or promoting their particularistic concerns. These interests may be material (the entrepreneurs) or ideal (both the Anglicans and the Nonconformists) but they are specific to the group, despite every attempt being made by them to generalise their ideology or values for purposes of legitimation. Examination of these ideas shows scant recognition of *human dignity* and a greater concern – sometimes mystificatory and manipulative – to use education to generate a compliant workforce or congregation.

Political sponsorship of the networks showed the same motivation. Sectional interests had motivated the struggle over education and the relative political strength of these interest groups determined the prominence of

---

[24] See A.S. Bishop, *The Rise of a Central Authority for English Education*, Cambridge, 1971.

their networks in the resulting State system. In the nineteenth century debate on the motion 'to educate or not to educate the people', concerns about public order were ever-present whilst mention of the *common good* scarcely featured.

In close parallel, the priority given to public order consistently prevailed over any concern for social *solidarity*. The low *systematisation* achieved under the 1902 Act, which did nothing whatsoever to connect the elementary and secondary levels of schooling, effectively meant that they were for different classes, thus still reflecting Disraeli's 'Two Nations'. The furthest the Act went was the loose injunction that 'post-elementary' provisions must be considered by the new Local Educational Authorities in relation to the needs of their areas.

Given the need for *solidarity* and *subsidiarity* to work in reciprocity with one another, it is paradoxical that the structure of a decentralised State Educational System, such as that to emerge in England, should sometimes be viewed as synonymous with strong *subsidiarity*. To view it in this way is to accentuate isolated features at the turn of the twentieth century: that the freedom of instruction (*liberté d'enseignement)* was not in question; that the Churches (plural) could open any educational establishment they wished[25] – as could any other body; that there was a large and flourishing independent sector, to which anyone could add; that numerous forms of technical and commercial schooling could flourish; and that entrepreneurial groups could sponsor the majority of Universities in England[26] (those receiving their Charters in 1902 and now known as 'the redbricks').

However, each of these instances carries the caveat 'for those who could pay' – either to found them or to attend them. Thus, for example, the largest portion of the independent sector has always been dominated by the Public Schools (which, despite their confusing nomenclature, are entirely private and very expensive). From 1869 their governing body, the Headmasters' Conference, had withdrawn from the nascent State System to ensure that these schools 'should be free from any form of external guidance and control'.[27]

---

[25] For the uses made of this, see James Murphy, *Church, State and Schools in Britain, 1800-1970*, Routledge and Kegan Paul, London, 1971.

[26] Michael Sanderson, *The Universities and British Industry, 1850-1970*, London, Routledge and Kegan Paul, 1972.

[27] Brian Simon, *Education and the Labour Movement*, *1870-1920*, London, Lawrence and Wishart, 1965, p. 103.

Decentralization is not *subsidiarity*. Nevertheless, the *variety* of processes through which educational change can be introduced in a decentralised system (Figure 2): 'Internal Initiation', 'External Transactions' as well as through 'Political Manipulation', clearly makes it more responsive to demands from the social environment than is the case for the centralised system (Figure 1). In the latter, all pressures for change have to be politically adopted, passed up to the central decision-making arena, before, if successful, being passed back down to educational institutions in the form of laws and decrees – that is, as uniform, politically directed changes.

Decentralisation is not equivalent to *subsidiarity,* but it is not a structural barrier to it. In principle, it is structurally propitious, provided that there is sufficient *solidarity* in society for its three processes of educational negotiation to be used for the *common good.* Another way of putting this is that this form of 'system integration' (decentralization) presents no obstacle to *subsidiarity* in education. However, the actualisation of *subsidiarity* also depends upon a high degree of 'social integration', such that the impulses to express *munera* educationally are generous and that the support for *subsidia* is socially generalized.

Fundamentally, what we find in twentieth century England is that a society deeply stratified on lines of social class does not possess the requisite degree of social *solidarity* to furnish the sufficient condition for the realisation of *subsidiarity.* On the contrary, to cite the two most important examples, although the primary school teachers sought to devote their *munus* to the development of 'child-centred learning'[28] – a model and method structurally available, thanks to the wholly independent Progressive school movement[29] – this was undermined as the task of primary schooling was first linked to preparation for selective entry to different types of secondary schools (1944) and later eliminated by the imposition of national 'performance indicators' at primary level (1988). Secondly and similarly, when certain of the Local Educational Authorities used their considerable autonomy to spearhead the movement towards Comprehensive secondary schooling[30] – and indeed to win over the Labour Party to adopt the policy nationally (1964) – this too was undermined by various class pressures to restore selectivity and culminated in the steady erosion of the LEAs.

---

[28] R.J.W. Selleck, *English Primary Education and the Progressives, 1914-1939*, London, Routledge and Kegan Paul, 1972.

[29] W.A.C. Stewart, *The Educational Innovators*, 2 vols., London, Macmillan, 1968.

[30] David Rubinstein and Brian Simon, *The Evolution of the Comprehensive School*, London, Routledge and Kegan Paul, 1969.

In short, the structural enablements of decentralisation, which allowed the processes of 'Internal Initiation' and 'External Transaction' to pioneer radical educational changes, arguably representing nascent *subsidiarity,* also indicates that each time the relevant parties pressed forward towards robust transformations in education, they broke up on the rocks of divergent middle-class interests in defending their privileges against the *common good.* And they were increasingly abetted in this by what became middle-class Political Parties. At the hands of the latter, the *munera* representing free educational giving were repressed and denied institutional expression and the *subsidia* themselves were legally withdrawn.
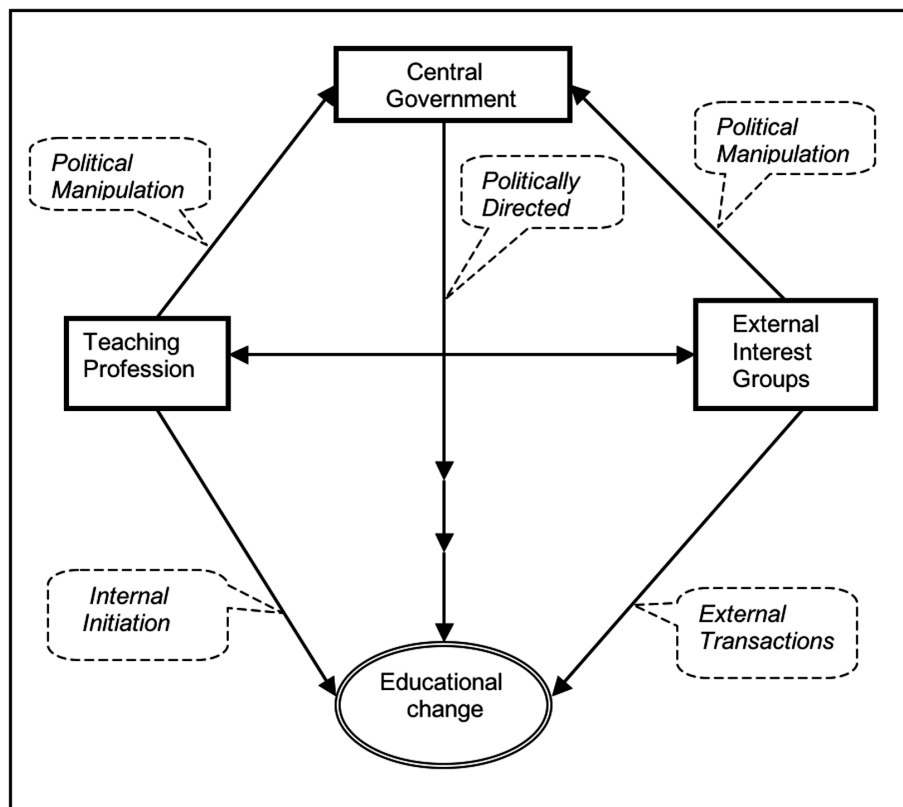

Figure 2. Educational interaction in the Decentralised System

PART II. EDUCATIONAL SYSTEMS: IN A VICE BETWEEN STATE AND MARKET

As these centralised or decentralised educational systems entered the twentieth century, we can broadly characterise their relations with society's sub-systems as follows. In stark and simplified terms, centralised educational systems remained servants of the State, just as they had been founded, and consistently failed to be sufficiently responsive to Market demands, even whilst seeking to accommodate them. Conversely, decentralised systems, generated from market competition, retained their responsiveness to market forces but, in so doing, consistently frustrated the State in its attempts to use education as an instrument for societal guidance. Such were the major effects of subsequent reforms produced through the different processes for negotiating educational change in these different types of system (as portrayed in Figures 1 and 2) and to be examined more closely in a moment.

Yet as modernity moved towards its climacteric, before the end of the twentieth century, neither of these kinds of State Educational Systems was suited to meeting *simultaneously* the new requirements of central government and of the modernising economy. The attempt to satisfy both is the main story-line of educational changes in the twentieth century. But, we must first explain what made giving *simultaneous satisfaction to the State and to the market* a new imperative for education in Europe.

On the one hand, nearly every State in Western Europe had moved (or was swiftly moving) towards some version of representative democracy based upon universal suffrage. They were consequently under increasing pressure, usually from their equally new Parties of the Left, to rectify the abysmally low state of social *solidarity* and to extend political concern for civil society beyond the maintenance of 'social order'. Thus, democratic governments experienced relentless pressures to reduce the great divide between social classes – viewed as dangerous or iniquitous, depending upon ideological standpoint – by an equalisation of life-chances through enhancing the equality of educational opportunity.

On the other hand, as industrial competition intensified within Europe and Germany took over the lead in the late nineteenth century thanks, it was generally accepted, to its advanced Technical High Schools, crowned by Charlottenburg; as the applications of science to production were stimulated by the two World Wars; and as Fordist production techniques in the United States were adopted as the key to industrial re-construction, these all enhanced the economic role assigned to education in national economic competition. However, for it to play this role well,

many of its protagonists were effectively advocating something close to techno-educational *subsidiarity*.

Thus, at the most macroscopic level, it is being argued that the central problem for educational systems in Europe was how to align these two very specific forms of *solidarity and subsidiarity* within the structures of education inherited from the nineteenth century – ones imperfect for either purpose and undoubtedly even more unsuited to realising the two simultaneously.

'Late' Modernity, reached before the end of the twentieth century, will be briefly reviewed as a period during which the reforms of State Educational Systems operated in zero-sum fashion. The more reform sought to promote *solidarity* (through educational egalitarianism as the third part of the Welfare State + Representative Democracy formula), the less well it served techno-educational or any other form of *subsidiarity*. In short, these two elements, ones that must necessarily stand in a relationship of mutual reinforcement if they are to recognise the *dignity of all* and foster the emergence of the *common good*, in fact stood in precisely the opposite relationship.

For over twenty years, Donati[31] has analysed the manifestations of this opposition between them as the oscillation between *lib/lab* policies. Politically directed 'lib' changes favoured Market competition, whilst 'lab' egalitarianism favoured the stability of society. I am in full accord with this analysis. Indeed, it was precisely because of this alternation that most European educational systems managed to stagger towards the end of the twentieth century.

However, I would add that the final fling of this approach, in which 'half a loaf of bread' was handed out alternately in 'lib' or 'lab' interests, revealed the generic antinomy between the two, precisely when attempts were made in the last quarter of the century to run *lib* + *lab* in tandem. At exactly that point, the consequences of their truly zero-sum relationship became apparent – one that could be only partially concealed by making education bigger, longer and still more expensive for all concerned.

Their fundamental antinomy has deeper roots, in the very nature of modernity itself, because based upon the situational logic of *competitive contradictions*, where the dynamics of conflict are unrestrained by the

---

[31] This received systematic formulation in *La cittadinanza societaria*, Roma-Bari, Laterza, 1993. Recently he has defined 'lib/lab' as the symbolic code of late modernity. See Pierpaolo Donati, 'Introduzione', Pierpaolo Donati and Ivo Colozzi (Eds.), *Il paradigma relazionale nelle scienze sociali: le prospettive sociologiche*, Bologna, il Mulino, 2006, p. 38. See also pp. 110-113.

mutual interdependence of groups.[32] All competitive situations are 'game like' with their outcomes approximating to the zero-sum formula. That itself explains why more and more are 'mobilised' into active competition.[33] Either a group competes, in the hope of winning, or necessarily loses through non-participation, which allows others to win more easily. Formally, Modernity's 'games' are very similar for all institutions in civil society. Generically, they are about 'having, gaining or retaining a say' in order to obtain or to secure benefits for the contending groups.

For all social groups, the zero-sum nature of outcomes served to place a premium upon strategic thinking of the means-end variety. In turn, instrumental rationality is fundamentally antipathetic to the voluntary creation of common goods through free-giving – which is exactly what *solidarity and subsidiarity* themselves depend upon. Thus, when the benefits of *subsidiarity and solidarity* are sought for self-interested ends and against others, that is, as matters of advancing objective group interests or defending vested interests, we should not be surprised by their mutual antipathy.

2.a. *Lib/Lab antinomies in Centralized State Educational Systems*

'Political manipulation' still being the main process through which educational reform could be introduced in the twentieth century meant that substantive changes in education remained consistently *centripetal* in kind. These formal continuities in educational control and co-ordination (strong *unification and systematization)* continuously generated a problematic relationship between education and civil society. In the centralized system there is a perpetual state of tension between education and its *external environment*, because politically directed educational change produces an endless series of mis-matches in its attempts to meet (irresistible) demands from outside the system because of the inflexibility of the system.

Both of the main pressures for change emanating from civil society – for vocational modernization and for equality of opportunity – required a significant reduction in the two main structural characteristics of the centralized system. On the one hand, to have conceded vocational specialization at all levels in order to modernize the definition of instruction would

---

[32] I do not have the space to enter into this analysis here, which forms part of my current book, *The Reflexive Imperative* (forthcoming).

[33] Margaret S. Archer, *Realist Social Theory*, Cambridge University Press, 1995, Ch. 8.

have entailed a significant reduction in *unification*. On the other hand, to have responded to organised demand for egalitarianism – as expressed by the *école unique* movement in France after the First World War – would have meant just that, the creation of a new single, self-standing school for all, entailing a complete revision of the bifurcation between primary and secondary schooling.

Yet, a serious reduction in central control (*unification*) for *subsidiary* modernization would have deprived central government of the powers requisite for egalitarian reform. Conversely, a genuine weakening of the traditional bifurcated principle of *systematization,* in the interests of integrative *solidarity,* would have deprived industrial interests of the very different forms of vocational training sought for workers and managers, which fitted well with bifurcation. Consequently, the reforms needed to realize modernization and egalitarianism were incongruent with one another, reflecting the antimony between realizing increased *subsidiarity* simultaneously with increased *solidarity* in the structural context of a centralised State Educational System. The result was that both modernization and equality of opportunity each received 'half a loaf of bread' when centre-right ('lib') and centre-left ('lab') were in office.

In France, the Imperial University was a heritage that had neglected to provide educational services for the (largely) pre-industrial economy, in preference to privileging State requirements. It had also, through the various regimes up to and including the Third and Fourth Republics, perpetuated a structure sub-divided into two levels, unlinked to one another, fulfilling totally different functions and enrolling very different social strata. Why did the endurance of strong central control (*unification*) militate against reforms producing a satisfactory degree of vocational specialization? The policy of developing modern technical training failed largely because the political centre would cede no authority to local industrialists, enabling them to adjust it to their diverse requirements.

Instead, successive attempts were made at the primary level to introduce more differentiated and specialised courses of vocational or pre-vocational instruction, but only rarely succeeded when these courses broke away from the Ministry of Education altogether. Otherwise, their practical orientation steadily gave way to general education the longer they remained part of the system.

At secondary level, 'special education' was the vehicle for introducing higher-level vocational specialization under the Third Republic but, popular as it had been, it soon lost its distinctiveness, disappearing altogether in

1902. A further assault was made on the problem by introducing 'modern studies' as a section of the *baccalauréat,* but these lost their distinctive character between pressures to imitate the prestige branches and to prepare for University entry. An identical sequence was repeated with the creation of the technical *baccalauréat* in 1946.[34]

As Antoine Prost summed up the situation in 1967, 'French schooling disdains to train the producer. Its rationalism turns into intellectualism'[35] Again, in Bourdieu's words, students were treated 'as apprentice professors and not as professional apprentices'.[36] This is explained by reluctance to weaken central unified control: teachers and Professors remained civil servants trained by the State and for the State. The diminution of *unification,* necessary to have allowed industrialists any role in public instruction and to have adapted the national curriculum to their specialized, practical and applied needs was held too valuable to *étatisme* to be ceded by any government assuming office. Meanwhile, the economy had not received 'half a loaf', but only a couple of slices of bread.

From early in the twentieth century, demands for educational democratisation bombarded the National Assembly, but produced only grudging and tentative moves towards the fundamental structural change sought – the linking of the primary and secondary sub-systems.

By the start of the Fifth Republic, all that had been introduced was a 'harmonisation' of programmes at the end of the first *degré* and the beginning of the second; the orientation of pupils, at least in principle, to different types of further instruction on the basis of their performance; and the establishment of *classes passerelles* for the transfer later on of those who had taken the wrong route. Thus, there was no audacious structural change and the differentiation of no self-standing institution committed to overthrowing a century and a half of socio-educational discrimination.[37]

Continued pressures led to the eventual foundation of the *Collèges d'Enseignement Secondaires.* However, this was accomplished by the regrouping of existing components (the final class of primary, the first cycle of secondary and of the old *Collèges*) – elements which resisted reintegration and

---

[34] R.D. Anderson, *Education in France 1848-1870,* Oxford, Clarendon Press, 1975, p. 218.

[35] Antoine Prost, *L'Enseignement en France 1800-1967,* Paris, Armand Colin, 1968, p. 340.

[36] Pierre Bourdieu and Jean-Claude Passeron, *Les Héritiers, les étudiants et la culture*, Paris, Minuit, 1964.

[37] Luc Decaunes and M.L. Cavalier, *Réformes et projets de réformes de l'enseignement français de la révolution à nos jours,* Paris, 1962, p. 154f.

often refused to collaborate. Overcoming the bifurcation of primary and secondary instruction needed a separate and forceful institution committed to equality in education, as in the original conception of *école unique*. Instead, the task was given to this weak and warring amalgam of existing elements of the system.

Just as the 'lib' concessions to vocationalism had been miserly, so were the 'lab' concessions to democratisation. The reasons for both were identical: an unwillingness to cede any significant degree of unified, central political control of education or radically to transform the inherited, negative or bifurcated principle of systematisation. In sum, the effects of these politically directed concessions – the results of more than half a century of 'lib/lab' compromises – had done nothing to increase either *subsidiarity or solidarity*.

2.b. *Lib/Lab antinomies in Decentralized State Educational Systems*

In a very different manner, the inheritance of a decentralized system with three distinct processes responsible for the negotiation of reform, also served to weaken any strong and coherent response to the same two demands: for equality of educational opportunity and vocational relevance. Here, it was the weakness of *unification and systematization* that was considered responsible: the teaching profession, especially primary school teachers, promoting 'child-centred' instruction, were held to jeopardise standards in *both* academic and vocational branches of secondary schooling; equally, the LEAs, consistently countenancing the proliferation of technical instruction, were considered to vitiate any notion of a national policy for education.

Again and again these burgeoning forms of technical schooling were accommodated by central government by confining them to lower or inferior and generally terminal levels, branches or tracks of instruction. Thus, the price for the accommodation of manifest 'lib' demands was their subordination within national education. This is simply a different way of doling out 'half a loaf'.

Thus, the 1902 settlement, elaborating the decentralised system in England, had officially endorsed the spread of the (terminal) Higher Elementary School and promoted the academic Grammar School at secondary level. However, with the approval of the new LEAs, a range of diverse but practical institutions continued to develop alongside: science schools, technical day schools, pupil-teacher centres, trade schools, vocational schools etc.

The 1918 Act, which confirmed the structural and cultural hegemony of the academic Grammar School, intended to crowd most of these other

developments into 'continuation schools', which would be allowed some practical orientation but would remain firmly elementary. The Depression weakened the thrust of the Act, many of whose provisions were suspended. Yet, despite austerity, a variety of intermediary institutions again proliferated and these central, senior and technical schools represented a real challenge since they enrolled two-thirds as many pupils as the 'official' Grammar Schools before the outbreak of the Second World War. The 1944 Act trained them into line with its policy of selection by ability through now cramming them into the inferior part of the secondary level. Hence, the loss of a strong practical, real or technical definition of instruction in England was the trade-off for having a national policy for education in a system that was weak in *unification*.

Did 'lib' or 'lab' concerns fare better in the post-war period, when the Labour Party was regularly returned to office? It is important to underline that the impetus for a single 'Comprehensive' secondary school came from outside central government and that certain 'progressive' Local Educational Authorities (Leicestershire being the pioneer) had become fully comprehensive before the Labour government endorsed the policy in 1966. When it did so, its weak *unification* once more served to reinforce its weak *systematization*, such that six different organizational models were centrally recommended as being in conformity with comprehensivization. In other words, the question, 'What is an English comprehensive school like?' remained unanswerable.

Although the legislation consolidating the comprehensive policy was the furthest reaching in terms of democratising educational opportunity, it was far from being a radical 'lab' policy, as sociologists of education continued to highlight.[38] Not only were there the six different models, but many of these new secondary schools practised intensive 'streaming' of pupils by ability, thus reproducing social selection within them. More generally, the residential quality of catchment areas produced 'good comps' and 'bad comps', with the term 'inner-city comprehensive' becoming one of abuse. Finally, a handful of LEAs simply refused to implement the policy at all.

The period from the end of the war until 1979 is generally regarded as the high water mark of educational democratisation, a 'lab' period in which equality of opportunity in education formed a crucial plank of the welfare society. That seems incontestable. However, it is also important to note that

---

[38] C. Benn and B. Simon, *Half Way There*, London, McGraw-Hill, 1970.

this high tide had also been accompanied by a significant lack of concern for vocational training, work preparation or the regeneration of industry. In other words, 'lib' and 'lab' policies had alternated rather than complemented one another.

In entrenched centralized systems, such as French education, only once – in the aftermath of the May events of 1968 – was the idea of devolution or of reducing *unification* seriously voiced. However, De Gaulle's 'recovery' served to make *unification* appear as indispensable as ever to any effective policy for national education. Conversely, the secular failure to incorporate techno-educational provisions satisfactorily did result in a gradual willingness to recognize that the exceptionally weak *differentiation and specialisation* of institutions within the system would continue to frustrate the economy – and should be allowed to increase to meet 'lib' demands.

In the sixties, this was tackled by the progressive segregation of different cycles within existing levels. A short and a long secondary schooling, each with its own diploma; a division of the *baccalauréat* into numerous sub-sections, related to different occupational outlets and higher educational inlets; at the higher level, the differentiation of *Instituts Universitaires de Technologie* again replicated the segregation of short and long alternatives. The long alternative remained University education 'proper', but now itself divided into three cycles, each with specialist options and a specific diploma at the end of it. In brief, the meeting of 'lib' and 'lab' demands was orchestrated by the State, thus serving to augment its power *vis à vis* civil society, whilst the former purported to be serving the latter.

In entrenched de-centralized systems, such as the English one, the same lesson was learned from its very different starting point. Weak *unification and systematization* were increasingly viewed as obstructions to the effective implementation of national educational policy – either 'lab' or 'lib'. The autonomy of Local Educational Authorities to pioneer or to resist, the ability of the teaching profession to pursue its own pedagogical agenda, and the freedom of the private sector to follow its own concerns, all these inherited powers of intermediary bodies were gradually perceived as impediments to State policy and market needs alike. The result was to undermine them in the last quarter of the twentieth century.

Those twenty-five years were thus ones of structural convergence, during which centralized systems which were, by definition, strongly unified retained this *unification* in the interests of central political guidance of educational policy. On the other hand, decentralized systems increased their *unification* precisely in order to achieve such State guidance. Conversely, where

differentiation of parts within the system was concerned, decentralized systems sought to weaken them and centralized systems to strengthen them.

Such convergence – marked towards the end of the twentieth century compared with its absence in 1900 – appealed because it seemed to hold the key to servicing 'lib' and 'lab' concerns simultaneously, to becoming responsive towards both Market and State. It remains to be seen what implications such convergence held for *subsidiarity and solidarity*.

2.c. *Central control, 'lib + lab' and the zenith of educational competitiveness*

Another of the terms with which *subsidiarity* is often confounded is 'devolution'. In the last two decades of the twentieth century much educational play was made of it – in Europe as in other parts of the world[39] – in the form of increased 'parental choice', a perennially popular 'lib' theme. Much did need to be made of it politically in order to deflect attention from the unprecedented incursion of central control in all aspects of education. In England, the form of this political 'straightjacket' for every level and type of instruction also meant that independent school providers of many kinds could be welcomed on board, without fear of their disrupting the central guidance of educational policy. Thus, for example, Catholic schools (indeed, Faith schools in general) could be *incorporated* without a qualm.[40] Their gradual incorporation in France, under 'contracts of association' in the sixties contrasts tellingly with Sarkozy's recent hints about throwing the door wider if not wide open. This further 'lib' concession has also muddied the waters. Enduring Catholic interest in the protection of their institutions (see p. 378) was served by this 'advancement' and only recently has the legal threat (in Britain) that these must include a 'quota' of non-Catholic children brought home the terms of this deal. Catholic schools are there, not on sufferance as in the past, but to increase the diversity of parental choice for all – the truly modern 'lib' policy.

On the 'lab' front, politically directed changes fundamentally embraced Ulrich Beck's contention that social class had now become a 'zombie cate-

---

[39] Geoff Whitty, Sally Power and David Halpin, *Devolution and Choice in Education: The School, the State and the Market*, Buckingham, Open University Press, 1998. The countries covered are Australia, England and Wales, New Zealand, Sweden and the United States.

[40] Anglican, Catholic and Jewish schools educated some 23% of pupils in the late eighties.

gory'.[41] Indeed, with Anthony Giddens[42] as mentor, it was this that enabled the old Labour Party to become New Labour under Tony Blair. However, even 'old Labour' and its finest spokesman in the sociology of education, acknowledged that traditional 'lab' policies, stressing equality of access, had to be updated. 'In 1900 the vast majority of Britons were educational proletarians … By the end of the century millions of children of manual workers had risen into non-manual jobs and many thousands had become the graduate children of butchers, bakers and candle-stick makers, following professional careers'.[43] What then was New Labour going to offer them in the nineties? The answer was competitive excellence, high standards, and qualifications which could be upgraded through life-long learning. The terms in which this was couched in Ministry papers are even more revealing: *Excellence for Everyone (1995), Excellence in Schools* (1997), *Qualifying for Success* (1997), and *Learning to Succeed* (1999).

If the above titles did not differ significantly from those issued by the Conservatives during their 17 years in office (1979-96), this is not surprising. Most of Europe was now fully given over to political 'centrism', appearing earlier in some countries than in others. In this connection, Maurice Duverger had presciently analysed 'The Eternal Morass: French Centrism',[44] which he refused to attribute to the electoral system or multi-party politics. The swing back and forth from centre-right to centre-left governments (or governing coalitions between parts of both) was undoubtedly general, and its educational implications were common ones. If it was hard to distinguish their distinctive policies, that did nothing to preclude their combined onslaught on education – now no longer a pillar of the welfare society and increasingly a prop for the global market economy.[45]

It is the emphasis placed upon 'Choice and Diversity'[46] that convinced some that the 'lib' reforms taking place represented a genuine devolution of powers to the grass roots level – to parents, their children and the individual school they attended. To accept this is an acceptance of the governmen-

---

[41] Ulrich Beck, *Risk Society: Towards a New Modernity*, [1986] London, Sage, 1992.

[42] Anthony Giddens, *The Third Way*, Cambridge, Polity, 1998.

[43] A.H. Halsey, *Social Trends*, 30, 2000, p. 17.

[44] Maurice Duverger, 'The Eternal Morass: French Centrism', in Mattei Dogan and Richard Rose (Eds.), *European Politics,* London, Macmillan, 1971.

[45] Sally Tomlinson, *Education in a post-welfare society*, Buckingham, Open University Press, 2001, p. 166.

[46] The title of a White Paper produced for the Conservative Government in 1992.

tal rhetoric in which it was presented. Tony Blair's clarion-call, 'standards, not structures', helped to deflect attention away from the radical structural changes introduced. Perhaps imperturbability was an understandable reaction in countries with a long history of a centralized State Educational System. In them, there was mainly a growing diversity of provisions to attract attention, whilst central powers were established custom and practice. Even in such countries, 'devolution' (more properly, State controlled differentiation and diversification) being entirely concessionary, had nothing in common with *subsidiarity*.

However, in what had historically been a decentralised system, the arrogation of new educational powers to the State in England was shocking in its speed, thoroughness and systematic nature. The number of Educational Acts (previously rare) increased to almost one a year under the Tories (1988-96) and the Secretary of State for Education gained over a thousand new powers in the same period. This entirely novel accumulation of educational powers at the centre had clear objectives. 'While individual freedom, market choice and power for consumers rather than "producers" of education were extolled, the central state took tighter control of finance, curriculum and examinations, teachers' practice and training. Part of what became a continuing agenda was to remove power from institutions and groups, which were bases for dissent, criticism or independent advice'.[47]

In fact, they were more than this. The two main institutions and groups targeted by this spate of legislation were exactly those which had promoted a nascent *subsidiarity* from the emergence of the English State Educational System onwards: the Local Educational Authorities and the teaching profession. That was the reason for pausing so long in Part II over 'External Transactions' and 'Internal Initiation'.

Through 'External Transactions', LEAs in different areas had been able to sponsor a variety of technical schools in partnership with local users and to give financial support to almost exactly what was sought, without dilution. Furthermore, they had won over the Labour Party to the audaciously democratic policy of national comprehensivization, through successfully piloting local schemes with parental backing. In short, they had been forces for both *subsidiarity and solidarity*. Now, it made no difference which Party was in office; almost every year saw a statutory diminution in LEA powers and responsibilities.

---

[47] Sally Tomlinson, *Education in a post-welfare society*, *Ibid.*, p. 35.

Equally, the teaching profession, despite its protracted struggle to gain this status,[48] had used 'Internal Initiation' to introduce a wealth of pedagogical innovations: child-centred methods, activity-based learning, group-work, project-based assessment, open classrooms etc. Most of these were now anathematised as the causes for 'low standards'. In the interest of 'high standards', the English system acquired for the first time a National Curriculum, programmes of study, attainment targets for each subject, and Standard Assessment Tasks (SATs) at the ages of 7, 11, 14 and 16. Teachers suddenly became the most alienated group in the educational 'enterprise'. Although their protests (and problems of recruitment) achieved a slight modification of SATs in 1993, New Labour took over the baton and minutely prescribed its 'Literacy hour' in defence of the standards that teachers were supposedly not producing.

Performance on the new National Curriculum became the main plank of both the 'lab' appeal to 'high standards for all' and the 'lib' appeal to 'parental choice'. In 1992, National Curriculum test results appeared publicly and these 'League Tables' were published in national newspapers, as they have been every year since, ranking schools of every kind, complete with the naming and shaming of 'failing schools'. Since financial management had been devolved to the level of the individual school, praise or blame, repute or disrepute for their results could be considered the responsibility of the particular Head (now a heavy managerial role) and the school's staff. Neither the fact that they had very little scope for manoeuvre, given the detailed nature of central curricular prescriptions and fierce inspection, nor the fact that so many studies showed that school attainment reflected the social composition of the pupil body, diminished the fact that parents were induced to follow the League Tables when making their choice of schools.

Thus, '[a]s many of the responsibilities adopted by the state in the post Second World War period begin to be devolved to a marketized version of civil society, consumer rights increasingly come to prevail over citizen rights'.[49] Marketization of schooling had turned parents into the educational bargain-hunters of Rational Choice Theory, whose main concern was to become better off in terms of educational 'utiles' by gaining a place in the

---

[48] Margaret S. Archer, *Social Origins of Educational Systems, Ibid.*, pp. 718-738.

[49] Geoff Whitty, Sally Power and David Halpin, *Devolution and Choice in Education, Ibid.*, p. 46.

highest ranked schools. Such educational consumerism was diametrically opposed to parental *solidarity* and sedulously served to undermine it. Under New Labour's legislation (1997/8), there were now 13 (statutorily) different types of school[50] to choose between, thanks to the welcome given to both traditional religious establishments and specialised schools, partly financed by private (mainly business) sponsors.

Solidarity between parents was fragmented as they became individualistic 'shoppers' for personal educational advantage. As competitive clients for entry to 'the best' schools, the desire to seek the best for their children was perverted into a divisive and sometimes dishonest instrumental rationality, whose strategies were entirely self-interested. Thus, Parish Priests often reported an influx of regular attenders at Mass amongst those with three year old children, ones whose devotions plummeted once the child had been admitted to a Catholic school. Today, whilst writing this section, I picked up the local newspaper because of its headline: 'PARENTS CHEAT TO WIN SCHOOL PLACES'. The story recounts twenty detected cases of Coventry parents lying about their addresses 'in an attempt to get places at some of the city's most popular state schools…The figures highlight a problem throughout the city and Warwickshire where parents in catchment areas with poorly regarded schools are desperate to get their children into top performing schools'.[51]

What these central governmental interventions have done is not only to undermine both *subsidiarity and solidarity,* in the ways just described, and not only to substitute for the *common good,* a definition of the 'general good' (of Britain in a global society) furnished by the political centre, they have done more radical damage. In effect, they have paralysed 'free-giving' – the source of energy initiating and sustaining all other components necessary to the *common good*.[52] The straightjacket of central control has cut the roots of 'free-giving' both motivationally and organizationally.

In terms of motivation, the two main parties involved at ground level – teachers and parents – are structurally discouraged from acknowledging and promoting the *human dignity* of each (potential) pupil. At the point of

---

[50] Sally Tomlinson, *Education in a post-welfare society, Ibid.*, p. 98.

[51] *Warwickshire Telegraph*, March 25th, 2008, p. 1.

[52] Pierpaolo Donati, 'Giving and Social Relations: the Culture of Free Giving and its Differentiation Today', *International Review of Sociology*, 13:2, 2003.

admission, teachers are constrained to consider children not as bearers of a *munus in potentia* but only under the guise of their potential contribution to the future ranking of the school. Similarly, parents are induced to commodify their children into objects for placement, involving strategic parental exertions but not ones where the first consideration is the well-being and needs of the unique child in question.

In parallel, what could parents do organizationally to make matters otherwise? Some optimism has attached to the enablements embedded in the official promotion of diversity and the development of Charter Schools in the USA. In California these involve contracts stipulating active parental participation in the school.[53] However, a number of school prospectuses reveal parental 'participation' being defined in terms of direct debit financial contributions.[54]

In short, if we return to Donati's basic diagram of the components and the relationships between them that are required to realise the *common good*, we find them all to be even more lacking around the world in the period of 'late' modernity than often in the past, particularly in decentralized State Educational Systems. Caught in a vice between the State and the Market, with parents and teachers condemned to the roles of customers and managers, does education have the autonomy to do anything or are other parts of civil society able to do anything to re-direct education? I believe the answer to be negative to both questions. However, *grosso modo*, this vice in which education finds itself derived from politically directed changes intended to align State Educational Systems adaptively to the new challenges of global society.

Conversely, if we view globalisation as the effect of underlying structural processes and their generative mechanisms, rather than as the (primary) cause of anything, it is possible to see 'late' modernity as an important but passing phase in social morphogenesis. In other words, it is part of a process which will supersede itself – and with it comes the possibility of a truly 'New Deal' for education.

---

[53] M.C. Dianda and R.G. Corwin, *Vision and Reality: a First Year Look at California's Charter Schools*, Los Alamitos, CA: Southwest Regional Laboratory, 1994.
[54] For example, the Palisades school in Los Angeles has a ranked nomenclature for parents as financiers, according to the amount they contract to donate regularly.

PART III. MORPHOGENESIS UNBOUND'[55] AND THE RECONSTRUCTION OF EDUCATION

All social formations are only relatively durable. What prolonged them in the past was morphostasis, that is, processes of negative feedback in both the structural and cultural domains, whose simultaneity maintained the status quo. Morphostasis dominated in early societies; that is what made them 'traditional'. The successive stages of Modernity were ones in which negative, restorative feedback loops intertwined with positive and deviation amplifying feedback processes. This meant that social transformation was slow, partial and hesitating because 'old' vested interests resisted change and 'new' ones had time to consolidate themselves. What is, as yet, unprecedented and un-conceptualised is a world of untrammelled morphogenesis.

This has not yet arrived and nor has modernity reached its last gasp. Nevertheless, structure, culture and agency have begun to be governed by positive feedback and are less and less restrained by the simultaneous circulation of negative and restorative feedback loops that was characteristic of modernity.

Vertiginously, the generative mechanism of morphogenesis – for variety to stimulate yet greater variety – has begun to engage and to manifest its tendential effects, of which globalisation and global connectivity are amongst the first instances. Of equal importance is the fact that whilst Modernity generated a 'situational logic of *competition*' for action (because of the resistance, re-creation and reproduction of vested interests), action in Morphogenetic society follows a much looser 'situational logic of *opportunity*' (an inducement to innovate and produce further variety through synthesis, syncretism and synergy).

We are in a transitional phase, but there are already sufficient substantive manifestations of morphogenetic changes in the structural, cultural and agential domains for this transformation to be more than pure speculation. Thus, it is possible to consider the implications of the unbinding of morphogenesis for education in the near future, without remaining entirely hypothetical.

In these last few pages, I would like to put together two considerations and then briefly to discuss their implications for one another. The first con-

[55] A term first coined by Walter Buckley, *Sociology and Modern Systems Theory,* Englewood Cliffs, New Jersey, Prentice Hall, 1967. Morphogenesis refers 'to those processes which tend to elaborate or change a system's given form, structure or state' (p. 58). It is contrasted to Morphostasis which refers to those processes in a complex system that tend to preserve the above unchanged.

sideration concerns the very different effects produced by the new 'situational logic of opportunity' compared with the zero-sum outcomes and conditional influences of Modernity's 'situational logic of competition'. The fundamental novelty about the 'logic of opportunity' is that for the first time since the earliest societies, the relationship between Ego and Alter (who are not necessarily individual persons) is not governed by *cui bono* or by their conjoint ability to benefit in some way by out-doing (beating, exploiting or coercing) third parties. Both or all parties can become beneficiaries by pooling and sharing resources. This is reinforced by the fact that the main resource in question is knowledge, whose value is not reduced by it being shared.

The second consideration is that all the educational struggles examined in this paper – competitions about gaining, maintaining and exercising educational control – were predicated upon formal education having expensive physical and human resource requirements. Indeed, these have become even greater in during 'late' modernity[56] as university education has been extended to approximately 40% of the age cohort in Europe. Because of this, the main value of a first degree, in most developed countries, is to avoid the penalty of not having one. In turn, the demand for further postgraduate degrees becomes inflated.[57] Hence, the universities, competing in terms of State imposed performance indicators (of research as well as teaching) and corporately raiding the global market for registration fees, continue to increase dramatically in numbers and to decline in quality. Such is the pay-off for all those competitive exertions on the part of parents to get their children into the best schools earlier on!

If these two considerations are put together, it becomes possible to conceive of an alternative future for education, one which reduces the academic obesity of young people, bids to escape State control and confronts Market forces with a process outside the cash nexus. In concrete terms, we can begin to contemplate some 'de-institutionalisation of education'. Another way of putting this is that in its global cyber version, 'de-schooling', as it used to be known, has become a real possibility – although that does not make it desirable at all stages of the educational process. However, it is already in train. What is of particular interest is its potential for helping to actualise the four key principles of Social Doctrine in the area of education.

---

[56] This is not registered in many national budgets because costs have been passed to parent/student consumers and to a variety of sponsors in civil society.

[57] See Margaret S. Archer (Ed.), *The Sociology of Educational Expansion: Take-off, Growth and Inflation in Educational Systems*, London, Sage, 1982.

What follows is a quick sketch of the relationships between each of these, based equally upon my current study of young people's reflexivity in relation to employment and Donati's formalisation of 'the solidarity-subsidiarity relation in its various articulations'.[58]

Relational Subsidiarity

Free-giving is not only the 'starter-motor' of reciprocal relations it is also needed to fuel their continuation – rather than their degenerating into exchange relationships, as in one interpretation of Marcel Mauss' original analysis of the gift.[59] Other than *caritas*, secular versions of altruism (usually distorting it into delayed self-interest to advantage one's 'inclusive kin'[60]) show that the social sciences have been at a loss about what could turn people into free-givers.

The 'situational logic of opportunity' appears to provide a new sociological perspective on free-giving. Let me illustrate this in relation to 'intellectual property'. Amongst multi-national companies, the 'Assurance game' may continue to be played with industrial patents, which enable the innovator to be the sole beneficiary for a set number of years and buy enough time for the company to come up with another profit-maker – but it generalises very badly beyond industry proper. The antics of the music 'industry' to assure musical performance rights through law are defeated daily by the 'playground pirates'.

More pertinently, many writers, academics, performers and 'geeks' in general have motives which are contrary to placing restrictions upon their 'intellectual property'. Like most academic colleagues, when Eastern Europe produced 'unauthorised' versions of my works in the bad old days, my reaction was not that of a (futile) contumacious litigant. On the contrary, since we do not write for profit, we delight in free diffusion. Now we have greater opportunities of the latter. The motives are not necessarily entirely altruistic, but the actions are tantamount to free-giving and their consequences are beneficial.

---

[58] Pierpaolo Donati, 'Prospects: Discovering the Relational Character of the common good', *Ibid*., Figure 3, p. 677.

[59] Alan D. Schrift (Ed.), *The Logic of the Gift: Toward an Ethic of Generosity*, London, Routledge, 1997.

[60] Roger Trigg, *The Shaping of Man: Philosophical Aspects of Sociobiology*, Oxford, Basil Blackwell, 1982.

'Peer to peer' givers on the Internet are better exemplars because their relations entail both the diffusion *and* the infusion of new ideas. This is a key example of reciprocity, since there are neither controls nor guarantees of direct or indirect, short-term or long term exchanges – let alone of exchange relationships – being established. Continued inter-change cannot be enforced; its continuation is voluntary and based upon interest in one another's ideas and mutual respect for each other as their source. It recognises the dignity of alterity because it acknowledges the intrinsic value of the *munus* that the other has freely supplied. Certainly, this is not synonymous with full recognition of the dignity of a *human person,* but secular society is not going to be moved by the argument of divine filiation. Nevertheless, the *intrinsic* value accorded to the Other greatly surpasses the exchange value assigned to social relations in Modernity.[61]

Vertical Subsidiarity

How do the practices just described relate to the *common good*? In educational terms, the answer might simply be by means of the hand-cranked $100 laptop and the non-profit organization aiming to supply one to every child on the planet.[62] Between the two lie other requirements, some of which will be examined in a moment. However, in terms of direct vertical links, there are many who will freely write programmes of instruction in literacy, numeracy and any other topic in any language. There are e-books and enough authors who are ashamed to collect $5 for someone xeroxing their articles in Nairobi. There is Wikipedia, which is our own students' first resort today, and if we find some of its entries could be improved upon, the invitation is there.[63] Already the educational costs are spiralling downwards; we simply do not need a library per campus or a per capita textbook allocation per school child. This is vertical subsidiarity coming into play.

---

[61] It may be objected that cyber-interchange of the 'Facebook' variety is both degrading and prone to dishonesty, which is often the case, but no epoch or practice is proof against voluntary self-debasement; the best we can do is to protect against its coercive and exploitative social imposition.

[62] Nicholas Negroponte, 'The $100 Laptop', in Marcelo Sánchez Sorondo, Edmond Malinvaud and Pierre Léna (Eds.), *Globalization and Education*, Berlin, de Gruyter, 2007.

[63] Granted, my inept attempts failed to reveal who manages Wikipedia, just as the Elders of the Internet remain faceless and their means of appointment opaque, but a bored 13 year old in Manila could probably help out.

Already, to work with the Internet is not co-action, as in early societies, nor is it interaction, as in modernity, it is transaction with the global database, which collects and redistributes knowledge through usage.

Of course, simply to reduce educational costs and to increase access is only one element in reconstructing education. Yet, the cost-barrier hugely privileged the educational hegemony of the State in the past. Nevertheless, there remain the two perennial problems. How to prevent socio-economic differences in pupils' family backgrounds from being reproduced through education, thus perpetuating socially divisive inequalities? How to deal with the fact that the school, college or university should be more than a combination of an educational production line and a childcare-cum-recreational facility? This is where both the lateral and horizontal aspects of *subsidiarity and solidarity* are essential. Nevertheless, the change towards Morphogenetic society makes its own contributions to both of them.

Lateral Subsidiarity

Let us take the problem of 'reproduction' first. What the accelerating tendency of variety to generate further variety in knowledge means is that parental background increasingly possesses no corpus of *cultural capital* whose durable value can be transmitted to their children, as opposed to cultural transmission *tout simple*. Parental culture is rapidly ceasing to be a capital good, negotiable on the job market and counting as a significant element in the patrimony of offspring. *Les Héritiers* are being impoverished by more than death duties. Culture is still their inheritance but is swiftly becoming an internal good – valued at the estimate of its recipients, like the family crystal and silver – rather than an external good with a high value on the open market.

Consequently, strategies for ensuring the inter-generational transmission of cultural capital start to peter out, partly because such 'capital' has been devalued almost overnight and partly because rapidly diminishing calculability makes old forms of strategic action increasingly inapplicable. Those middle class and higher class parents who stuck to past routines, which had served their own parents well, of 'buying advantage' through private schooling began to face offspring who felt they had had an albatross tied round their necks. Confronting the incongruity between their background and their foreground, an increasing number of Public School leavers began to blur their accents, abuse their past participles, make out they had never met Latin etc., in subjective recognition of the 'contextual incongruity' in which they were now placed.

Of course it will be objected that such an education still gains a dispro-portionate number of entrants to the oldest Universities in England, but some of the sharpest Public School leavers have no desire to go there and, in any case, both establishments are now besieged by egalitarian-cum-mer-itocratic pressures which somewhat undercut their social point.[64] Equally, it will be objected that their graduates still have preferential access to careers in the Civil Service, in diplomacy and in the traditional professions. But that is quite compatible with the fact that by the end of the twentieth century some of the kids from privileged backgrounds began to discount these openings. The fast learners had got the message: the Stock Exchange wanted the 'barrow-boy' mentality on the floor. Effectively, their possession of old-style cultural 'capital' was a disadvantage *vis-à-vis* new openings and opportunities, although it retains lingering value for the more traditional occupational outlets.

In a very different way, working class parents found themselves in much the same position of literally having nothing of market value to reproduce among their children. With the rapid decline of manufacturing and fre-quent joblessness, their previous ability to recommend high wages and to 'speak for' their sons also disappeared. With the computerisation of secre-tarial, reception and much work in retail, mothers found their daughters already more proficient in keyboard skills than they were themselves. With involuntary redundancies, make-shift jobs and frequent visits to the Job Centre, there are less and less remnants of working class culture to be reproduced – especially the old attractions of a lasting group of convivial workmates – and decreasing incentives towards reproductory practices in employment among both parents and offspring. The latter, in any case, are now mostly 'at College', for varying amounts of time, but long enough for many to come to think that courses such as IT, Design and Media Studies present a blue beyond of opportunity. Meanwhile, many of their parents retreat into a non-directive goodwill towards their children's futures, usual-ly expressed as: 'We'll support them whatever they want to do'.

In other words, the very notion of *transferable cultural capital* is being outdated by morphogenesis and simultaneously all those intricate manoeu-vres of substituting between different kinds of capital are becoming obso-lete. However, this growing contribution of social morphogenesis to over-coming the biggest problem of social discrimination in twentieth century

---

[64] The government has recently established an 'Office of Fair Access' for universities.

education is both partial and negative. It is partial because there are both older and newer forms of poverty which still impact seriously upon equality of educational opportunity and outcome – thus reducing social integration. It is negative because even if the influence of socio-economic background – which subtracted massively from social solidarity – were to be removed entirely, this does not mean that solidarity would spring back into being, as if it were a natural force which had been dammed-up.

On the contrary, developed societies suffer from a huge deficit in sources of solidarity. This, in turn, undermines 'lateral subsidiarity' and, in consequence, weakens the support available to 'horizontal' agencies seeking to actualise subsidiary establishments for schooling in the 'Third sector'. Indeed, some of the forms of 'associational engagement' that have succeeded the now moribund forms of geo-local community – and in particular virtual communities, which are very real – tend to direct their energies upwards, towards vertical sources of subsidiarity by enriching the resources available (in principle, to all) within the world's cyber-'bank'. This is good in itself, but it rarely contributes to the solidary support required by novel forms of schooling which, by definition are geographically localised.

What is much more positive is that educated young people (at least) are starting to become 'associationally engaged' with localized (or glocalized) endeavours: voluntary work, restoration of public amenities, ecological initiatives, inner-city regeneration projects and, importantly, in mentoring and auxiliary work in schools. In short, the deficit in social solidarity is actively being reduced by our recent cohorts of undergraduates.

Horizontal Subsidiarity

This leads to the second question, namely that real alternative schools are really needed in determinate locations and as more than nodal points for information-transfer. De-schooling can only go so far and I venture that it can go furthest at the higher levels. After all, the e-university only goes one step further than the Open University in England, which works by distance-learning and has played a major role in the voluntary re-skilling of teachers, without reference to the national curriculum. Its Summer Schools satisfy, at least partially, the relational requirements of learning – especially for mature students with family responsibilities – which prevent the degree from becoming merely a certificate in having absorbed so many videos and displayed mastery with e-resources. Equal-

ly, the 'Education in Europe' initiative[65] was popular in the participating schools, but its purpose and function was the furtherance of European understanding, rather than supplying alternative education.

Quite apart from parents being accustomed to outsourcing education and needing to outsource in the growing number of dual career families (and in the professional interests of women), children also need schools. Since having only one child is already the norm in some European countries, where else are these children to gain companionship and social skills?

Who is to teach them is probably the least of the problems, given the alienation of many of the teaching profession from State education and their collective tendency to avoid privileged forms of Private education.[66] But how is the responsibility, shared by teachers and parents, to be generated for creating an environment in which the potentials of children can be better realized than when sandwiched between State directives and market requirements?

Contracts of 'support + participation' are all very well, but the pre-contractual rules of contract are needed to breath life into what otherwise can degenerate into 'minimalist participants'. Such alternative schools cannot thrive on 'minimalism'. Indeed, they need to be very robust because they can easily slide in one of two directions: into becoming 'just another' private school of privilege in the educational Market or into colonization by the State. These tendencies within the 'Third sector' have been thoroughly registered and discussed in Italy.[67] They have attracted less attention in Britain, and it is salutary that the Government now has its own Ministry of the Third Sector, which promotes contracts of association that are almost the obverse of subsidiarity.

Conclusion

In his paper on 'Prospects', Donati signals the underlying need for all manifestations of *subsidiarity* (in conjunction with the necessary *solidarity*)

---

[65] Directed by Alberto Martinelli, Dean of Milan University, it interviewed a group of academics from different European countries and then encouraged Secondary School pupils to e-mail their questions.

[66] For an illustrative vignette of such a teacher, see 'Bernadette', in Margaret S. Archer, *Making our Way through the World*, Cambridge University Press, 2007, pp. 133-141.

[67] Pierpaolo Donati and Ivo Colozzi (Eds.), *Il privato sociale che emerge: realtà e dilemmi*, Bologna, il Mulino, 2004.

to be nourished by 'a new "relational anthropology of civil society", that is from a new way to practise human reflexivity in civil relations'.[68] Here, my current research on modes of reflexivity shows this not to be an empty exhortation.

As the Morphogenetic society gathers momentum, it appears that it fosters a Meta-reflexivity amongst young, educated people – which is as socially critical as it is self-critical – revealing a profound disassociation from Party politics and an equally strong aversion to personal occupational association with the corporate Market. The preference of young Meta-reflexives is for employment in the Third Sector, to escape the *étatisme* that now seriously infects the social services and traditional professions and to avoid the consumerism, eco-indifference and competitiveness that they see as integral to corporations in the global market.[69] Thus, they pin their hopes upon developing civil relations within civil society. What they want, above all, from their future work is 'to make a difference' and, as some add, 'even if only to the life of one person'.

It is premature to do more than venture the congruity and complementarity between Meta-reflexivity and an orientation towards civil society that would show associational solidarity with the nascent institutions constitutive of subsidiary. Yet if such a reflexive orientation towards civil society does not become more general, it is hard to see how education can be reconstructed in this new millennium.

[68] Prospects, *Ibid.*, p. 13.
[69] Margaret S. Archer, *Making our Way through the World*, *Ibid.*, Chs 6 and 7.

SUBSIDIARITY IN CHILEAN EDUCATION

PEDRO MORANDÉ

1. INTRODUCTION

I would like, first of all, to highlight Russel Hittinger's brilliant interpretation that the Social Doctrine of the Church did not arise so much from the compassion that woke up the worker's situation after industrialization, with the corresponding conflict between capital and work, but rather from the necessity of the Church to defend its associations and, particularly, its schools, from the pretense of the State of being the only legal personhood of public right, considering all natural persons and other legal persons as citizens. The consequence of this interpretation would be, as he points out, that all groups of people that are part of civil society, could not expect another status that the resultant of contracts among private individuals.

This interpretation, besides offering a luminous version of the great Pontiff's teachings of Leo XIII, helps also to interpret the conflicts raised in the educational realm which began in the first half of the 19th century in Europe and had its climax in the second half of the 19th century in Latin America. I would like to recall that it was the same Pope Leo XIII who summoned the first Latin American plenary council in 1899, where for the first time in history the bishops coming from whole Latin America converged in Rome, to discern the new challenges facing Catholics of this region of the world.

I would also like to take as a framework the historical dynamics described in the outstanding paper of Margaret Archer, especially to understand the formation of the education systems in the context of the constitution of national States. Although the dynamics described by Archer explain what happened in Latin America it is also possible to settle down important differences among the European phenomenon and Latin Amer-

ican that have influenced the behavior of subsidiarity and solidarity. Approximately 50 years later, the European social phenomenon also extended to Latin America, adapting, nevertheless, to its specific historical circumstances.

2. HISTORICAL DEVELOPMENT

One of the most peculiar characteristics of Latin American Christianity that has important repercussions in the organization of society and of its institutions, is that it didn't have Reformation, or 'religions wars'. Therefore, the principle *cuius regius, eius religio* never achieved validity. That is to say, Christianity has never been instrumentalized as a pretext to obtain power either for the legitimation of the State, although it certainly has inspired rulers and applicants of political power throughout the whole ideological spectrum, from ultramontane conservatives to revolutionary socialists. But in none of these cases it has meant an alteration of the juridical status of the Church. Perhaps with the single exception of the case of Mexico, where the State ignored the legal personhood of the Church during a large period of the 20th century. The Church has enjoyed in Latin America juridical recognition, as well as its educational institutions. In Chile, the case of which I have been asked to speak, the Church has claimed a similar legal personhood of public right as the State has, and the latter has legally recognized the institutions created by ecclesiastical right.

As Archer points out for the European case, also in Latin American countries until the constitution of the national States at the beginning of the 19th century, the Church has had without competition the monopoly of education, so much at primary level, as at secondary and university ones. In some cases, the institutions were only of ecclesiastical right. In others, they enjoyed possession of a jointly ecclesiastical and regal recognition. Private establishments sustained in the contractual right didn't exist. Although the Church made an effort to reach all the social sectors according to the charisma of the different religious congregations, during the colonial period there were very few who knew how to read and to write, prevailing the oral traditions massively. However, the handmade and artistic shops, which sustained the very rich production of Latin American Baroque art were very important. A significant difference with Europe was that the Spanish Catholic kings prohibited monasticism in Spanish America, so that evangelization was carried out by the mendicant orders: Franciscans, Dominicans, Augus-

tinians, Mercederians and, after the Council of Trent, Jesuits. Perhaps the absence of monasteries may be the reason why in the colonial centuries literate culture was not irradiated with as much force as in Europe.

The mutual recognition between Church and State allowed the Pope to grant the Spanish kings the 'patronage' right over the Church. According to it, they could choose the ecclesiastical personnel of the secular clergy, as well as decide when to make papal decisions public in the Spanish American territories. It is appraised that at the end of the 16th century approximately two thirds of the clergy belonged to religious orders and only a third to the diocesan clergy. Toward the end of the 18th century, on the other hand, that same proportion had been changed in favor of the secular clergy. Evidently, the exercise of the patronage right produced some tensions between Church and State, but never to the point of putting at risk the institution of the patronage. The tensest period occurred in the second half of the 18th century with the expulsion of the Jesuits and the control of the other religious orders, especially of the seminaries. But as it is known, it was the Pope himself who ended up dissolving the Company of Jesus, in order to avoid confrontation with the State. For the whole Latin American educational system, the expulsion of the Jesuits had big consequences, mainly in the level of university education and in the formation of leading groups. But still more important was the expropriation of the 'country properties' in the hands of the Company of Jesus whose exploitation generated the necessary surpluses for financing education. The land's redistribution helped the formation of Creole 'oligarchies' that, at the end of the colonial period, would assume the conduction of the national States.

Napoleon's invasion of the Iberian peninsula and the arrest of King Ferdinand VII loosened in Spanish America the processes of independence and of formation of national States. The nascent republics claimed for themselves the patronage right that the Spanish crown had exercised during the colonial period which was accepted upon condition that the States declared Catholic religion the official religion. In the Chilean case, although the directing groups were divided among liberals and conservatives, both were Catholic and had supported the educational work of the Church. Anyway, the State began to care about education, especially to assure a greater school coverage of the population and also the quality of the study plans. Following the French influence, the Chilean State created in 1842 the University of Chile, with the function of being an educational 'superintendence' to whose norms all school establishments should undergo. That is to say, there was no intention to supplant or substitute Catholic schools, but only

to order them according to the directives of the State. It can be said, in the Chilean case, that despite the conflicts that happened and that I will explain later, State and Church have mutually collaborated for the benefit of educational services, in some cases competitively, in others, complementing, but in very few occasions in a conflicting way.

It was the policy of the nascent national State to open up the country to foreign immigration, specially European immigration, and to people of qualified education. During the colonial centuries, the Spanish crown exercised a strong control on immigration, limiting it, with some exceptions, to the citizens of the crown. Toward the first half of the 19th century, on the other hand, an important presence of English, French, Italian and German immigrants had settled down, many of which were not Catholic and they founded their own educational establishments. The Chilean State had in this respect a more pragmatic than ideological attitude, valuing the European educational contribution thoroughly, especially its economic and commercial orientation. As it happens until the present, Chile has been a country quite open to foreign investments, which has meant a real and effective limit to the nationalist pretenses that from time to time flourish in Latin America. The Creole oligarchies also opened up quickly to marriage alliances with the European immigrants, achieving their Chilenization quickly.

The second half of the 19th century experienced a strong increment of the ideas of laicism promoted by the freemasonry and the nascent urban middle class groups who saw in the alliance between State and Church the foundation of the oligarchic dominance of the directing groups. In order to be able to guarantee from the State education an effective opportunity for upward social mobility, they outlined the thesis of the 'educational State' aspiring to the monopoly of school and university education. The relationships between State and Church had begun to be tense in other spheres, as it was with the creation of cemeteries, first for the dissidents, later lay cemeteries, the establishment of civil marriage, parallel to the ecclesiastical one and the exercise of the patronage in the nomination of bishops, particularly, of Santiago's bishop. At the beginning of the 1880s, the government even broke up for a while the diplomatic relations with the Holy See and the tension between these two powers would not disappear before 1925, when mutually agreed, the constitutional separation of Church and State was established.

During this period of crisis, the Archbishop of Santiago created the Catholic University of Chile, in which I have worked for 37 years, as a legal personhood of ecclesiastical right. Its objective was to guarantee the educational freedom of the Church, when the idea of the 'educational State' was

prevailing. The State delayed approximately 40 years in recognizing the very existence of the university, although it never refuted it. In the present year the university will celebrate 120 years since its foundation and received in the thirties of the 20th century the honorific title of 'Pontifical'. It is the university of students' first preference, so much Catholic as non Catholic. It is also a symbol of the pragmatic attitude of the State before the educational institutions, since it receives a financial subsidy from the State, practically equivalent to the one that the State University of Chile receives. This last one, during almost one century, had examined the professional graduates of the Catholic University. At present time, in turn, its academic and professionals grades are fully recognized and it enjoys the possession of the same autonomy as the State's University.

As we will see later, in 1981 a wide educational reform was made which aimed to integrate the private sector as provider of educational services. However, I would like to highlight that the Catholic University never defined itself as a private university, but as a public university belonging to the Church. It has never had a different legal personhood from the one it received at its foundation, generated in an ordinance of Santiago's Archbishop. According to its statutes, the rector is named, after a proposition of Santiago's Archbishop, by the Congregation of Seminars and Catholic Education of the Holy See and such an ordinance is legally recognized in fullness by the Chilean State and the legal order. I find that this case is illustrative of the harmonious coexistence between Church and State in the educational realm, which it is not only a sign of ideological tolerance, but it also commits financial resources of the public sector for its maintenance and development. Most of its expansion plans and institutional improvement have been financed by the State of Chile.

So, since the foundation of the national State a mixed educational system has been developed, conformed by a group of schools of the public sector, a group of Catholic schools, parochial schools or belonging to religious orders, and a group of private schools. Up to 1981, the State financed exclusively those public schools, which were centralized directed from the Secretary of Education. I already mentioned before that the Catholic University was an exception, as well as other non state universities, when receiving financing of the public sector. But at the level of primary and secondary schools, only state schools received public financial contributions. During Salvador Allende's government a Unified National School, controlled by the State, was tried to be created, but the strong opposition of the Church and of other sectors of civil society prevented it from materilising.

3. THE REFORMS OF 1981

Inspired by a liberal orientation, the military government proceeded in 1981 to reform the educational system, maintaining the group of schools, religious or private, paid by families, decentralizing the public education at the level of local governments (city districts) and creating a new group of subsidized schools, on the basis of a subsidy granted to the providers of educational services, according to the attendance of students to classes, and under the condition that no registration fee was charged. It is a subsidy to demand, because family parents have the freedom of choosing the school that they prefer for their children, but it is not properly a voucher system, since the subsidy is not received by the family parents, but directly by the schools, according to the attendance of students to classes. As the subsidy was insufficient to cover the cost of a quality education, since 1994 subsidized schools were allowed to charge the families a certain complementary quantity to the subsidy, with the purpose of covering the real costs of education.

The law also established that the Secretary of Education should determine which should be the fundamental objectives and the minimum contents of the school curriculum, leaving the school free to add to this minimum all the matters they wanted, and also recognizing them its freedom to elaborate their own and original educational project and to manage the human and material resources involved. In the case of the decentralized public schools, the old teachers of the State system managed to get to their favor an 'educational statute' valid for all public schools, which protects their labor steadiness, which has created, consequently, serious administration difficulties to the directors.

This basic outline of the educational organization has remained until the present. On the one hand, it was able to incorporate many new providers of educational services to the system, who assumed the risk of creating new schools on the ground of the subsidy for each student. The number of establishments of the subsidized particular sector grew 62% between 1980 and 1985. After a period of stagnation between 1987 and 1994 due to the reduction of the public expense in education (it fell from 4% to 2.8% of the GDP), it increased to 23% starting from the authorization of shared financing again. This has allowed the system to reach 98% of the basic school covering of school age population, and to increase to 92% the coverage of middle and high school education, so that the State is now in the situation of guaranteeing 12 years of free school education for everyone.

However, the distribution of the students has varied dramatically among the groups of schools. At the beginning of the system, in 1981, 78% of the students were registered in public schools, 15.1% in subsidized private schools and 6.9% in paid private schools. The exodus of students from the public sector to the subsidized one has been constant. In the 2001, twenty years later, only 53.1% were registered in public schools, 38.1% in subsidized ones and 8.8% in paid schools. This exodus toward the subsidized sector has allowed its consolidation, reaching quite a significant percentage of students so it becomes now very difficult to revert this situation, as those more State oriented wanted.

On the other hand, the main protagonists of this exodus are the best students, making those who remain in public schools more and more vulnerable to a worse quality education. Additionally, if we consider that not all city districts have the same resources to dedicate to education but rather these are very unequally distributed in the whole national territory accordingly to the levels of urban concentration they have reached, there is an important deterioration of education quality among the poorest towns, with the consequent lack of equity. The dramatic public conscience of this phenomenon is so high that some politicians have intended to establish a legal prohibition for schools to select their students, and others to define percentage rates of admission in favor of students of lower income.

Although it will never be known what could have happened if the reform of 1981 had not been implemented, Chilean people are aware that in spite of the increment in educational expenses, directly or via subsidy, neither equity nor educational quality have improved significantly. Even compared with countries of smaller per capita income the achievement of Chilean education in mathematics, sciences and language is not very satisfactory. There is no agreement on the causes of the phenomenon. Some are inclined to think that the problem resides in the low cultural level of the poorest families that schools cannot revert. Others, on the other hand, point out the misleading of school administrations and the low quality of teachers due, on the one hand, to their low incomes and to a certain proletarization of them among the public sector, and on the other, to the obsolescence of the pedagogic teaching at the universities where they have studied. In spite of countless econometric studies, it has not been possible to arrive at a clarification of the problem even to identify the most incisive variables. It is attributed, among other factors, to the fact that national standardized tests of academic achievement are too recent and that they only rank students and schools, not measuring the real learning reached by the students, starting from their

initial situation. There is agreement among politicians of the necessity to increase significantly the school subsidy per student, as well as creating a preferential differentiated subsidy for schools which receive students of lower income and lower cultural development.

Making a balance of how solidarity and subsidiarity work in the Chilean case, the following conclusions could be reached:

a. Chilean society has managed to overcome the conflicts and tensions that arose from the distinction among public schools, Catholic schools and private schools, generating an integrated system with a claimed minimum curricular unity. Each school is free to develop its own educational project inside this claimed minimum and can receive a State subsidy if it doesn't charge a registration fee or if it only requests a complementary co-payment to the subsidy. Freedom of parents to choose the schools of their preference is also respected, but they don't directly receive the subsidy but rather the elected schools. Except for the public schools that have certain restrictions originated by the union conquests of teachers, such as steadiness of employment, the other schools have full freedom of administration of their human and material resources. These characteristics are certainly positive at the moment of evaluating subsidiarity inside the system.

b. But there are also some negative features. In the first place, the amounts of the subsidy is not enough for an education of high quality and it needs to be increased. Secondly, although the curricular contents that the law fixes are minimum, some schools consider that they are so many that it is not possible to include additional matters responding to the freedom that each one of them has to define their educational project. Also as national standardized tests to measure educational achievements have settled down and, among them, the most important one, the national university selection test, they inevitably bring about an homogenization of curriculum and the loss of originality and creativity of educational school projects. Moreover, the main demand of family parents, rather than religious or cultural orientation of schools, is that they give them a reasonable guarantee that their children will be able to go to university if they have a good performance. The system is guided, ultimately, in an autopoietic way and doesn't leave free spaces for personalized individuals, unless they give up university education and qualified employments.

c. The biggest problem, however, continues to be present at the level of solidarity and justness of the system. As schools of high quality are always over demanded in relation to those of lower quality, they are forced to select their students and they usually do so on the basis of school achievement, so

the system enhances rather than diminishes the underlying cultural inequality that students bring from their families. Family parents also prefer for their children those schools where they recognize families with a similar or better cultural level ('peer effect') and they do not favor percentage rates favoring families of lower social and cultural development. These last ones also have difficulties to cover the transport cost of their children toward sectors far from their homes, so that they are satisfied with schools of their sector and, preferably, with schools of the public system, which are the worst evaluated, especially in those areas of the city where people of lower income live. If we additionally consider that Chile is one of the countries with the worst distribution of monetary incomes in the region, it can be appreciated how difficult it is to revert this situation, maintaining the historical achievements in the realm of subsidiarity.

4. PERSPECTIVES AND CHALLENGING PROBLEMS

Margaret Archer's paper makes some stimulating final reflections (p. 408) about the possibilities of a 'de-schooling' education of the new generations on the basis of electronic communication and I would like to make some remarks on our situation in this respect.

Although the government maintains an important program of educational 'connections' (as it is called) among the schools of the country, home coverage of high-speed internet is still very low among us. But there is no evidence that the schools connected to the internet have improved their performance in a significant way. The possibilities of a de-schooling process depend on the existence of other alternatives of access to the net than those offered by schools themselves. The opportunities to reach this are distributed in a very unequal way according to the quintiles of income. When one's own school or workplace are the most common points of connection, the net becomes incorporated within the institutional limits and orientations of the respective organizations. It becomes a useful instrument for certain procedures that, carried out in an electronic way, save time. But it has not reached the necessary autonomy as to be constituted in an alternative channel to school organization.

The only connection of massive and popular use in Chile is the cell phone, but until the moment, it has not been able to be integrated in the educational environment. It is evident that this form of connection has contributed to the de-institutionalization of society, since their institutions,

specially juridical, are surpassed by this level of communications. Rob-
beries and assaults are usually planned from jails through cell phones and
they are very effective. In 2006, there were also massive student demonstra-
tions against the inequity of the school system, all of them carried out with-
out formal announcements, but only coordinated by means of the cell
phone. But in spite of the force reached by the mobilization which even
brought the Secretary of Education to resign, and if we had had a parlia-
mentary régime it probably would have meant a change in the majority,
when the moment came to make specific proposals to the authorities, the
students' movement was diluted into banalities, completely disproportion-
ate to the force reached. The cell phone had proved very useful to coordi-
nate actions, but quite useless to exchange ideas and proposals.

The tendency towards de-institutionalization is manifested very clearly
in our surveys about prestige of and confidence in public institutions. As a
consistent result for many years, they show that the institutions worse eval-
uated are the political parties and the three powers of the State (judicial,
legislative, government, in this upward order). The Churches and the police
are in the middle of the scale's range, the best evaluated are the means of
mass communication. Social reality begins to be coordinated by the latter
in a more effective way than the institutions have done. The media have
even generated a certain anxiety among people looking to be permanently
informed and in real time. But it is not clear with what purpose, finally, at
the end wasting this opportunity in entertainment and shows. The imita-
tion and the follow up of advertising models seems today to be more effec-
tive than the internalization of institutional norms. Perhaps, in this context,
it can be said that the media have assumed an educational role, concurrent
with the traditional means of socialization.

However, on the other hand, the educational system doesn't make much
in the formation of people either. Increasingly, the educational system con-
centrates more on the formal accreditation of skills and abilities than on
the formation of the people and on the development of their vocation. Such
an accreditation follows international parameters standardized independ-
ently of the specific circumstances of the people. The Bologna agreement,
for example, regarding university education, will end up also standardizing
Chilean and many Latin American universities, if they want to remain in
the circuit of international communication of science and to aspire to the
recognition of their academic degrees. So, while on the one hand the ten-
dency to de-institutionalization which brings about virtual communica-
tions can be clearly seen, on the other, the institutional controls have

become strongly standardized, affecting personal creativity and cultural formation. This phenomenon is particularly evident in the application of standardized tests in the educational system. As it was already indicated, these tests don't measure the student's actual learning, but they only establish a ranking among them, among schools, between regions and countries, supposing that they will stimulate students to improve their achievement getting some points up in the ranking, but without knowing concretely what it means to go up one or more places in the scale.

In this context, it is impossible not to mention the letter from the Pope to the diocese of Rome on education, in which he recognizes the existence of a true 'educational emergency'. One of the most visible signs in my country and in many others of Latin America is the divorce between education in the family and education at school. It seems that parents have neglected the traditional culture and value transmission within the family and, in case they are believers, of the own faith, practically abandoning children to the schools so schools do with children what families have given up to do. On the other hand, schools are not able to incorporate the family in their educational task, considering the level of formalization of their accreditations which is very far for parents to reach. From both sides it is perceived that co-participation in a shared educational objective is further and further away.

What gets the attention in our surveys is that the object most highly demanded by parents to the schools is discipline, while at the same time at home they show themselves consenting and liberal in front of the children's behavior. Due to the decrease in the number of children, the improvement of the standard of life and the overprotection of parents, childhood and adolescence have been prolonged vastly in comparison with previous generations, since children are more immature from a psychological point of view and with a very low tolerance to frustration. Nevertheless, the biggest difficulty is a certain loss of the sense of reality, that children try to compensate with a growing dependence on the virtual world. Reading some blogs of our students constitutes a devastating experience due to the solitude and the abandonment in which they are.

The balance between solidarity and subsidiarity cannot be achieved only with institutional measures if before it has not rooted in our culture. As Hittinger recalls (p. 88), John Paul II thought that 'persons-groups' of civil society constitute properly the 'subjectivity of society'. It is this subjectivity which is wounded and disarticulated in the context of a society increasingly coordinated and governed by the expectations created by media. Without a culture of solidarity and of subsidiarity based on the

experience of people caring for life and, ultimately, caring for Being in itself, as Heidegger points out, such principles lose their real effectiveness and become only unreachable ideals, as Nietzsche diagnosed prophetically: 'We see that we don't reach the sphere in that we have located our values, with which the other sphere, in which we live, in any way has won in value: on the contrary, we are tired, because we have lost the main impulse'.

COMMENTS TO MARGARET S. ARCHER, 'EDUCATION, SUBSIDIARITY AND SOLIDARITY' AND PEDRO MORANDÉ, 'SUBSIDIARITY IN CHILEAN EDUCATION'

JUAN J. LLACH

It has been for me an intellectual pleasure to read the contributions of Margaret S. Archer and Pedro Morandé to this Plenary Session. Both authors have a well established academic authority in the field of education. Let me just quote the excellent book written by Margaret S. Archer on the social origins of the educational systems.[1] Their papers not only have rich historical descriptions of the educational systems in the developed countries and in Chile, but also pose sharp questions and dilemmas as regards the real possibilities of a joint effectiveness of solidarity and subsidiarity in the everyday life of schools, colleges, institutes and universities.

Because of the demands of people, families, the civil society, the State and the markets, we are now facing the unprecedented challenge of *education for all*.[2] The aspiration is to have all youngsters with a secondary education diploma, and at least half of them with a tertiary education degree. That is not impossible. Just to give one example, in not much more than a decade, *all* Korean youngsters will have completed tertiary level education. However, formidable obstacles to fulfill these demands appear. The main one is, from my point of view, that of equity. It seems clear that a trade-off exists, so to speak, between 'quantity' of education – as measured by years completed and enrollment – and its 'quality'. Maximizing the first one very frequently leads to a sacrifice in quality, as can

---

[1] Margaret S. Archer (1979). *Social Origins of Educational Systems*, London and Beverly Hills: Sage Publications.

[2] Made it official in the UNESCO's lemma.

be seen particularly in the poorest zones and in the peripheries of the relevant centers of each country. What happens is that when the poor manage to have access to the right to education, they can only get second or third brands of it. A second obstacle could be arising from the very organization of the educational process, whose basic technology, i.e., a classroom with teachers and students, a blackboard, chalks, copybooks and pens, has remained the same for centuries. Even taking into account the changes recently introduced by IT, the educational aptitude of the old educational technology is under serious scrutiny.

Morandé rightly emphasizes that the biggest problem continues to be present at the level of solidarity and equity ('justness') of the system (p. 8). Some acute questions immediately arise. First, confronting the enormous solidarity challenge of giving education for all, will it be possible to fulfill this goal without giving a relevant place to subsidiarity? In other words, could the States as organizations be sufficient to fulfill that goal or will it need the active help of the civil society organizations? A second, associated question arises and it is if there were a trade-off between subsidiarity and solidarity regarding the ambitious goal of education for all. For instance, many authors, particularly in the developing world, think that the only way to build a true solidary educational system is when the State is the main provider, and it is founded through a progressive tax system.

The core of my comments will be inspired by the handful of countries that have two traits in common, i.e., good educational standards and near the best wealth and income distribution. Just to give an example I present Table 1, taken from the latest OECD PISA study. To be in Scandinavia is almost a sufficient condition to belong to the group of the chosen (GC), and if you are in the Baltics or in the Far East you have good chances. Yes. Denmark, Estonia, Finland, Iceland, Latvia, Norway, Sweden, Japan, Korea and Hong Kong and Macao in China are, together with Canada, the only representative of the Americas, the countries that outperform in the two dimensions. I would like to add, by the way, that I don't share the more and more generalized 'religious' respect for educational test scores and that I agree with Archer's criticisms towards their abuse, that does not happen only in England but in many other countries too. But I consider that the tests convey relevant information and that, properly used, they could be part of the solution. Beyond the details, the very existence of the GC is important because it shows, at least, that the margin to improve educational (as well as socioeconomic) fairness is still large even in developed countries. I would say, unfortunately, that most of GC's educational systems tend

to be centralized. For instance, only one of the aforementioned countries is federal, Canada. And although I am not an expert in those educational systems, it is reasonable to guess that, perhaps, their progresses in solidarity have been obtained at the expense of subsidiarity. But this has not hindered them to be sensitive to the demands of the markets.

Regarding the two basic questions I posed supra, both authors are skeptical in their analyses of the present situation, although they have some hopes regarding the future. As it is well known, legal or real decentralization and other forms of devolution of educational institutions have progressed a lot in many countries in the last couple of decades. Both authors agree – and I too – that these decentralized forms do not imply per se subsidiarity, although they enhance it (Morandé) or, at the least, they are not an obstacle to subsidiarity (Archer).[3] However, some forms of decentralization can carry on new, unintended forms of inequality. This seems to be the case with the system implemented in Chile – and in other LATAM countries – in which the state subsidizes private schools – mostly confessional and most of them Catholic – provided that they do not charge an expensive fee. Showing the vitality of civil society as an educational agent, it happens that subsidized schools become more and more attractive than the neighbor State schools, and the best students tend to move to them leaving the public schools without positive peer effect for the remaining students. On the other hand, and this is specific to the Chilean system, since the subsidy is given proportionally to the number of students, the consequence is a more than convenient increase in the pupils to teacher ratio, with negative consequences for the quality of education.[4]

Both authors tend to coincide at the time of analyzing the failures of the educator-State. Some possible explanations are as follows. a) The low cultural capital of families of the poorest sectors who mostly attend State schools. b) The dead weight of inefficient bureaucracies. c) The very well known process of agency's capture (see Archer, p. 392), in which the weak-

---

[3] Archer points out a sort of trade-off between subsidiarity and solidarity, at least when the first one comes basically from the market demands (p. 393). 'Late Modernity, reached before the end of the twentieth century, will be briefly reviewed as a period during which the reforms of State Educational Systems operated in zero-sum fashion' (p. 394).

[4] This system is different from the USA's *charter schools* – in which the schools continue in the public sector although with private direction and management. But it is very probable that also the charters system could eventually lead to the same problem.

est sectors of society are not really represented at the time of the effective distribution of the educational good. d) A final, and perhaps the most challenging problem, could be a new sort of 'clash of civilizations'[5] between, on the one hand, the schools' culture, trying to teach and practice basically modern values and, on the other hand, the youngsters' culture, and perhaps also that of the new postmodern families. Part of this problem is vividly described by Archer when she emphasizes the 'a-functionality' of families' culture regarding the postmodern demands that the labor market poses to the new entrants. A relevant question here is whether removing both, the lack of freedom to design the curriculum and the test scores-oriented education – both emphasized by Morandé – could help to overcome this clash.

Now we can see in many countries a *de facto* privatization of the educational system, very evident in the aforementioned exodus of the best students to the richest schools. But, as the very existence of the GC group shows, we need to avoid rapid generalizations. It seems clear that the main candidate to explain these exceptions is the more equitable distribution of wealth and income that we can observe in GC societies. Morandé rightly points out that econometric studies are not conclusive at the time of explaining educational outcomes. This has been the case with the so-called 'educational production function' research program.[6] But even the new, more precise vein of experimental studies – be them random or natural – has not rendered clear explanations either (Llach, Adrogué and Gigaglia, 2008). *Nevertheless, there is a broad, almost unanimous consensus in the literature on the close association between societies' equity and average educational outcomes*.

One of the biggest surprises for people from the Americas when they learn the organization of most of the European and some Asian educational systems that have been in place up to the middle of the last century is their institutional cum social segmentation.[7] This European segmentation, almost completely absent in most of the Americas, is vividly analyzed in Archer's paper. In the case of the United States, on the other hand, the total or partial financing of the educational system out of the land tax has had a

[5] Of course, a very different clash to that stressed by Huntington between the West and the Muslim world.

[6] This failure is very well described in Glewwe (2002) and Akerloff (2002).

[7] Even in Russia and China. In this last country, primary education was not free up to very recent times.

very negative impact on educational equity. It has created vicious circles in
which the price of land continuously increases in richer neighborhoods,
thus allowing their School Districts to provide better qualified educational
services. Finally, in Africa, most of Asia and Latin America, a very unequal
distribution of wealth and income has been more or less automatically mir-
rored in educational services, with rich schools for the rich, and poor
schools for the poor. If we put all these characteristics together – i.e. social
and institutional segmentation in Europe and some Asian countries, very
unequal financing in the USA and huge social and economic inequalities in
the developing countries – we will be in a better position to understand the
reasons of the success of Canada, Scandinavia, the Baltics and a handful of
Asian countries. On the other hand, this very preliminary typology will also
help us to identify the relevant aspects of the socio-economic context of
each country – be they related to the educational system per se, to their
financing, or to the socio-economic structure – to explain the difficulties to
get a quality education for all.

Looking at the future

Looking at the future, both authors – Archer and Morandé – go
beyond the analysis of the situation and suggest some ways to get an edu-
cational system based on the four basic principles that illuminate this ses-
sion, i.e., human dignity, subsidiarity, solidarity and the pursuit of the
common good (Donati, 2008). Regarding what he considers the main
challenge, that of educational fairness, Morandé mentions the possibili-
ties of introducing quotas in the schools – i.e., some sort of affirmative
action – and a differentiated, higher subsidy to the poorer schools. Per-
haps more optimistically, Archer sees a new reality in which, overcoming
the zero-sum games she attributes to Modernity,[8] both or all parties can
become beneficiaries by pooling and sharing resources, reinforced by the
fact that knowledge can be shared without reducing its value. Based on
the typology presented by Donati (2008) to this session, she analyses what
is going on with the four dimensions of subsidiarity – relational, vertical,
lateral and horizontal – and identifies the seeds of an alternative future

---

[8] From my own perspective, Archer does not emphasize enough the role that econom-
ic development has played to make not so drastic the zero-sum games she attributes to
Modernity.

for education, including some 'de-institutionalization' and the real possi-
bility of 'de-schooling', mostly based on IT. Some examples of *relational
subsidiarity* are a new sociological perspective on *free-giving*, exemplified
by peer to peer relations through the internet in which the intrinsic value
accorded to the Other greatly surpasses the exchange value assigned to
social relations in Modernity. In the case of *vertical subsidiarity* Archer
sees a positive contribution of projects like *One Laptop per Child*, free
computer programming and Wikipedia, that are helping to reduce the
increasing costs of education and to counterbalance any intention of
monopolization of the education, from the State or from any other party.
But in order to solve the two critical issues of educational equity and edu-
cational integrity we need the two other dimensions of subsidiarity, later-
al and horizontal. In the case of the former, Archer sees important obsta-
cles, because of the crisis of the cultural capital transmitted from parent
to offspring and a huge deficit of sources of solidarity in developed soci-
eties that undermines both lateral subsidiarity and the support available
to horizontal agencies seeking to actualize subsidiary establishments for
schooling in the Third Sector and at the local level. Only the increased
engagement of young people in association with local endeavors appears
positive. Regarding *horizontal subsidiarity* Archer believes that real alter-
native schools are needed in determined locations, robust enough as to
avoid both, becoming just another private school of the privilege in the
educational market and the colonization by the State.

I would like to end my comment going back to the two questions I
posed at the beginning. First, if by confronting the enormous solidarity
challenge of giving education for all, it will be possible to fulfill it without
giving a relevant place to subsidiarity or, in other words, if the States as
organizations might be sufficient or if they will need the active help of civ-
il society organizations. Secondly, if there is a trade-off between sub-
sidiarity and solidarity regarding the ambitious goal of quality education
for all. Let me begin by saying that in spite of diverse signs of a crisis in
public education, it is important to remember the astonishing progresses
in enrollments along the last century, most of them because of a protago-
nist role of the State.[9] This is particularly true in the case of the countries

---

[9] At the end of the 19th century no country had universal primary enrollment, while at
the end of the last century that goal is common in most countries, many have between 50%
and 100% of secondary school enrollment and tertiary enrollment approaches 40%.

belonging to my group of the chosen (GC), in which a *centralized* type of State has played the most important role. This is, unfortunately, a clear evidence of some sort of trade-off between solidarity and subsidiarity, one in which the former was attained up to some extent at the expense of the latter. However, looking at the future I think it will be very difficult to replicate this model *urbi et orbi*. *What we can see in most of the countries nowadays is that the schools that perform the best, even in poor countries, are those in which the educational communities – parents, students, local authorities and groups of interest, parents' associations, teachers, and directors – have an active role*. And this happens independently of whether they are in the hands of the State, the market or the third sector. The very nature of the cultural change we are experiencing, so vividly analyzed by Archer and Morandé, will make more and more difficult to build or to re-build the overwhelming and sometimes efficient State machineries typical of the last century. Paradoxically, only if all the parties involved, the State, the market and, overall, the concrete local educational communities work together it will be possible to get the challenge of quality education for all. One of the keys that must be in place in order to allow this associated work between the State and the civil society, is a good system to finance education, with progressive taxes and a real practice of the principle of the preferential option for the poor, i.e., to give more resources to the poor schools that need them the most. Of course, the internet and some forms of 'de-schooling' allowed by IT can help, but can also lead to new forms of inequality.

The educational policies of the 21st century will have chances to make more real the four basic principles that inspire us in the session – human dignity, subsidiarity, solidarity and the common good – only if they are completely re-designed, leaving aside the old model of a centralized bureaucracy regulating everything and allowing instead the birth of a school by school educational policy that will gradually transform all of them in what we can call *public community schools*, which means the deepest way of devolution.

REFERENCES

Akerlof, George A. and Rachel E. Kranton (2002). 'Identity and Schooling: Some Lessons for the Economics of Education', *Journal of Economic Literature*, XL, 4 (1167-1201).

Donati, Pierpaolo (2008). 'Discovering the Relational Character of the Common Good', presented to the XIV Plenary Session of the Pontifical Academy of Social Sciences.

Glewwe, Paul (2002). 'Schools and Skills in Developing Countries: Education Policies and Socioeconomic Outcomes', *Journal of Economic Literature*, XL, 2, (436-482).

Llach, Juan J., C. Adrogué and M.E. Gigaglia (2008, forthcoming). 'Do longer school days have enduring educational, occupational and income effects? A natural experiment on the educational and occupational effects of lengthening school schedules'.

OECD (2007). *PISA 2006: Science competencies for tomorrow's world*.

Performance in science and the impact of socio-economic background

*Average performance of countries on the PISA science scale and the relationship
between performance and the PISA index of economic, social and cultural status*

◆ Strength of the relationship
between performance and
socio-economic background
above the OECD average impact

◇ Strength of the relationship between
performance and socio-economic
background **not statistically significantly
different from the OECD average impact**

◆ Strength of the relationship
between performance and
socio-economic background
below the OECD average impact

Note: OECD mean used in this figure is the arithmetic average of all OECD countries.
Source: OECD PISA 2006 database, Table 4.4a.
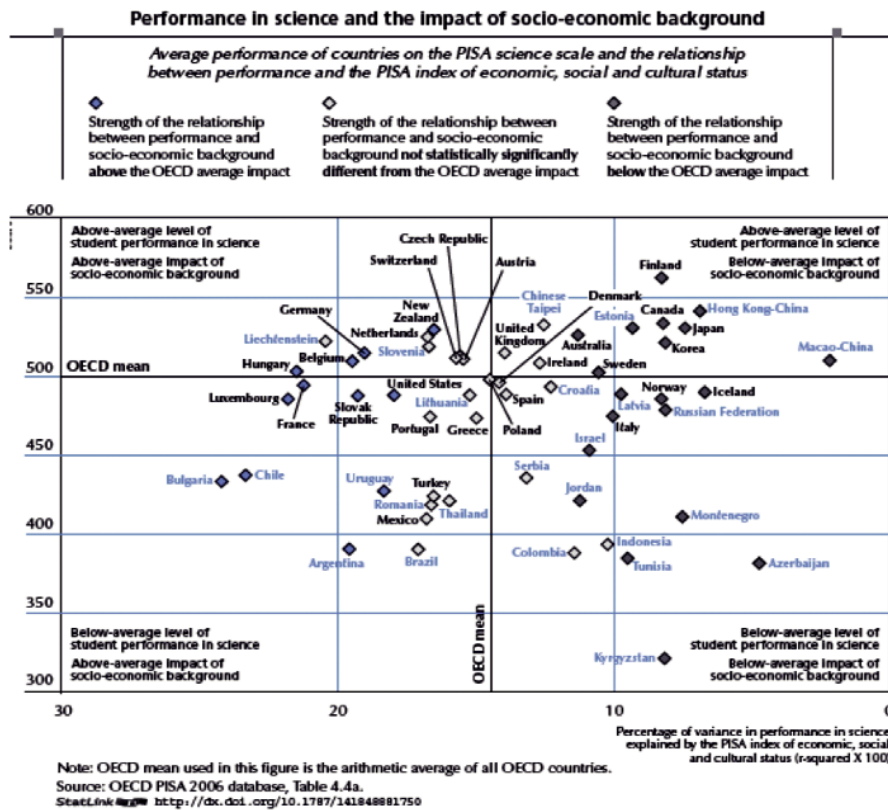StatLink http://dx.doi.org/10.1787/141848881750

TABLE1. Socio-economic inequalities and science test results. Source: OECD (2007).

A GLOBAL EDUCATION PROGRAM:
THE CASE OF NOVOS ALAGADOS
SALVADOR BAHIA, BRAZIL

ALBERTO PIATTI

1. FOREWORD

The case dealt with in this paper is a development project that took place at Salvador Bahia, Brazil, between 2001 and 2006. The 'protagonist' is AVSI,[1] an Italian NGO of Catholic inspiration linked with the Communion and Liberation movement.[2]

---

[1] *AVSI* is a not-for-profit, non-governmental Italian based organization, founded in Italy in 1972, presently active in 39 countries of the world, with some 111 development cooperation projects. At present, AVSI is operating in Africa, Latin America, Eastern Europe, the Middle East and Asia, in the areas of health and sanitation, care of children in difficult conditions, education, vocational training, upgrading of informal urban areas, agriculture, environment, promotion of small businesses, food security, ICT, and emergency relief. The mission of AVSI is to support human development in developing countries according to the Social Teaching of the Catholic Church, with special attention to education and promotion of the global dignity of every person. Since 1973, AVSI has been recognized as an NGO for international cooperation by the Italian Government; it is registered as a private and voluntary organization (PVO) with USAID (N°10013, July 22 1991); it holds General Consultative status with the UN Economic and Social Council (ECOSOC) in New York, the UN Industrial Development Organization (UNIDO) in Vienna and the UN Fund for Children (UNICEF) in New York, and is recognized on the NGOs Special List of the International Labor Organization (ILO) in Geneva. AVSI is also an approved body to deal with international adoptions in Italy and abroad. www.avsi.org

[2] *Communion and Liberation* is an ecclesial movement whose purpose is the education to Christian maturity of its adherents and collaboration in the mission of the Church in all the spheres of contemporary life. It began in Italy in 1954 when Fr Luigi Giussani established a Christian presence in Berchet high school in Milan with a group called Gioventù Studentesca (Student Youth), GS for short. The current name of the movement, Communion and Liberation (CL), appeared for the first time in 1969. It syn-

This project is defined as 'urban upgrading' in the terminology of cooperation for development and consists of the integration in the city of informal areas or 'favelas'.

It is part of a process that began in the early 1990s, when Card. Moreira Neves, The Archbishop of Salvador Bahia, struck by the inhuman living conditions of the inhabitants of the favela of Novos Alagados, requested the help of AVSI who had been collaborating with pastoral initiatives to improve and legalize the living conditions of the favela population in Belo Horizonte, Brazil.

That was the beginning of AVSI's charitable presence in Novos Alagados, with educational activities, in a favela inhabited by 15,000 people, 30% of whom lived in houses built on pile-dwellings (palafittes) along the bay shoreline. The advantage of such shanties was that nobody owned them or the area, so it was possible to occupy them. Through a series of steps, this charitable activity developed into such a sizeable project that it now affects the living conditions of 500,000 inhabitants of the Bahia favelas.

As will be highlighted below, the educational approach has proven to be essential: on the one hand, the Catholic education of the organization launching the project has determined the method, on the other hand it became evident that a process of global education activating the persons' talents was necessary in order to set up a development process in an urban area ridden with poverty, violence and human squalor.

This paper deals with: the origin and the history of the project, its description, what we learnt in terms of method and the connections with Catholic social teaching, and education as an open challenge.

2. THE ORIGIN AND THE HISTORY OF THE PROJECT

The experience of this project is part of the several international programs of 'urban upgrading'[3] and it began as a very simple charity action in

thesizes the conviction that the Christian event, lived in communion, is the foundation of the authentic liberation of man. Communion and Liberation is today present in about seventy countries throughout the world. There is no type of membership card, but only the free participation of persons. The basic instrument for the formation of adherents is weekly catechesis, called 'School of Community'.

[3] According to the *Human settlement report* (2003), favelas or slums are inhabited by: almost one billion people; about one sixth of the world population; half of the world

one of the most degraded favelas in the outskirts of Salvador. In Novos Alagados the population used to live in conditions of extreme poverty, on wooded stiles over extremely polluted water, in absolutely precarious physical, environmental, sanitary and social conditions, in one of the inner bays of Baía de Todos os Santos, that once used to be renowned for their beauty.

Cardinal Moreira Neves, in the early 1990s, urged a group of young volunteers to begin a 'charity action' with street children that were not allowed to access kindergartens. In Luigi Giussani's charismatic words, charitable works are born out of our natural 'urge to get interested in others. When there is something beautiful in us, we feel compelled to tell others. When we see others who are worse off than we are, we feel urged to help them with something that is ours... But Christ let us understand the profound reason of all this by revealing the law of life: charity. The supreme law of our being is sharing the others' being, placing ourselves in common. I can wholly explain the word "charity" when I think that the Son of God, loving us, did not send his riches revolutionising our situation, but made himself as poor as we are, he shared our nothingness'.[4]

That was the first act of solidarity embracing the total reality of those children and their families. That great experience taught the volunteers themselves that those people's needs were enormous, yet they would never be met by either new houses or new services, because what those people really need is meaningfulness. 'It is the discovery of the fact that just because we love them, it is not us who make them happy; and that not even the most perfect society, the wisest and most legally sound organisation, the biggest wealth, the strongest health, the purest beauty, the best-educated civilisation will ever make them happy. It is Another who can make them happy'.[5] These are the bases of the ensuing development of the initiative in Novos Alagados. The experience of the 'first ones' in Novos Alagados is the same that originates AVSI's present-day projects: 'This I discover through the final impotence of my love: and true culture is the experience where intelligence merges with wisdom'.[6]

---

urban population; the forecast for 2050 is that one of half the world population will live in cities. Pope Paul VI had already perceived the level of the challenge 'Is not the rise of an urban civilization [...] a true challenge to the wisdom of man, to his capacity for organization and to his farseeing imagination?' (Paul VI, *Octogesima Adveniens*, 9-10).

[4] Luigi Giussani, Il senso della caritativa, in *Tracce*, 2006 reprint of the 1961 document, p. 4.

[5] *Ibid.* p. 10.

[6] *Ivi* p. 11.

The first educational action was made possible through the love for the persons encountered; that was even before any social actions. That is, it started with a very simple welcoming, with moments of playful sharing – an opportunity to look at the persons encountered in their totality.

Thus, meeting those children and their families with this outlook, meant being there as active subjects, with a total humanity made of heart and reason. This real and full experience of 'widening of reason' also allowed us to find the adequate operating and planning means to respond to the needs as they showed up – not defined beforehand but become evident through human relationships based on the awareness that all those people had something in common: the same heart[7] and the same desire for happiness.

Since that start, AVSI has been present in the Novos Alagados community for over 15 years now, but its action – now manifold and very complex, with programs involving international agencies and financing – could not be understood if their educational method was ignored, where education means 'introduction to reality and ultimately to total reality',[8] which determined our approach to reality from the beginning.

It was indeed this vision of man as a unique being – and therefore to be viewed in his totality – that since the first presence of volunteers gave birth to the organisation and the building of a kindergarten for those children: a small room at first, then an educational structure proper. While organising the kindergarten activities, the same attentive outlook towards the person, focussing on the resources and the positive features intrinsic in any human reality, was capable to begin facing those children's problems too, that could not be answered by the kindergarten only: the family, health, housing, a school for their older brothers, the problem of jobs and income, the unhealthy conditions of the whole community, and so on.

The Christian education that gave origin to AVSI and guided our actions in these communities and in the world is based on the awareness that the experience of the encounter with Christ makes it evident that the needs and desires of human being are always infinite and therefore the material

---

[7] 'The demand for truth, love, justice, happiness: these questions constituite the heart of man, they make up the essence of reason, that is of the awareness that man has of reality as seen throughout all its factors'. Luigi Giussani, *L'io, il potere, le opere*. Marietti, 2000, p. 36.

[8] J.A. Jungmann, *Christus als Mittelpunkt religiöser Erziehung*, Herder&Co, G.M.B.H. Verlagsbuchhandlung, Freiburg, 1939, p. 5.

responses that any project may offer are limited. But when actions, structures and projects arise from a 'self' whose awareness and education recognise a link with the infinite in every human reality, even in the most degraded, then these actions or projects become 'works' and visible signs, opportunities to meet people with whom to lead a common process of sharing, not just of problems or difficulties, but also of the ultimate meaning of life.

In the above-mentioned *kindergarten*, dedicated to Pope John Paul II and built in 1993, today run by a private association that recognises its history and value, the following sentence by Luigi Giussani, in big letters, reminds us of its origin:

> *The heart of man is thirst for the infinite. This is what we educate, work and build for.*

Once the children from kindergarten entered the school system – a precarious one in those areas – they showed problems in the learning process, with phenomena of retardation and dropping-out. With the support of an Italian foundation, an *educational centre* was opened in 1999 for about 300 young people of school age, integrating an informal educational activity with *formal schooling*. Besides helping learners to catch up with the school syllabus, it provided opportunities for getting together and sports activities – a place to grow up in next to someone who can be an authoritative adult presence.

Besides, a *vocational training* centre was opened in 1999 in the field of civilian building, training 250 people every year; they then join a cooperative that has been active for several years already in the urban development program of the Bahia government, building houses for the same community where they grew up.

In 2004, beside the Kindergarten and the Educational Centre, AVSI started, with private donations, the *Family Orientation Centre (FOC),* an advisory centre, with the specific aim of looking after the most vulnerable families of the children attending the Kindergarten, the Educational Centre and the community. In particular, the FOC also carries out a project against *infant malnutrition*, financed by private donors and the Italian Ministry of Foreign Affairs, accepting 300 families a year. Indeed malnutrition, that hit 40% of the community children, shows a phenomenon of extreme family degradation, where it is necessary to act not just in favour of the children but above all attacking the families' hardships that are at the origin.

The conscience of the common destiny uniting the recipients as well as the actors of the projects is the conscience that on the one side stirs the technical ability of raising private and public funds to implement actions in

favour of these realities and on the other hand makes it very clear what ideals urge towards the involvement of public administrations, of any political orientation, in favour of the people whose needs we have chosen to share.

In 1993, AVSI obtained from the Italian Ministry of Foreign Affairs the funds to implement a *pilot project of integrated urban development*, both replacing pile dwellings with safe houses and investing human and financial resources in educational works and personal services. This meant experimenting a new method of work, based on a vision of Man and of development that 'compelled' to integrate physical actions (streets, houses, sewers, etc.) with social actions, thus providing, as we have seen, a companionship that went beyond the services offered and the material goods.

The pilot action in Novos Alagados, in an area with 15,000 inhabitants, promoting the reclamation of the bay, the replacement of pile-dwellings with new houses, improving the socio-economic indexes of the community and the participation and involvement of the recipients, aroused the interest of international financers and institutions. It was evident, above all, that unlike what had happened with the early urban upgrading projects of the 1970s and 80s, the local population itself has never again allowed the construction of new stile-houses or new favelas.

In view of this outcome, the State of Bahia decided in 1999 to extend the method experimented in Novos Alagados to the whole surrounding area (40,000 families and 135,000 inhabitants), thus launching what was called the Ribeira Azul Program. It involved a complex local and international partnership: the local and international civil society (local organizations, AVSI, etc.), the Local Government, the institutional international community (the Italian Ministry of Foreign Affairs, the World Bank, the Cities Alliance[9]).

With the PATS, Technical and Social Assistance Program to the Ribeira Azul, AVSI were entrusted the task to join the Local Government in the 'control room' of the program, for the planning and for the 'socio-econom-

---

[9] The Cities Alliance (www.citiesalliance.org) is a global coalition of cities and their development partners committed to scaling up successful approaches to poverty reduction; the Alliance brings cities together in a direct dialogue with bilateral and multilateral agencies and financial institutions; Alliance members promote the developmental role of local governments and help cities of all sizes obtain more coherent international support; by promoting the positive impacts of urbanisation, the Alliance helps local authorities plan and prepare for future growth; the Alliance helps cities develop sustainable financing strategies, and attract long-term capital investments for infrastructure and other services.

ical development' component. The control room, worth about 4 ml USD, coordinates an action, worth about 70 ml USD for infrastructures (houses, streets, waters...) and services (education, health, employment...), to make the territory fit to improve living conditions for its 135,000 inhabitants.

The PATS project, carried out between 2001 and 2006, saw a further scale-up as its outcome: the extension of this method to 8 urban areas of the city of Salvador and to other cities of the state of Bahia.

By using the experiences of Novos Alagados and of the Ribeira Azul program as a workshop, the State of Bahia decided in fact to further widen the urban upgrading action, reproducing the same method of integrated development and launching the Dias Melhores Program. For the first time among the international programs of urban development, it establishes that 25% of the resources be allocated for actions of social development and support of the civilian society. The same partners were involved by the State of Bahia in the new enterprise: the Italian Ministry of Foreign Affairs has donated 6 million euros so that AVSI might still offer technical assistance and guarantee continuity in the methodological experience; the World Bank and the Cities Alliance as international partners specialising the urban sector. The program, currently under way, reports in its documents the points of method (summarised below) that characterise this experience, the same points that oriented the first charitable actions right from the start.

Therefore these have been very big challenges, not only and not so much from a technical point of view, because they obviously implied a remarkable growth of the local branch of AVSI in the last few years; above all they have been challenges that demanded an in-depth analysis of a method that could no longer be valid only for the educational 'works' of Christian inspiration run by AVSI on private funds, but was to be tested within a governmental program with international funding, without losing its efficacy and originality, that is the way of looking at persons that had urged the first volunteers ten years before.

The ensuing effort was to translate into technical and operational terms the teachings of the Catholic social teaching, which proposes a method of development moving from the person, the family, the intermediary bodies and subsidiarity.

All the actions taken within this project, from kindergartens to home assistance, from the care of malnourished children to partnership with international donors, from meetings with Bahia government officers to house-building, everything followed the same method – an essentially

educational method – because each action was driven by the same ideal: the centrality and sacredness of human life, the human, spiritual and social growth of the subjects, all beginning with a relationship, an encounter.

The origin and originality of the Novos Alagados experience derive, then, from a Christian education and clear ideals which turned into a working hypothesis, from which practical instruments came up which generated concrete actions that have become an experience that can be described, diffused and evaluated.

3. Description of the Project

Here is an outline of the steps of the project.

3.1. *Fact-Finding Phase*

The Novos Alagados experience has highlighted how even the most destitute communities hide capabilities and human resources in themselves that are the communities assets.[10] Placing the dignity of human persons at the centre of the action means recognising that their value cannot be reduced to their poor social conditions, and valuing what they have built.

_____

[10] Caroline Moser, former anthropologist/social policy specialist of the World Bank, in 'The asset vulnerability framework: Reassessing urban poverty reduction strategies' (1998) proposed a new approach on the urban poor: Identifying what the poor have, rather than what they do not have, focusing on their *assets*. She categorized the assets of the urban poor in terms of an 'asset vulnerability framework', including both tangible assets, such as labour and human capital, less familiar productive assets, such as housing, as well as intangible assets, such as household relations and social capital. Referring to an urban study, it shows that the poor are managers of complex asset portfolios, and illustrates how asset management affects household poverty and vulnerability. Translated into operational practice this framework facilitates interventions promoting opportunities, as well as removing obstacles, to ensure the urban poor use their assets productively.

[11] Getting to know a community cannot be done without a socio-economic study that investigates all the aspects of its patrimony. In specific actions, the fact-finding phase analyses, by means of home-by-home interviews of the inhabitants, the condition of the house, of jobs and income, of health, of education, of the services that are present and used and of the forms of community participation. Such investigation allows actions that respond to the needs emerging from the portrait, needs that are thus 'read from the inside', thus avoiding the risk of basing one's actions on abstractions, arbitrary

The first phase of the intervention was then a fact-finding phase,[11] carried out through census and sample surveys, by contacting families and the existing local organisations, and mapping the results on a geo-processing system.[12]

This fact-finding work involved the local community, the existing community-based organisations (CBOs), thus allowing us to establish a true relationship with the realities we were preparing to intervene on. During the Novos Alagados pilot project, this phase gave rise to reactions of mistrust from the local community. In the case of Ribeira Azul, since the previous pilot project of Novos Alagados had yielded tangible results, it was more favourably accepted by local communities.

readings or sociological interpretations coming from the outside, through a specific tool, the portrait itself, that reduces interpretations to a minimum in order to let reality 'speak out' as much as possible.

In the case of a poverty-reduction program on a metropolitan level, the fact-finding phase requires an investigation with a large-scale reading grid. In fact, the polygon area of Ribeira Azul includes communities that cannot be considered homogeneous because they host different populations, with different histories, with different links and ties between one another and with the formal city. So, by aiming at a systemic view of the whole, one can only conclude that investigating the several communities making up the Ribeira Azul area separately would not be enough, because 'the whole is always greater than the sum of its parts' (Von Bertalanffy's General System Theory).

[12] The following analyses were carried out:
– A socio-economic investigation of the areas that will receive physical actions: individual interviews, home by home, investigating the aspects of patrimony (health, housing, job/income, family, forms of free aggregation).
– A sample socio-economic study of the communities that will receive a social action.
– A study of the associative and aggregative forms typical of civil society, of public and private intermediate bodies, operating in the Ribeira Azul area.
– A study on the social vulnerability of the area (drugs, violence, early maternity, infant malnutrition, etc.).
– An investigation on the state of the environment in the Ribeira Azul area.
– A study of the Public Programs and Policies concerning the intervention area of the Ribeira Azul Program.
– A study of the programs and services actually used by residents in the Ribeira Azul area.
– An anthropologic investigation of the Ribeira Azul area: history of the communities, population dynamics, migration, origin and relationships of the communities between one another and with the formal city, aggregative tendency of community groups.

Here are the three most relevant points that determined the intervention plan:

– The picture revealed some aspects of severe degradation of the environment and of the homes:
  • 59% of the active population had a monthly income of less than half the minimum salary (about one US dollar per day)
  • 31% of the houses had no bathroom and 64% had an incomplete one
  • 21% of the school-age population had dropped out of school and 71% were behind the expected level.
– A sort of 'family effect' was detected: for example the presence in the family of adults who had completed the compulsory education was correlated with a lower drop-out rate in the children and a better level of maintenance of the house;
– It was clear that there was a wealth of social aggregations, that we will call 'intermediate bodies', although fragile and informal; about 70 of them actively and systematically participated in the whole development of the project, showing their sincere interest for the common good.

3.2. *Planning Phase*

This portrait, analysed with the local community, led to the intervention priorities as regards both the infrastructures and the socio-educational component.

– *Urban upgrading*: new houses were built, replacing those on stiles, and the ones on dry land were upgraded; the water and sewerage systems were prioritised in view of health and environment considerations
– *Economic and social development*: focus on investments in favour of the family, education and jobs.

Intervention strategies were also defined:

– CBOs participation and empowerment
– Institutional building.

3.3. *Plan Implementation Phase*

3.3.1. *Involvement and Reinforcement of Intermediate Bodies*

The Novos Alagados experience and the fact-finding phase highlighted how the local people had freely given rise to initiatives – especially in the educational sector – to meet the requirements of everyday life: kinder-

gartens, places for informal or after-school education, meeting places (above all for adolescents, the group that was most at risk), welcoming houses for abandonment cases, places for the support of teenage and/or unwed mothers, home-providing associations, etc.

The project bet everything and totally relied on these intermediate bodies, that were already active with their services to the person, for the following reasons:

– as they are already operating within the local reality, they know the people's real needs and have already outlined a possible response
– they are a real and traceable presence within the community, and can mobilise resources and persons
– they are motivated towards the common good: the interest that started them originally and makes them survive (often in extremely marginal conditions) is the interest to provide the community with real services, towards the common good
– they are a factor in the plan sustainability.

The reinforcement of the intermediate bodies was implemented through:

1. *their participation* in the process of planning and implementation of the project actions
2. *training and technical assistance,* from making their existence legally recognised to the improvement of their organisations
3. *financing of the projects* they proposed.

3.3.2. *Strengthening of the Institutions*

A major added value of the PATS was the setting up of a mixed team of technicians from AVSI and from the State of Bahia for the management, systematisation and planning that developed a global plan for the intervention and, above all, the co-responsibility for the whole project. Within this collaboration the Bahia Government mainly operated in the management of city planning and housing actions, with the technical assistance of AVSI. At the same time AVSI planned the social actions necessary to guarantee that the physical intervention be integrated into the lives of the communities and of the intermediate bodies – always following the World Bank's administration rules. Field offices were set up in order to achieve a presence that could provide a direct link with the inhabitants and the local associations, directly involved in all the actions of the project.

This brought about three important results:

1. it disseminated, to the public technical staff, a way to approaching situations of human deprivation based on an outlook towards the whole person
2. it brought the presence of public institutions into the community, whereas institutions and local communities have always been conflicting in the poorer urban areas
3. it led to the formulation of the above-mentioned large-scale program for the upgrading of 8 areas in the city of Salvador and in other cities of the State of Bahia, allotting 25% of the funds to socio-educational actions, i.e. to human development.

3.3.3. *Economic and Social Development*

The above strategy for the development of intermediate bodies was decisive in the interventions for economic and social development. The actions that were carried out followed the logic that intermediate bodies are actors in the processes of economic and social development.

1. *Participation*: first of all, the 70 personal-service intermediate bodies or CBOs became effective stakeholders in the project, the main community interlocutors, protagonists from the planning to the implementation of the actions, in an intense process of meetings and visits (ownership).
2. *Technical training and assistance*: The training offered by the project, besides the course itself, guaranteed individual guidance for over a year, daily followed by AVSI technicians in a personal relationship with each association, about topics related with aspects of administration and management, fund raising and project planning, methodological and educational training, formalisation process and help to obtain public documents and legal recognition, educational training for kindergarten teachers, training in cooperativism and assistance to cooperatives, etc.
3. *Financing of projects launched and run by local associations, with AVSI's technical assistance*. This action offered a development and curriculum opportunity to local CBOs by favouring their growth and consolidation processes. The selection of processes went through internal competitive evaluations among several local associations in order to implement actions in the educational sector, for job and income creation, for health, family support, beside sports and cultural activities of great interest for the community. This approach has yielded interesting results also in economic terms and as regards sustainability in the future (all the PATS-

financed activities have been going on after the end of the project, exactly because the intermediate bodies are subjects with an ideal motivation that guarantees sustainability). AVSI's technical assistance secured the financers' willingness to collaborate with CBOs. The dialogue, more and more open and constructive, greatly contributed to the positive evaluations, in terms of community participation, given by the same associations and reported in the PATS evaluation documents (see paragraph on Evaluation below). In order to operate along these lines it was necessary to create new types of contracts and rules accepted by the World Bank and by the Local Government, that recognised and supported those new experiences in favour of the CBOs who thus became full-fledged partners to the program. The projects also gave them the opportunity to extend, restore or build their structures. AVSI kept the direct management of some socio-educational projects as concrete examples providing know-how to other CBOs.

A few figures about the results of directly-managed actions for social development:

– 73 CBOs were strengthened;
– 13 community structures were built or restructured/extended;
– 1,339 social workers were qualified;
– 78 social projects were completed in the fields of education, family, health, jobs and income, environment education;
– 7 job cooperatives were established or launched in the sectors: textiles, fishing, food-processing and building;
– 306 people were trained in vocational courses;
– 240 community persons worked as contracted builders;
– 79 kindergarten teachers were trained through a course of infant education involving both theory and practice;
– 562 young people took part in sports, cultural and/or recreational events.

3.3.4. *Urban Upgrading and Land and Property Titling*

As regards the priority accorded to interventions on houses and infrastructures, the PATS aimed at accelerating the process and at turning it into a job opportunity for local communities. In fact it made it possible for local businesses and cooperatives to participate in calls for tenders to public authorities, although they lacked the official qualifications to compete (curriculum, official recognition, etc.); this was achieved through a training-on-the-job process, that is with technical assistance provided by a specially qualified team.

In this way, the following main results were obtained:
– 1268 pile-dwellings were removed
– 984 families moved into new houses
– 373 embryo houses were built (191 financed by PATS)
– 221 houses were upgraded (101 financed by PATS)
– 52,643 sq. mts. of mangrove area were rebuilt or preserved
– 17 Kms of street were asphalted;
– Access roads and access to basic services: water, sewerage, electricity, street cleaning and rubbish collection, etc.

ACCESS TO COMMUNITY SERVICES IN NOVOS ALAGADOS – COMPARISON OF YEARS 2000 AND 2006

Novos Alagados – example of access to public services		
Services	2000	**2006**
Street cleaning and rubbish collection	50%	**80%**
Connection to water network	37%	**71%**
Connection to electric network	72%	**88%**
Connection to sewerage	21%	**84%**
Houses without a bathroom	**31%**	**3%**

3.4. *Project Evaluation*

The final evaluation of the project was carried out by the University of Trento, that was also in charge of the monitoring.[13] Intermediate evaluations were carried out in the course of the project following the PSIA (Poverty and Social Impact Analysis) methodology, combining quantitative (cost effectiveness) and qualitative tools, also based on a survey by the Universidade Federal da Bahia on the project's social component.[14]

---

[13] Giuseppe Folloni, Università di Trento, *PATS Final evaluation report*, Trento 2006.
[14] Judy L. Baker, The World Bank, Integrated Urban Upgrading for the Poor: The Experience of Ribeira Azul, Salvador, Brazil; *Policy Research Working Paper 3861*; available online at http://econ.worldbank.org. Other reference documents: 'Analisando os

The final evaluation of the project gave the following results:
– the relevance was high;[15]
– the efficacy in the management of the project was high, especially as regards the social component and institutional reinforcement;[16]
– the efficacy in attaining the objectives was substantially high;
– the efficiency in the use of resources was substantially high.
84% of associations and intermediate bodies judged the project and its contribution to their development as good to excellent.

Out of the 74 indicators in the implementation plan, 70 were met with positive or highly positive values, 4 were not satisfactorily met.

The project's most significant aspects, detected both in the final evaluation and in progress, were two:
– the 'extended partnership' between the actors involved, namely the CBOs, the international NGO, the local institutions, the World Bank, the Cities Alliance and the Italian Ministry of Foreign Affairs.
– the participation of the local community through CBOs.
Trento University states that the project has offered a new model of cooperation between the various actors, defined as *participant partnership*.

In traditional views, in fact, the pivot NGO-AVSI in the present case – umbalances its alliance either towards the community or towards the public institutions.

In the case of PATS, *participant partnership* has been found to be an alternative model, different from all the others described in the literature about cooperation projects, characterised by *positive alliance with both parties* – community and public local system – allowing both parties to establish a constructive relationship of positive *reciprocity*.

Impactos Sociais e na Pobreza do Desenvolvimento Urbano Integrado na Bahia, Brasil'. Task Manager: Judy Baker and Ivo Imparato – 2005, January.

'Análise de um programa de desenvolvimento urbano integrado, na perspectiva de seus beneficiários, através de uma abordagem qualitativa'. Universidade Federal da Bahia, Instituto de Saúde Coletiva, prof. Ana Cecília de Sousa Bastos (Coordenação). 2005, January.

[15] 'First, because it's an integrated slum upgrading program whose themes and critical issues are those faced by many other projects around the world. The experience gained can therefore provide input to other projects as well. Secondly, in the State of Bahia in particular, the project experience has represented a first "rank shift" from which policy lessons can be learnt when designing further, larger-scale projects such as Dias Melhores'. Folloni, p. 59.

[16] 'The results as regards social development are outstanding. High levels of beneficiary satisfaction are coupled with an evident new sense of dynamism'. Folloni, p. 59.

Finally, four challenges were identified in the final evaluation paper, that also accommodate the evaluations in progress:

– Housing models: a cultural challenge, a sector where new technologies and tradition can open up new possibilities;
– Land tenure and cost recovery: a problem of clear rules, where the cost of moving from informality to formality is at stake;
– Jobs and connection with the urban system, a crucial aspect for the sustainability of local developments;
– Extension of the partnership to other institutions that might be involved (*extended partnership*) and sustainability of the *participant partnership* model in projects on a larger scale.

As regards the social component of the program, we point out that the PSIA evaluation carried out qualitative surveys with panels and interviews to community people.

Here are a few passages from J.L. Baker's document:

Focus groups and in-depth discussions were carried out with residents in Novos Alagados II to better understand their perceptions on what has worked well with the integrated urban development approach and what has not. Feedback from beneficiaries point to many positive aspects of the Ribeira Azul Program. These include a range of perceptions from general improvements in quality of life to reductions in urban violence, health and nutritional improvements from the social programs, expanding educational and training opportunities for children and youth, positive impacts from having educators in the community, and increased opportunities in the labor market through the cooperatives. All of these elements contributed to an increased sense of dignity which residents emphasized in many of the discussions.

Among the 'negative' aspects of the Project mentioned by beneficiaries was a demand for increased opportunities through the Project, ultimately a result of the positive perceptions mentioned above (p. 4).

Most of the problems were in some way related to the implementation of works, particularly housing. This included general problems with construction, as well as with the community in their dissatisfaction in the size and other features of the housing units. Other challenges exist with inter and intra governmental relations, and resulting gaps in service delivery in the Ribeira Azul area (p. 13).

As regards the evaluation of cost effectiveness and sustainability, 'The costs of most of the physical and social interventions appear to be in line with current spending patterns for the State. Providing housing under the resettlement program, specifically for the larger houses, is somewhat costly and affects issues of affordability and cost recovery for the State'.

4. *The Lessons we Learned*

On reviewing our experience in order to draw the necessary lessons, the very principles of the Social Teaching emerged: the PATS project showed that indeed the teachings of the Church's Social Teaching can give shape and efficacy to projects of international cooperation.

However, they do not emerge as prescriptive elements but as elements of experience.[17]

4.1. *Centrality of the Person*

Persons in their fundamental relationships, family and community, are the centres of every action, their dignity and human development are the ultimate ends of any kind of intervention.[18]

What does PERSON mean, in the PATS project? The risk of cooperation programs is starting from the person as a sociological category defined by its needs. Persons defined by their needs and therefore projects aimed at meeting the needs without looking any further.

If the method is imposed by the object, and the 'object' is human being, then it is necessary to start from man's nature, from an anthropological outlook.[19]

A person living in poverty is a man who cannot exploit his talents, because he devotes all his resources to primary needs and survival. He is a man who lives in conditions that are not worthy of his being a unique and irreplaceable creature. He is a man who cannot face reality with a method, with an outlook going beyond the horizon of 'living day by day', with a sen-

---

[17] 'Elle (La doctrine sociale) n'est pas davantage prescriptive. Elle ne propose pas de solutions concrètes à la variété des situations que rencontrent les hommes dans l'organisation et le fonctionnement de la société. Elle n'est pas une synthèse des éthos existants. Elle vise à mettre en lumière les artères vitales qui irriguent toute société qui se veut digne de l'homme'. Cfr. 'The Fundamental Principles of Social Doctrine. The Issue of their Interpretation', PASS, XIV Plenary Session 2008, Roland Minnerath, p. 45.

[18] 'A people's development does not derive primarily from money, material assistance or technological means, but from the formation of consciences and the gradual maturing of ways of thinking and patterns of behaviour. Man is the principal agent of development, not money or technology'. John Paul II, *Redemptoris Missio* (n. 58-59).

[19] 'Society does not account for the totality of our factors: we are not just cogwheels in a machine or bricks of the social building. The aim of society does not account for the human being as a whole'. Luigi Giussani, *L'io, il potere, le opere*, Marietti, Milano, 2000, p. 92.

sitivity that, starting from reality, can retrieve the dimension of meaningfulness. In urban areas, in particular, poverty is also the loss of identity, of ties of belonging, and it leads to fill this vacuum with the idols alive in big cities, such as wealth and money.

Getting out of poverty obviously depends on a number of factors, both external and internal to the person.

The persons' perceptions of their needs are essential, and their reactions to these as an attempt to overcome their poverty conditions – for example, illegality, violence, vagabondage, beggary. Evidently, poverty does not allow man to reason freely and face life freely: poverty is 'everything'. Thus man loses the dimension of meaningfulness, of dignity, of ethics, of respectfulness, and identifies himself with his immediate need.

The poor, then, are *those who do not have the physical, material, human and spiritual conditions allowing them to recognise and understand their own needs and therefore to realise their deepest desires, since an access to real opportunities to develop their potentialities is missing.*

The project offered opportunities through which the persons could experience hope for themselves and discover their requirements as human beings.

By way of example, here are four witnesses:

'The FOC helped me to know myself better and to reflect on what I want from life. I applied to the FOC because I was unsure, because my relationship with my father had not been one of the best, and because I had some doubts. We focussed on the relationship with my father and my sister, and on my behaviour. A change has taken place, I even talk to my sister a little. I no longer fear to begin trusting people'. L.F.S., aged 18, Uruguay district.

'The FOCs suggestion is to improve a few things, such as the family environment, to be more objective with my children, to be more careful, to care a bit more about myself too, as we sometimes worry more about the others than about ourselves. For example, now I am less oppressive with Tamara and she has improved as a schoolgirl. They had told me that a psychologist listens to your problems and is a person you can talk to. I felt very well there. I always thought of my problems and lived in the Emergency Unit, always with diabetes and high blood pressure. Now I like life better. I used to get angry and my pressure went up, now I no longer need to rush to the Emergency Unit. I have also started dieting, and so has Tamara, and this is helping me, I sleep better. Things have improved. Large families always have problems and now I am planning not to linger on these problems any more, I want to join a group and learn embroidering. There is a problem between me and my husband, too: he knows how much I care for

my children, he is jealous and doesn't want me to go to school. Now, even if he doesn't want, I talk to my children and go to school.' M.L.P., aged 58, Novos Alagados district.

'At the FOC we mostly spoke about the relationship I have with the others and in fact a great change has taken place in my way of acting and thinking. I was able to speak about all the things that worried me and all have been seen to with great responsibility and most of my problems have been solved. The guidance is very good, everything is planned and organised, the people who work at the FOC are above all friendly, beside the rest. (...) this is like receiving a compass that will orient me along my life'. A.J., aged 15, Novos Alagados district.

'The FOC is an aid for family difficulties. It gave more self-assurance to my personality. In my case it was my daughter's school that addressed me to it, because she was very nervous about the fact that I used to beat her a lot, since I thought that her father had left me because of her. Now I have changed. I am reconciling things, loving the girl as she is and respecting her father's choice. I have learned to relate to other people (...). I still have to learn not to mind my relatives and neighbours and stop thinking that everybody is laughing at me because of what has happened, because I will meet this kind of people wherever I may go'. M.J.S., aged 27, Uruguay district.

4.1.1. *Needs*

Saying that poor persons are not in a position to recognise their own needs is certainly a risky statement because the perception of needs risks to become subjective, arbitrary or ideological. Cooperation projects or 'social' projects often fall within this limitation.[20] The risks of a superficial view of needs can be summarised as follows:

– *Unseen need*: those who are immersed in a situation of extreme poverty, and cannot compare it with other realities, tend to believe that the destitution they live in is a normal condition for themselves, do not feel the need for change and cannot recognise their needs

---

[20] 'What if what I bring is not what they really need? It is not me who knows what they need, who measures what they need, who has what they need. Laws and judiciary systems can be oppressive if they forget – or pretend to replace – the only concreteness existing: the person and the love for the person.' Luigi Giussani, *Il senso della caritativa*, *op. cit.* p. 9.

– *Partial or distorted need*: it is often the immediate need of individual persons, an unshared necessity, but immediate and personal, generally material and not complete, the fulfilment of which leads to the discovery of ever new needs, partial and limited too

– *Induced need*: it is the need 'suggested' to the community by those who plan actions to reduce poverty; they act as those who, from above and the outside, pretend to know what is good for those people and set up their intervention basing themselves on this assumption.

So, how can the responses to poverty situations be set up in development actions? The process through which the need becomes known is crucial.

The most realistic solution to this dilemma seems to be *'sharing'*, which allows a process very similar to what Edith Stein calls empathy: an understanding, 'a grasping, that is a perception of the value of the person'.

The affective proximity allows one not to reject a priori the partial need expressed by people – indeed it starts from the partial necessity expressed in order to 'read' it with a view to the totality of the human being. Any need, albeit only material or limited, always reflects a desire that goes beyond it; with proximity, it can be listened to and expanded into other directions so as to be exploited in a more edifying way at the level of individual and social growth. An external presence, both friendly and authoritative, and therefore educational, plays an essential role.[21]

4.1.2. *Access and Opportunities*

Poverty, as defined above, beside the complexity of the reading of needs, poses another fundamental question, the one of the access to real opportunities for the development of talents. A person's access to opportunities of various kinds depends on at least three factors:
1. The existence of opportunities
2. The real possibility to access them
3. The desire and individual will to access them.

---

[21] 'The first condition for comprehension – remarks Hans Urs von Balthasar – is the acceptance of the data such as they are given. The first thing we need in order to see objectively is to allow what we see to be what it is. The first thing is not to seize, through the subject's categories, some material ready for perception, but to place ourselves at the service of the object, to adore... The grandeur of reality does not leave the reason indifferent... reality acts on reason as an inescapable invitation to discover meaning.' Julián Carrón, 'L'urgenza della ragione', in *Allargare la Ragione*, V&P, 2006, p. 33.

In fact, in the poor areas of big cities, if services or development programs exist, they do not always operate in ways that are adequate to the context but they often have features that exclude the weakest layers of the population. But above all, the weakest layers of the population exclude themselves, just because they do not perceive their own needs and their own talents. A mother at the educational centre John Paul II, after being involved in educational actions for parents said: 'Well, I feel important here, I didn't think I could come to these meetings myself!'

4.2. *Starting from the Positive*

Each person, each community, however wanting, represents a wealth and presents its own patrimony. This methodological principle tends to give value and strength to what the persons have built, to their history, to the existing relationships, that is to the social texture and to the body of experiences that make up their patrimony in life. This is a fundamental action point, born of a positive approach to reality that lets persons understand their values, their dignity; at the same time it is a help towards *responsibility*.

Starting from the positive does not mean denying the problems present in a community or its vulnerability, but detecting the existing resources within the community, in order to consolidate and enhance them.

The whole process of knowledge relationship is essential in this. But what allows this interaction process? 'What allows us to become friends although we are historically determined by different traditions and cultures? It is the presence in each of us – wherever in the planet we may have been born – of the same primary experience, that Fr Giussani himself defines as 'a complex of original needs and 'evidences' which are tools for that encounter. So original are these needs or these 'evidences' that everything man does or says depends on them,[22] We can identify this structural human identity with the biblical word *heart*'.[23]

4.3. *'Doing with'*

A project imposed 'from above' is violent because it is not participated or it is ineffective because it is only charitable. The way in which AVSI pro-

---

[22] Luigi Giussani, *The religious Sense*, McGill-Queen's University Press, Montreal, p. 7.
[23] Julián Carrón, *L'urgenza della ragione*, *cit*. p. 23.

poses the project and implements it is 'doing with the persons', that is, starting from the relationship with the people addressed to by the project and building it up on the basis of the steps that come into being with them.

The involvement of the recipients in the actions is a 'conditio sine qua non' for the implementation of any project, because development is the movement of active and free subjects who responsibly work for their own individual and social growth.

In order to rediscover both personal talents and the interest for the common good, a development project is first of all an educational opportunity.

DOING WITH became concrete in the PATS in the operational actions of technical assistance to the CBOs present and to socio-educational actions, works and 'schooling' projects for the diffusion of know-how. In the presence of affective closeness, through which one grows together with the community, the actors are guided by doing with them while respecting their culture and their unique life history. This becomes evident when AVSI implements specific projects or collaborates in the management of social and educational structures: the personnel trained by AVSI shares, day after day, the life experience of the project recipients, their difficulties and their small daily achievements. It is exactly the encounter of Persons that brings about the most evident signs of change and of individual – and consequently, social – growth.

4.3.1. *Scaling Up*

Moving from the Novos Alagados pilot project to the Ribeira Azul meant facing the challenge on a larger scale. It was clearly impossible to reach all the project recipients personally, so 'doing with' became 'doing with aggregate subjects' and 'teaching how to 'do with' ' working with the same method on a different level. It became fundamental to work with intermediate bodies, turned into 'multipliers', and to entrust social change to a chain of encounters. The method that in Novos Alagados had been adopted with schoolchildren, with PATS was adopted with teachers and principals, with the heads of the social workers active in the area, with public officials.

4.4. *Development of Intermediate Bodies and Subsidiarity*

The PATS program highlighted the value of intermediate bodies within a context of poverty. The hypothesis of sparking off the process of mobili-

sation of the development resources was based on this evidence. This is a very interesting feature of relational dynamics in Brazilian favelas. During the fact-finding phase, it was perceived that if these subjects were capable to serve the common good in extremely precarious conditions, then contributing to their reinforcement could have been the spark that sets a virtuous circle into motion.

The subsidiary process and freedom have shown how they can overcome the situations with a 'diseased' balance of powers, and restore order in the relationships between persons and subjects. Poor urban areas often see distortions in the relationships between the different social levels, easily giving rise to exploitations, to political 'patronage', excess of welfarism. This happens because needy people are fragile and prone to be blackmailed. On the other hand, there are situations where 'social organisations' pretend to defend 'the poor' from the political powers' attempts to subdue them.

In the case of the favelas, many subjects fell into the temptation of dealing with those people as if they were not capable of free actions. Any relationship arising with a subject from outside the favela becomes a relationship of dependence, as non-gratuitous help, in neither direction.

This project, while re-launching the challenge of people's freedom, re-launched the capability of single persons and of aggregations to relate with what is outside the community with a faculty of free dialogue that is not ascribable to either charity or patronage.

In this project, the organisations were involved and supported exactly because of the service they were giving to the community. One representative of the consulting committee, who had opened a kindergarten and managed it, commented that the project had given dignity to their work. The president of another organisation declared that she, at last, had discovered what participation means, that is not just claiming but being a protagonist on the basis of work in favour of the community.

This value of the intermediate bodies present within the community also entails different dynamics in the relationship between the community, that discovers its riches, and the city, above all in terms of mutual access to resources and mutual recognition.

A major result achieved by PATS as regards intermediate bodies was indeed the recognition, by both financing bodies and the public administration, of the public usefulness of these subjects, thus starting the process of their accreditation with local institutions.

4.4.1. *Community Participation*

A lot of emphasis is given to community participation in development projects.

There are several distorting interpretations given to the participation process.

The concept of 'community participation' is frequently identified with 'non intrusion', by the partner and the financing bodies, into the community choices, so that a project tends to be considered participative when it is the community that proposes actions, carries them out, manages them and, at the same time, controls them.

At other times participation was given the value of claiming, emancipation, apparently with liberation as its end but in reality chaining the persons to the social category they should have emancipated from. This is how many attempts at liberation have become ideological degeneration, losing sight the very value of human dignity and man's relation with the infinite.

The form of community participation proposed by the PATS is active, aware and responsible participation.

To participate means 'being players in the game' in a reciprocity relationship, each with their own capabilities and possibilities, while respecting each person's freedom of action, in order to solve problem that are not only individual but tied to the 'common good', involving other actors, sharing responsibilities, respecting different roles.

It is a form of participation that does not turn into a conflict for the management of 'power' but represents a true, open and transparent dialogue that opens up the limited vision of each of the subjects involved and, at the same time, respects the different roles and abilities of each stakeholder in the process.

Participation for AVSI is a process, a form of sharing, involving all the subjects in different forms. The community is involved and has the fundamental role of orienting the actions, of being at the same time the subject and actor of the planned actions, of helping the partners in the detection of needs, of joining meetings and debates, both with the financers and the people in charge of the programs (consulting committee) and with the other actors within the development process, and, besides, of representing the inhabitants of the area affected by the program and of negotiating the benefits requested from the program. In order to do that, however, the community must be conscious of the limitations deriving from being *just one* of the subjects involved, so that, as the financing body cannot venture to 'read' the

reality without listening to the community, likewise the community, however conscious, only knows one side of the reality, often suffocated by the urgency of daily needs. Reality is generally much more complex.

The whole process can be enacted only through a relationship, a proximity.

By way of example, here are two witnesses, representatives of local CBOs:

'Because at first we thought, many of us thought, that participation means simply making demands, and no more, but now we understand that participation means much more. It is not only claiming things and making demands, but it means being part of a process, and this is not so easy to do, I would say that it is another great challenge. But now that we are all involved in this challenge, as actors, we are more motivated because we know we can achieve positive results and I believe that we will manage to achieve those results'. (…) 'And the participation that we have experienced, has been of a different kind. The idea is that we really feel part of this process, as if it was one of our children'. Interview with Maria Lourdes do Nacimiento (Lourdinha), President of a local CBO.

'As a community, we are capable of organising projects. Over and above the specific project our organisation has been directly involved in, we have followed all the PATS process, within the community, right up to today. It is a process of discussion with technical experts, with the community, making strategic choices for housing, the environment, health and other topics of fundamental importance for the community. We have all undergone a major process of maturing, working on this project. When I say "we", I mean the community, all the bodies and the people in an organised community, because we have been able to and we are still able to share all our suggestions and anxieties, all the baggage we carry with us, in a discussion with the community to which we can bring all our problems because we know alternative solutions can be found'. Interview with Raimundo Nacimiento, Representative of CAMA.

4.5. *Partnership*

In development programs it is fundamental to set up alliances finalised towards the common objective: a *partnership* between subjects to set synergies and large amounts of resources into motion. The role of AVSI was exactly the one of aggregating and involving local administrations, social forces, international institutions, according to their respective roles, to meet the needs confronting them, for the common good.

The Ribeira Azul action, aiming at coordinating the subjects involved, operated with partnerships at different levels, where each actor contributed to the program objectives in different roles and with different specific traits:

– International institutions (World Bank, Italian Ministry of Foreign Affairs, ...) whose role was to have technical-managerial know-how and financial resources converge
– Public local institutions (State, Municipality, ...) whose role was to govern the resources converging on the territory and to invest on the action themselves
– Private businesses, providing technical know-how and work
– NGO and third sector, whose role was a link between the community and the other subjects, by activating financers, competencies and human resources
– CBOs, orienting the program actions.

The program had the peculiarity to have a large wealth of resources converge on the territory, through the partnership network, thus opening up the area towards the world and the world towards the area.

5. THE CHALLENGE OF EDUCATION

In order to give an idea of the value of education in this program, let us hear the words of a young protagonist, José Eduardo Ferreira Santos, who experienced the program from the beginning to this day in his own life. José Eduardo is the son of a family who lived in a pile-dwelling until ten years ago. After getting a degree in Education and a Ph.D. in development psychology, he has worked as a professional with the socio-educational component of the program. He is the person who can best of all witness to the value of a creative presence that changes life.

After being involved as a teenager in the beginning of the program in the early 1990s, and finding a way to hope, José Eduardo took care of the complicated lives of many young people of his community – lives reported in his book *Travessias – a adolescencia em Novos Alagados*.[24]

Going back to his teenage years, he remembers that the coming of social and educational initiatives allowed the teenagers in the area to expe-

---

[24] José Eduardo Ferreira Santos, *Travessias – a adolescência em Novos Alagados*, Bauru SP, Edusc, 2005.

rience something new and different and to get to know the outside world. Urbanization brought about job opportunities, the social mobility induced by the social actions created ties between persons and families.

The advent of informal educational actions brought the presence of adults who began to become a reference point for the teenagers, a reference point they had lost. And these actions began to favour schooling strongly, so much that some groups of young people went to University. This chance changed the lives of many teenagers whose prevalent experience had been violence. Ferreira Santos emphasises how, in front of two possibilities open to them – sport, culture and education on one side and drugs and theft on the other – some of them followed hope, others chose marginality.

As a person recognising himself among those who followed hope, Eduardo describes this alternative through four stories of boys he had coached as an educator when they were 14 or 15, overseeing their road in life until the age of 24-26, and highlighting the traces of the educational orientation they had received as teenagers. Eduardo remarks that one common trait in all the boys interviewed is the presence of the death of boys of their age – showing how powerful violence is in the life of this community.
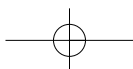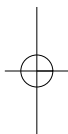
Perhaps the most moving story is the one where the protagonist lived his teenage years on the borderline between a regular life and crime; there, as the same protagonist used to say, what was decisive was the relationship with an adult of the educational centre he attended, the proposal of a life oriented towards the beauty of music and sports. Around 18, at the end of his school years, the boy followed the dream of a regular job and got some work as a labourer or helper. Around 24, still leading a life that strove to get out of marginality, albeit with some falls, after aiding his brother-in-law stabbed by an aggressor, he was hit as well and died. His mother, with whom he had had a conflicting relationship, but still with love and respect anyhow, commented that her son's wish to get out of marginality had come true, in a way: the newspaper headline was: 'young electrician killed', recognising him as a worker killed by violence.

Other stories like this tell of persons whose life changed through an encounter with adults whose proposal responded to human desire.

The human being, before a proposal of beauty and good, is fascinated by it even when it is immersed in the experience of violence, marginalisation, precariousness. The challenge is to enable him or her to make a choice. This is the educational significance of a project.
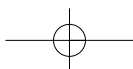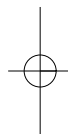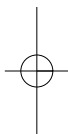
The PATS was this, after all: the opportunity so that people could experience a way out, an alternative, hope.

Third Session

ECONOMY AND CIVIL SOCIETY

RECIPROCITY, CIVIL ECONOMY, COMMON GOOD

STEFANO ZAMAGNI

1. AN INTRODUCTORY JUSTIFICATION

This essay has a triple aim. First, to refresh a traditional Italian line of economic thought, which was rooted in the civic humanism of the thirteenth century and continued, with ups and downs, through the golden age of Italian Enlightenment philosophy in both its Milanese and Neapolitan variants. Second, to explain why it is not a good thing that interpersonal relations continue to be precluded from mainstream economics and why the discipline would do well to adopt a new scientific paradigm, the relational one. It is truly paradoxical that a field of study like economics, which from the very dawn of the discipline has been concerned essentially with the study of relations between men living in society (just think of such aspects as the production of goods and services, consumption choices, market exchanges, institutional arrangements, and so forth) has apparently never – save for the temporary detour into civil economy recounted in section 2 – felt the need to reckon with relationality. The economist's agenda certainly does include the study of relations between man and nature, but it could never be held that this is the key to economic studies – not, that is, unless we want to reduce economics to a sort of social engineering, to remove it from the sphere of the 'moral sciences'. Finally, I will indicate how the principle of reciprocity allows and favours the passage from the traditional welfare state to the civil welfare model.

To avoid misunderstandings, one specification is in order from the outset. We must distinguish between social interaction and interpersonal relations. Whereas in the case of the latter the personal identities of the persons involved is a constituent of the relation itself, social interactions – think of the vast literature on social capital, for instance – can perfectly well be anonymous, impersonal. An example drawn from the work of Robert Put-

nam illustrates this difference: an increase in the number of members of social organizations will not necessarily be accompanied by greater, more intense participation in the activity and the decision-making of those organizations. The statistician will note that the stock of social capital has increased, but it certainly cannot be maintained that quality of interpersonal relations has improved. The point is important, well worth underscoring. That man is a social animal is a proposition that no one has ever questioned. But the sociability of human nature, defined as a positive attitude towards other human beings, is something quite different. As section 2 will show, social interaction does not necessarily postulate or generate sociability, so if the only focus of study is market mechanisms there is no need to assume that agents have socially oriented motivations. To explain *how* the market works, it is sufficient to postulate a single attitude on the part of economic agents, namely the 'human propensity to truck, barter and exchange things' as Adam Smith wrote. And this, with rare exceptions, has been the course of economic science for over two centuries. Our familiar theories of contracts, of industrial organization, of prices, and more, have no need to bother with the category of person: an informed, rational individual is sufficient.

Today, however, we have come to the point where even the most 'abstract' of economists cannot but admit that if we want to attack the almost totally new problems of our society – such as the endemic aggravation of inequality, the scandal of human hunger, the emergence of new social pathologies, the rise of clashes of identity in addition to the traditional clash of interests, the paradoxes of happiness, unsustainable development, and so on – research simply can no longer confine itself to a sort of anthropological limbo. One must take a position on the matter. If it is true that every theory is a view of reality, then one cannot produce economic theory, properly speaking, without selecting a standpoint from which to scrutinize reality. Otherwise, economics will continue to spread, to enrich its technical and analytical apparatus, but if it does not escape self-referentiality it will be less and less capable of actually grasping reality, and thus of serving some purpose. There is no denying that this is the true risk that our discipline runs today. For fear of publicly endorsing a precise anthropological option, a good many economists have taken shelter in analysis, dedicating ever greater intellectual resources to the deployment of more and more sophisticated logical-mathematical instruments. But there can never be a trade-off between the formal rigor of economic discourse – which is essential, of course – and its ability to explain, to interpret economic events. We must never forget that the production of economic knowledge, while it helps to

shape or modify the cognitive maps of economic actors, also acts on their propensities and their motivations – or, as Alfred Marshall preferred to say at the end of the nineteenth century, their character.

2. The Tradition of Civil Economy Thought

2.1. Civil humanism was a highly particular, and brief, period in Italian history, but one that still exerts its fascination today. It remains a decisive cultural point of reference, because it was the product of a felicitous alchemy between the values of classical and Christian antiquity and the new political, cultural and economic demands that burst onto the Western scene. Today we know that it is not possible to understand the genesis of civic economy, or of political economy in general, without coming to grips with Italian civic humanism and its urban civilization. So to start again, ideally, in reconstructing the humanistic tradition of civic economy means relating contemporary economics with nearly a thousand years of history. It means showing that thought about things economic is not some mushroom that sprouted overnight in modern times but a new bloom on a secular tree that can still flower again (Bruni and Zamagni, 2007).

The 'golden age' of civil humanism was unquestionably the first half of the fifteenth century, and its locus was Tuscany. Its main representatives were Bernardino da Siena, Coluccio Salutati, Poggio Bracciolini, Leonardo Bruni, Léon Battista Alberti, Matteo Palmieri, and Antonino of Florence. This was also an age when Florence experienced an extraordinary confluence of artistic genius, embracing such figures as Brunelleschi, Masaccio, Donatello, Botticelli, Della Robbia, and Fra Angelico.

Typically, two basic elements are associated with Humanism: the rediscovery of classical (Greek and Roman) culture and the necessity, for a fully human life, of civil life. The second of these elements, therefore, typifies civil humanism, which does not coincide with the entire period of Humanism, which deserves the adjective 'civil' only for an initial moment, before the end of the fifteenth century when the individualistic, Platonic, contemplative, solitary and magical aspect got the upper hand (with such thinkers as Pico della Mirandola or Ficino) and, de facto, brought early civil humanism to an end in favour of the notion of the individual, a subject 'separate' from other individuals and all the more so from the community. The two souls of humanism (the civil-Aristotelian and the individualistic-Platonic) would generate different traditions in modern social science: the individualist

school that issued forth in hedonism and the sensualism of the eighteenth century (taken up again by neoclassical economics at the end of the nineteenth) and the school of civil economy represented principally in the eighteenth century by such scholars as Francis Hutcheson, Paolo Mattia Doria, Antonio Genovesi, Giacinto Dragonetti, Cesare Beccaria, Pietro Verri and Adam Smith. Today, like a river long underground, it is resurfacing.

Civil humanism brought an extraordinary revaluation of the worldly, relational aspect of humanity, from family to city to State. Any number of tracts on civil life were offered in response to earlier centuries' paeans to the solitary life (Petrarch). The classics too were rediscovered, above all Cicero and Aristotle, but the civil humanists' attitude towards learning was shot through with the need for a philosophy that was a school for life, a serious and profound meditation on life's problems – just like Genovesi's civil economy three centuries later. In the view of the civil humanists, responding to the dominant ideas of the epoch from which they were emerging, the only true virtue is civil virtue, the only true life is active life: 'Virtue is at the disposal of all' (Poggio Bracciolini). So there is no virtue in the life of solitude but only in the city. Man, 'a weak animal, insufficient in himself, attains perfection only in civil society' (Leonardo Bruni, in his introduction to the Italian translation of Aristotle's *Politics*).

It should come as no surprise, then, that Bruni, Alberti, Bernardino da Siena and Bracciolini railed against the detractors of economic life and of wealth, propounding theses on the social uses of wealth and on the heterogenesis of ends that would not come into the common domain until the eighteenth century. It remained quite clear to these writers, in any case, that self-interest would not turn automatically or magically into the common good. There is no civil economy without laws, institutions, civil virtues. This is one of the main messages of Italian social thought; economists were also legal scholars, and vice versa (in modern times, let us think of such figures as Beccaria and Gian Domenico Romagnosi). It was city-based civilization – the model social order that arose in that age – that made it possible for the pursuit of individual self-interest not to father destructive, antisocial mechanisms and for markets, watched over and fed by other forms of civil and spiritual life, to act for and not against the community.

Civil humanism's lease had, alas, all too short a date. The experience of liberty and republican government gave way to the *Signorie* and absolute monarchy, which translated immediately into an authoritarian age far removed from the *libertas florentina* of the early fifteenth century and its city-based culture. So it is no accident that with the end of that century

thought on civil life faded; the humanists themselves were no longer engaged, politically active like Bruni or Palmieri, but what we would now call 'free lance' intellectuals, no longer part of either a university or a city body but a lone individual, wandering from court to court. And considerations on public happiness became a research into individualistic, Epicurean happiness, as is shown in the treatises of Marsilio Ficino, Filippo Beroaldo, Piero Valeriano, Lorenzo de' Medici or Pico della Mirandola. All of these thinkers, each in his own particular way, wrote that happiness is to be sought in flight from other people and from the city, and that life in common, life in society, can bring only suffering.

A rupture was thus consummated between civil humanism and modernity. The experience of civil life came to an end at the threshold of modern philosophy, in which as we know the notion of inter-subjective dynamics becomes central, and social life, civil life, is extrinsic, transitory, an accident. As Tzvetan Todorov (1998) writes, 'studying the great currents of European philosophy as regards the definition of that which is human, one reaches an unexpected conclusion: the social dimension, the element of life in common, is not generally considered necessary for man' (p. 23). What are the reasons for the mismatch between civil life and modernity? Why is the modern age founded upon individualism?

2.2. At the dawn of the modern era, there arose a concept of man as an individualistic being, guided in all his deliberate actions by self-interest and held back only by his encounter/clash with the interests of others. A typical question raised during this period of transition from humanism to modernity (the seventeenth and early eighteenth centuries) was 'Why do men choose to live in society' – as if it were perfectly admissible to posit the existence of an isolated man *prior* to his relations with other men. This vision, that is, does not contemplate that relations with others are an inborn characteristic of human beings, who in fact have no life save social life. We find positions of this sort in Cartesian rationalism or Leibnitz's 'monadology', which tells us that every 'soul is a world apart, independent of everything else'. True, Leibnitz does recognize that real life is social – i.e. associated – life, but the main aspect of interpersonal dynamics that is brought out is the risk of the individual's death. To express this paradox, Kant coined the phrase 'unsociable sociability', an admirable characterization of the condition of man at the dawn of the modern age.

To see how the nascent discipline of political economy dealt with this paradox, let us examine two thinkers in particular, Thomas Hobbes and

Bernard de Mandeville, who must be credited with resolving the paradox of life in common by forgoing civil life. As we know, for Hobbes what men have in common is their universal 'killability', i.e. the fact that anyone can be killed by anyone else. Conflict, competition, the war to subdue others and gain power is the normal state of men, whereas peace and concord are transient. Thus the foundation of social life is fear. Typical, and poles apart from civil humanism or the classical tradition, are the opening pages of Hobbes's *De Cive* (The Citizen) (1642): 'The greatest part of those men who have written aught concerning Commonwealths, either suppose, or require us, or beg of us to believe, That Man is a Creature born for Society: The Greeks call him *Zoon politikon*, and on this foundation they so build up the Doctrine of Civill Society. ...Which Axiom, though received by most, is yet certainly False. ...We doe not...by nature seek Society for its own sake, but that we may receive some Honour or Profit from it; these we desire Primarily, that Secondarily'.

Here we are at the diametrical opposite of Aristotle, Aquinas, or – later – Genovesi or Adam Smith, and the idea of the citizen typical of civil humanism. We do not have society born of naturally sociable people but a society-state that can exist only if an artificial pact – a social contract – creates it and a 'Leviathan' preserves it by force. In the radicalism of Hobbes, however, we also find an intuitive explanation of *why* modern thought abandoned civil humanism: the wars of religion and the violence of the nascent nation-states (Hobbes's philosophy was forged during the terrible times of the Thirty Years' War) offered a depiction of modern man as liberated from the shackles of feudalism, to be sure, but incapable of creating a peaceful or happy society. Faced with such a spectacle, what Hobbes saw as the only solution for avoiding a war of each against all was to forgo interpersonal relations and leave mediation among individuals to the state-Leviathan. In other words, to renounce civic life to save political life, understood as the sphere of the State. But for Hobbes, be it noted, political organization is itself an artifice: 'For by art is created that great Leviathan called a Commonwealth, or State (in Latin, *civitas*), which is but an artificial man' (1651, Introduction).

The other main attack on the optimism of the civil thinkers (represented in England mainly by the Earl of Shaftesbury and his theory of virtues) was Bernard Mandeville and his celebrated *Fable of the Bees*, whose subtitle ('Knaves turn'd honest') encapsulates the author's central message: private vices, public benefits. The fable tells the sad tale of a hive of egoistic bees who, thanks to their avarice and dishonesty, live in abundance and well-being. Then, however, they are converted to honesty, altruism and

virtue, and the hive soon falls into indigence. Here the attack on the civil virtues comes from another quarter compared with Hobbes. Not only is it *not true*, Mandeville argues, that man is a 'civil animal' led by his nature, as Leonardo Bruni had maintained, to relations with others; but even if it were true, or became true via upbringing, man would nevertheless have to bridle his virtues, because they are harmful to the life of the society. What brings the good social life, he concludes, is not virtue but vice: 'Fraud, Luxury, and Pride must live; Whilst we the Benefits receive... . Bare Vertue can't make Nations live In Splendour; they, that would revive A Golden Age, must be as free, For Acorns, as for Honesty'.

For Mandeville, virtues are beneficial only in small communities (the family, say, or at most a village). If large societies were to be founded upon the civil virtues, they would be destined always to live in poverty and need, to have at once 'acorns and honesty'.

Hobbes and Mandeville were the two authors with whom the founders of modern economics mainly had to wrestle. After them, it was no longer possible to erect a supposedly 'civil' economy, to show the 'civility' and the civilizing role of economics, without addressing this radical critique. Truth to tell, in a society like that described by Hobbes and Mandeville there is no place for civil economy, which is based on the civil virtues and man's nature as a sociable being driven to encounter his fellow creatures, *including in the marketplace*. It cannot, however, be denied that the Hobbesian attack, and perhaps that of Mandeville even more, ultimately exercised considerable fascination for the earliest economists. Though they were reluctant to share the fundamental scheme of their vision of man and society, such thinkers as Smith, Genovesi and Galiani could not deny that *Leviathan* and especially the *Fable of the Bees* had embodied some portion of the truth.

The high road taken by the first economists, whether in Scotland, France or Italy, was a refoundation of ethics that took account of the individualist critique to make a new argument for civil and social life and virtues. It is not, therefore, true that – as the textbooks typically say – modern economics originated by emancipating itself, or separating itself, from ethics. After Hobbes and Mandeville, this was no longer possible. Rather, economics arose upon a new ethical foundation that permitted the discipline to become 'civil' once again, notwithstanding Hobbes and Mandeville. And it was no accident that this refounding occurred in the mid-eighteenth century. A new era of peace and reform was needed (such as the Naples of Giambattista Vico and Genovesi under the reforming monarch Charles III of Bourbon) for rational thought about civil life to be reborn and to become credible.

What they sought to do – a project shared by the various classical schools of political economy – was to go beyond Hobbes and Mandeville, accepting some of their criticisms but raising the discourse to a higher plane, showing that civil society consists precisely in that set of lifestyles, rules and institutions that enable the ambivalent nature of human beings, their unsociable sociability, to be directed to the common good. They recognized that in large societies, in modern commercial civilization, one could not rely overly on benevolence, because 'real' man tends to his own self-interest (taking, in this, the side of the critics); yet in the framework of civil life self-interest is no longer considered a 'vice' because it is viewed jointly with the interests of others, i.e. the public interest (taking, in this, the stance of the civil humanists).

Modern economic science (English political economy or Italian civil economy) originated, that is to say, within a rich, complex anthropology in which the pursuit of self-interest is a passion compatible with other people's interests. They did not counter self-interest with benevolence or altruism but held that *self-interest is just one side of the coin*. The other is the interests of others: 'The useful, that great mainspring of human action, and the well-being to which every one aspires, will always make men run to where the useful and well-being are most easily encountered. …Let each man be persuaded, that *to procure one's own good one must seek it by procuring that of one's fellows*' (Giuseppe Palmieri, 1788; emphasis added).

2.3. Despite a long-standing vulgarization of the history of economic thought, Adam Smith was actually much closer than is generally believed to the humanist tradition. Smith's thought too is civil economy. This reading of Smith as a 'civil economist' is not particularly common, especially among economists who still quote – but out of context – what is perhaps the most celebrated sentence in all of economics: 'It is not from the benevolence of the butcher, the brewer, or the baker, that we can expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages'.

Such a sentence, in itself, would locate Smith alongside Mandeville or Hobbes: where, in this discourse, is mutuality or civil virtue to be found? And in fact in writing the history of economic thought this was long the dominant approach. Yet if we have the patience to venture a bit further into a reading of this entire chapter in the *Wealth of Nations* (1776), and place Smith's thought within his broader moral theory, the matter becomes more complex, and more relevant to our discourse.

A few lines before the phrase about butcher, brewer and baker, we see that Smith begins by speaking of a certain 'propensity in human nature... to truck, barter, and exchange one thing for another' which is characteristic of man. And in fact he goes on to say 'Nobody ever saw a dog make a fair and deliberate exchange of one bone for another with another dog'. This is why when a dog wants something from his master it can only seek to convince him by wagging its tail and prancing around him. For Smith, then, the disposition to exchange things with others is a typical trait of human sociability, which can find full expression only in civilized society, where there is a division of labour and each has constant need for something from others – as he cannot satisfy his needs alone or with his family. Smith acknowledges that the most natural and human way of getting things from others is by mutuality, friendship and love (as in the family). But in civilized society a man's 'whole life is scarce sufficient to gain the friendship of a few persons'. Friendship will therefore not suffice to get what we need from others, meat from the butcher, bread from the baker, or beer from the brewer. In civilized society, mutual love and friendship – though they continue to perform their specific, essential function – are no longer sufficient to provide us with the necessities of life. So we have two alternatives: to live like a puppy or a beggar who for their meals depend on the charity of the butcher or else to 'truck and exchange' with others. And if we elect to truck rather than beg, in civilized society we cannot rely primarily on the charity or love of our fellow citizens to satisfy our needs, but each man 'will be more likely to prevail if he can interest their self-love in his favour'.

For Smith, then, the market is a providential mechanism. It enables us to obtain peacefully from others the things we need even if not all are our friends. This is why the phrase about the butcher is followed by 'Nobody but a beggar chooses to depend chiefly upon the benevolence of his fellow-citizens'. And the adverb 'chiefly' tells us that even his economic vision assigns a role to love and mutuality (so we are far removed from Mandeville), while acknowledging (perhaps with a touch of bitterness) that in modern society mutual love is not enough, subsidiary mechanisms must be found. Thus the market within civilized society on the one hand prevents war and domination from infiltrating through the insufficiencies of mutual love (a possibility that the civic humanists never forgot) and on the other wards off a scenario of a handful of charitable givers and a multitude of beggars (like that from which Europe was just then, laboriously, emerging).

This represents perfect continuity with the tradition of civil humanism (though less rooted than Vico or Genovesi in Christianity), in which the market was seen as a locus of civil and human development, the place of

horizontal relations between 'peers' who can meet and trade, face-to-face with equal dignity. Obviously, Smith is aware of the essential role of the State (with his emphasis on the spread of education) in creating the conditions for equality between market agents to be effective, substantive.

Going deeper into Smith's thought, it is useful to examine his philosophical works, above all the *Theory of Moral Sentiments*, first published in 1759 (well before his economic treatise) but continually updated and republished in successive editions until his death in 1790. Here we find all the themes of the civil tradition. Public faith and civil virtues, for instance, are key elements in his thought, even though he strongly underscores the positive role of the extension of markets in reinforcing trust and civil virtues. A passage in his *Lectures at the University of Glasgow* (1763) asserts that whenever commerce is introduced into a country, with it come also honesty and punctuality. Smith went so far as to say that the commercial success of the Dutch was due to the fact that of all peoples of Europe the Dutch were 'the most faithful to their word'. Thus while in Genovesi the emphasis is on the other direction of causation ('build public trust and the market will flourish': the Kingdom of Naples was no Glasgow), there is yet in Smith a close relationship between market and public trust: they are intertwined, the one cannot flourish without the other.

Particularly significant, however, is the 'civil' aspect of Smith's anthropology, the concept of the human being that underlies his entire theoretical construct. The key category here is 'fellow-feeling', people's innate need to identify with the other, to respond to his neighbour's sentiments. This emerges in the very first lines of the *Theory of Moral Sentiments*: 'How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it'. And another passage conveys the deepest sentimental intuition: 'What so great happiness as to be beloved, and to know that we deserve to be beloved?'

A question springs to mind: in the standard version of economics, whatever became of Adam Smith's civil soul, so essential to his thought? We must conclude that it has been largely lost sight of in the advance of modern social science. For if we look at how economics is understood today (both as theory and in practical application), the typical pillars of civil economy – virtue, sociability, happiness – are almost totally absent. Why is that?

One reason is that the economists who came after Smith elected to connect with one or the other element in his complex work, but keeping the parts separate and distinct. In practice, therefore, neither the readings from

the 'left' (interested in his theory of prices based on labour, or on the alienating side of the division of labour) nor those from the 'right' (making Smith the paladin of free market fundamentalism, today as yesterday) have done justice to the complexity and subtlety of his work. Only in very recent years, with such writers as Ken Arrow, Partha Dasgupta, Amartya Sen, and others, have we come to a new understanding of Smith's thought. But the new interpretations do not have retroactive effects on the theoretical and practical consequences that partial readings have produced in nearly two centuries. Thus throughout the nineteenth and a good part of the twentieth century people used Smith to claim the need for individual self-interest as a cornerstone of good economics (neglecting his broader, anthropological vision of human action and of society). And on the other hand, in reaction to that reading, there arose currents of thought that countered self-interest with altruism, individualism with collectivism, losing sight of the fact that Smith's relational theory and his economics were another thing entirely.

The civil economy of Leonardo Bruni, Léon Battista Alberti, Antonino of Florence, Vico, Genovesi, Romagnosi and Smith is not dead, however. Over the centuries it has continued to flow like a current in the subsoil of official economic doctrine. At times it has resurfaced in the thinking of some economists, including major ones (Alfred Marshall towers above them all). These are all chapters in a history of civil economy yet to be written.

2.4. Starting in the first half of the nineteenth century the civil vision of the market and of the economy in general began to disappear from scientific research and from political and cultural discourse. The reasons were many and varied. Let us mention just the two most important ones. The first was the slow but steady spread throughout high European cultural life, of Jeremy Bentham's utilitarian philosophy. His main work, in fact, dated to 1789 but would take decades to become hegemonic within the field of economics. It was with the utilitarian moral view – let us not forget that utilitarianism is a theory of ethics – that mainstream economics came to enshrine the hyper-minimalist anthropology of *homo oeconomicus* and simultaneously its socially atomistic method. The clarity and deep significance of this passage are notable: 'The community is a fictitious *body,* composed of the individual persons who are considered as constituting as it were its *members.* The interest of the community then is, what is it? – the sum of the interests of the several members who compose it' (1789 [1823], I, IV).

The second reason was the industrial revolution and the definitive establishment of industrial society. Industrial society is a society that produces

commodities. Machines dominate everywhere, the rhythm of life is a mechanical cadence. Human and animal muscles were very largely replaced by more powerful forms of energy, explaining the enormous increases in productivity that accompanied mass production. Energy and machinery transformed the very nature of work. Personal skills were broken down into their elementary components. Hence the need for coordination and organization. A world was thus ushered in which men were seen as 'things', because it is easier to coordinate 'things' than people, and in which people are separated from the roles they perform. Organizations – first and foremost, productive enterprises – deal with roles, not people. And this happens not just in the factory but all throughout society. Fordism and Taylorism represented the highest-level, successful effort to produce a theory of this model of the social order. The rise of the assembly line has its correlate in the spread of consumerism. Hence the schizophrenia typical of 'modern times': on the one hand, the loss of the meaning of work (alienation due to the depersonalization of the worker) is pushed to extremes; and on the other, as if to compensate, consumption becomes affluent. Marxist thought and its practical applications by the socialist movement sought in various ways, as we know, to try to find a way out of this social model.

The complex intertwining of and conflict between these two sets of reasons had important consequences for the theme treated here, namely the adoption – now more firmly established than ever – of two opposed concepts of the market. One sees the market as a 'necessary evil', an institution that we cannot do without because it ensures economic progress, but nevertheless an 'evil' to guard against and to keep under control. The other sees the market as the ideal-typical place for solving the problem of politics, just as the liberal-individualistic position maintains. In this view the 'logic' of the market must be allowed to extend, albeit with the necessary adaptations and refinements, to all the spheres of social life, from family to school to politics.

These two conceptions of the market, with their diametrically opposed philosophical premises and political consequences, have ultimately produced a paradoxical – and obviously unintended – effect on popular culture, namely the dominance of a idea of the market that is antithetical to the civil economic tradition. This notion sees the market as an institution based on a twofold norm: impersonal relations of exchange (the less I know my counterparty the greater will be my advantage, because you do better business with strangers!); and the exclusively self-interested behaviour of all those taking part in the market (so that 'moral sentiments' such as sympathy, reciprocity, sociability and the like, if recognized, are allotted no

space whatever in the market arena). And so it came about that the progressive, majestic expansion of market relations over the past century-and-a-half ended up strengthening the pessimistic interpretation of human nature posited by Hobbes and Mandeville: only the iron laws of the market, supposedly, can tame perverse impulses and anarchic drives. The caricature of human nature thus imposed has helped accredit a twofold error: that the sphere of the market coincides with egoism, the place within which every man pursues, as best he can, his own self-interest; and symmetrically, that the sphere of the State coincides with solidarity, the pursuit of collective interests. This is the foundation for the well known but very fragile dichotomy between State and market; a model, that is, in which the State is identified with the public sphere and the market with the private sphere.

3. THE RESUMPTION OF THE CATEGORY OF HUMAN RELATIONS IN ECONOMIC DISCOURSE

For some time now the discipline of economics has begun again to feel the need for the relational perspective in order to transcend the clash between the holistic and individualistic paradigms. Why is this? Actually, the focus must be on the individualistic paradigm, since for years the holistic one has been practically abandoned. Indeed the current of thought running from Ricardo and Marx to Polanyi and Sraffa, in which that paradigm is embedded, has ceased to offer a real alternative to the intellectual hegemony of neoclassical thought in its countless versions. Note that the relational perspective I am considering here is not that of exchange but that of reciprocity. Exchange is instrumental in nature: it is obvious that every time I initiate an exchange I am entering into a relation with someone, but this relation is merely instrumental, a means to my end. A relation of reciprocity, by contrast, considers the force of 'between' as Buber (1972) suggests; in economics, this is captured by the concept of relational good (Zamagni, 2005).

One reason why economists are now more or less obliged to adopt more sophisticated behavioural axioms than that of 'economic man' and thus open to the relational approach, is the observation that the so-called additive hypothesis fails to find confirmation in the real world; in fact, it is regularly and systematically contradicted. Let me clarify the point. The fundamental assumption underlying the 'official' theory of economic behaviour is that extrinsic motivations – monetary or other, but always instrumental – are added to, and reinforce, intrinsic motivations, i.e. those that flow from the personal identity of the agent. By this apparently innocuous manoeu-

vre, mainstream economics manages to restrict its field of inquiry to extrinsic motivations alone, leaving it to moral philosophy, psychology, or sociology, depending on circumstance, to study motivations. In this view, the criticism that *homo oeconomicus* is a poor representation of human behaviour because it ignores intrinsic motivations can be disregarded as irrelevant. For no serious mainstream economist will ever deny the explanatory importance of ethical values, religious beliefs, and the intrinsic motivations of economic agents generally. Rather, he or she will assert that since extrinsic motivations (the maximization of profit for the businessman, utility for the consumer) are added to and reinforce the intrinsic, the proper mission of economics is to highlight the extrinsic motivations and augment their efficacy. Hence the insistence of economic research on identifying the most effective incentives for directing people's choices in one direction or another (Zamagni, 2005b).

However, the additive hypothesis has been found to be untenable, because of pervasive crowding out and crowding in phenomena between the two types of motivation, which calls into question the very foundations of what had long been deemed a perfectly solid edifice. The British sociologist Richard Titmuss (1970) was the first to inform social scientists that the offer of payment to blood donors reduced both the number of donations and the quality of the blood. Today the empirical and theoretical literature on the crowding-out effect is vast. More detailed surveys are available (Frey 1997, Deci 1999, Janssen and Mendys 2004), but in any case the relevant point here is the explanation of the phenomenon: economic incentives not only diminish self-determination and the range of possibilities for personal self-expression – with a monetary incentive, the intrinsically motivated person finds the opportunities for conduct consistent with his/her value system reduced – but undermine the very basis of what Adam Smith called self-esteem. That is, being paid for an act that the person would have performed anyway diminishes the social reward. What is more, an incentive always conceals an unequal power relationship, because it implies that there is no good reason for you to do what is asked, so your decisions must be 'bought'. It follows that the individualistic paradigm offers no way out of the problems caused by discarding the additive hypothesis, since individualism itself is the problem.

Let me clarify this concept. Gui and Sugden (2005) first set out the empirical evidence of the countless links between the economic sphere and that of interpersonal relations and then ask how far the dominant economic paradigm can actually satisfy the need for relationality. Their answer is

trenchant: not only to an inadequate extent but – what is more – in a distorted form. It is not hard to see why. In fact, what do we find at the bottom of the 'received view'? Nothing but the theory of rational choice that claims to explain economic behaviour solely on the basis of agents' preferences and beliefs, as if inclinations, motivations and moral sentiments were useless adornments with no explanatory power. This is tantamount to saying that 'rational choice' bears exclusively on the cognitive dimension of interactions between persons, not the affective and moral dimension. Yet evolutionary game theory and behavioural economics have demonstrated that the importance of the affective component of decision-making – such as emotional states that are reflected in signals that the agent himself has trouble controlling but that are readily perceptible to those with whom he she interacts – must not be underestimated. The truth is that interpersonal relations activate mechanisms of information transmission that the theory of rational choice precludes. Moreover, the fact that persons whose behaviour is not strictly self-interested are active in the market invalidates a good many of the conclusions, achieved by rational choice theory insofar as it assumes all agents to be self-interested.

But how can we be sure that there actually exist, in reality, people exibiting pro-social behaviour? To my mind, one of the many convincing pieces of evidence is that corporations make charitable donations; they practice philanthropy. For why should a businessman who is self-interested behave as if he were not? Because he knows that this is to the liking of his customers – who are not, however, the beneficiaries – and that he can therefore increase his reputational capital, which – let us not forget – is a positional good. If all his customers were strictly self-interested, as conventional economic theory insists on supposing, this could not happen.

Let us get rid of one possible objection. Even the theory of rational choice, it could be argued, admits that there are some altruistic people, and others who are averse to injustice. This is the position of Gary Becker and the florid line of thought that he founded. Yet his broadening of the conventional theory does not lead far, for the evident reason that all it does is extend the range of preferences of actors, or at the very most alter the form of their preference function. The motivational system, that is, remains one of self-interest, even though this can now be 'enlightened'. The real challenge, which rational choice theory cannot take up, is the study of interactions between people at the level of their motivational and dispositional structures. Indeed, it is certainly true that relations are acted by individuals, but they also have an independent existence, so much so that individuals increasingly come into

conflict with the relations themselves, and not only with other individuals. What, in a relation, is rational? What does it mean to study the economy as a fabric, the warp and woof of inter-personal relations?

What route can we take, then, to overcome the paralyzing reductionism of 'received economic theory'? Scholarly responses are differentiated, not convergent, but there is consensus on one point: it is urgent to abandon the assumption of homogeneous motivation for all agents. Note that this does not mean simply banishing *homo oeconomicus*, because there are in fact a-social persons in the world who neither 'help' nor 'harm' others. What we need to do is to recognize that the economic world is also inhabited by other types of subjects. Some are *anti-social* (the envious, for example, who in order to inflict harm or suffering on someone else are willing to sustain a cost that they know will produce no material benefit for themselves; or the malicious, who take pleasure in other people's ill fortune); others still are *pro-social* (such as the increasingly numerous consumers who support and sustain the fair trade and ethical finance movements; or the businessmen, also increasing in number, who are instituting democratic stakeholding in their firms as the practical expression of corporate social responsibility). Pro-social acts, it should be noted, are such not because they are actually in the public interest but because they are performed with the public interest in mind.

What is entailed in assuming motivational heterogeneousness? First of all, it implies that 'upstream' of the problems that rational choice theory has addressed so far there is a problem of choice of personal dispositions. And, as we know, dispositions respond to institutional changes, so the problem becomes designing institutions that operate as a mechanism for selecting groups with various motivational systems, not merely as an incentive mechanism to favour one group or another of subjects, as is done unthinkingly today.

The second implication is that one can no longer keep the category of relationality outside of economic studies. The fact that human beings live partly in a symbolic dimension leads unavoidably to the idea of relationality and the notion of the relational good. The person in relation to others is what is missing in conventional economic theory, which appears not to see that what is relevant to people is not to be found only in people themselves – as in the 'new social economics' of such scholars as Durlauf, Murphy and Kline (2001) – but between them. An economic science that assumed *all* agents to be a-social and failed to consider that the person *qua* person matters would be a poor science indeed, and ultimately of little use. One cannot but note that even the 'new social economics' – certainly an interesting

school, especially for its sophisticated analytical techniques – offers late and often commonplace answers, because it posits an 'economic man' who, like the Hobbes' mushrooms in *De Cive*, comes onstage already full formed. The self comes before the social relation, the latter thus becoming strictly instrumental. This is why this literature fails to account for the importance of reciprocity, which is regularly interpreted as the 'special case' of an exchange of equivalents, in which the agents pursue enlightened self-interest. The fact is that once the notion of gratuitosness – the prime mover of a reciprocating act – is banned from economic discourse, then it is unavoidable to consider this as a form of altruism, or as a moral emotion (the so-called 'sense of fairness').

It is the culture of modernity that is responsible for this reductionist stance, whereby contracts and incentives (plus, of course, a well defined institutional arrangement) would be all that the economy needs. This means refusing to see that gratuitosness always counterposes its logic of overabundance to that of equivalence typical of contracts. What economics is lacking today is the 'relation of reciprocal gratitude' (Vigna, 2002). Economic theory needs to think of an agent who can combine freedom of choice with relation, for if relations alone would produce an equivocal communitarianism, so freedom of choice by itself would resume all the shortcomings of axiological individualism.

Another factor has also contributed greatly to bringing the principle of reciprocity back into economic discourse – a principle that cannot even be conceived within the individualist paradigm, and in fact the economic literature systematically interprets it as a special case of the exchange of equivalents. This is the happiness paradox, or 'Easterlin's paradox' (after the American scholar Richard Easterlin who proposed it in 1974). Pascal (*Pensées*, nol. 425) observed that 'All men seek happiness. This is without exception. Whatever different means they employ, they all tend to this end. ... This is the motive of every action of every man, even of those who hang themselves'. Now as long as economic doctrine was able impose the belief that 'to be' happy was the same thing as 'to have' happiness, it succeeded in masquerading utility as happiness and persuading people that maximizing utility was not just rational but reasonable, i.e. an act of wisdom.

The problems came to a head just when it was discovered, empirically and not by deduction, that the relation between per capita income – as an indicator, albeit rough and ready, of utility – and subjective well-being (happiness) can be graphed as an inverted 'U' (a parabola concave upwards). That is, above a certain level further increases in per capita income actually dimin-

ish the subjective perception of well-being. I do not intend to dwell on the countless explanations suggested for this paradox. They run from the psychological (the treadmill effect) through the economic (positional externalities) to the sociological (based on the notion of relational goods). The literature is vast and deep-rooted. Bruni (2004), for instance, notes that Aristotle had associated the good life (*eudaimonia*) with a life of relations, i.e. the availability of relational goods (friendship, love, civil engagement, trust, and so on).

In another work I have dealt with the peculiar characteristics of relational goods and their meaning in today's advanced societies (Zamagni, 2005). Here, let me add that the main reason the individualist paradigm can never treat relational goods adequately is that in this case it is the relation as such that constitutes the good; that is, the interpersonal relation does not exist independently of the good, which is produced and consumed at the same time. This means that my knowledge of the identity of the other with whom I have a relation is indispensable for there to be a relational good at all. By contrast, the assumption underlying the relation consisting in the exchange of equivalents – the only type of relation other than philanthropy that the individualist approach can conceive of – is that it is always possible to replace the person or persons on whom my well-being depends with other persons. (If I am not satisfied with my regular butcher, I can always go to another. But I cannot replace the person who provides me with a personal service without altering my own index of happiness). As Philip Wicksteed (1910) saw clearly, the primary foundation of the capitalistic market is not egotism but 'non-tuism', because business is better done with people whose personal identity one does not know. From the relational perspective, however, the relationship with another person presupposes recognition and receptiveness: welcoming a presence that, in its humanity, is common to me and in its otherness, distinct from me. No easy task, certainly – 'Hell is other people', as Sartre said in *No Exit* – but essential if we want to overcome the severe shortage of relational goods that typifies our society. Individualism is a fine guide for utility that depends on goods and services that can be enjoyed even in isolation. But it is a poor maestro for happiness, given that true happiness requires being at least two in number. To quote Scripture, 'The Lord God said, it is not *good* that the man should be alone' (Genesis 2:18, King James version).

The meaning of this is that I need other people in order to discover that it is worth preserving myself; indeed that I flourish, as in the Aristotelian *eudamonia*. But the other too needs me to recognize him as someone whose flourishing is good. Since we need the same recognition, I will act towards

the other as if before a mirror. Self-fulfilment is the result of that interaction. The original asset that I can put at the disposal of the person in front of me is the capacity to recognize the value of that person's existence – a resource that cannot be produced unless it is shared. What matters here is to see that this implies recognition of the other – not just his *right* to exist but of the *necessity* that he/she exists as a condition for my own existence, in relation to him/her. Recognizing the other person as an end in himself and recognizing him as the means for my own fulfilment are reunified, which resolves the reductive dichotomy between Kantian morals, which require that we see others strictly as an end in themselves, and a theory of instrumental rationality in which others are seen as the means to one's own ends. The good of self-fulfilment is attained when there is reciprocal recognition. Make no mistake about it, however: the fact that my recognition of the other person brings with it the reciprocal recognition that I myself need does not make this disposition merely instrumental. For the self is constituted in part by recognition conferred by others. In this light, the distinction between means and ends itself is voided of meaning, because a person's ability to calculate the means required to attain a given end depends on the relation of reciprocal recognition that has been created between him and the others.

4. FROM WELFARE STATE TO CIVIL WELFARE

4.1. I come now to the third aim of the present essay, i.e. to indicate some areas where the civil economy perspective proves to be particularly helpful on the ground of problem-solving. Let me consider, firstly, the three most significant facts charactering present-day globalization: a) the tendency to destructure productive activities pertaining not only to the manufacturing sector but also to the service sector. Delocalization is the new key word in this regard. What is the object of delocalization, today, is not simply firms (the so-called 'nomadic companies') or entire sectors of production, but also individual jobs. It has been estimated that almost 20 per cent of jobs of western economies could be delocalized already, by now; b) a substantial increase in aggregate wealth which goes hand-in-hand with an increase in global inequality and a decrease in absolute poverty. The increase in economic interdependence, due to globalization, means that even large sections of a population can be negatively affected by events that take place in distant places; c) the growing tension between economic globalization processes and political democracy on the one hand and the-levelling down

of cultural varieties on the other hand. Besides the economic dimension, globalization is affecting the political and cultural dimensions of our societies. How can such a process be accepted in non western countries with their own value systems? Or does the global economy presupposes the cultural dominance of the western view of humanity? If so, can the economist avoid to take into considerations the risks associated to various forms of fundamentalism which is basically legitimized as a reaction against the threat of a global monoculture? (Cohen, 2006).

Let's consider, though very briefly, the main consequences of the above stylized facts. Today capital appears to have acquired a new freedom: no longer does it have to account to the people in the countries where its profits are made. It is as if economic power had acquired an extra-territorial status. It follows that big companies are able to react to profit opportunities quite independently of their national authorities and in so doing they play a key role not only in the organization of the economy – which is obvious – but also in that of society – which is less obvious. Thus globalization is modifying the foundations of both the economy and polity, reducing the degrees of freedom of nation-states and giving rise to a new form of 'sub-politicization': the familiar nation-state's political-economic instruments are tied to a well-defined territory, whereas companies can produce goods in one country, pay taxes in another and claim assistance and state contributions in yet a third one.

This process has serious implications on both global financial stability and efficiency of capital markets. Although there seems to be a certain consensus on the fact that financial globalization would play, all in all, a positive role, many questions are still waiting for a credible answer. The most relevant of these concerns the way a country should organize itself in order to be able to reap the benefits of financial globalization – Kose *et al*. (2006) observe that there is little evidence of a causal link between financial integration and growth and, what is more, that there is wide discrepancy between the expected benefits of capital account openness and the actual ones. In their view, 'far more important than the direct growth effects of access to more capital is how capital flows generate a number of what we label the 'potential collateral benefits' of financial integration' (p. 3). This means that – contrary to the standard neoclassical wisdom – benefits are not automatic but presuppose deep institutional changes in both domestic financial markets and in the area of fiscal policies and legal rules. Lacking these reforms a country – especially a developing one – will be adversarily affected by financial globalization.

A second major consequence of the globalization process is its impact upon inequality and relative poverty. It is certainly true that globalization is a positive sum game that increases aggregate wealth. But it is also true that it exacerbates the contrast between winners and losers. This fact is linked to the emergence of a new form of competition, unknown until recently: positional competition, according to which the 'winner takes all and the loser loses everything' – the so-called 'superstar effect' in the sense of Sherwin Rosen. Why is it that literature on the subject is so hotly divided? A credible answer comes from the recent work by Milanovic (2006) who distinguishes between *world* and *international* inequality. The latter considers the differences in the average incomes of various countries, unweighted ('Concept 1 inequality' in Milanovic's sense) and duly weighted to account for the size of the population ('Concept 2 inequality'). The former, on the contrary, takes into account also the inequalities in income distribution within the individual countries ('Concept 3 inequality'). It is world or global inequality which is increasing as a consequences of globalization.

In fact, in order for concept 3 inequality to diminish, two conditions should be met: i) poor and densely populated countries must grow at a faster rate than rich countries; ii) this must occur without an increase in inequality within the country. Now, while the first condition is more or less satisfied, the second condition is virtually absent. In fact, over the last quarter of a century, the growth rate of the poorest countries has been higher than that of the richest countries (4 per cent versus 1,7 per cent). Why should one worry about the growth of global inequality? Since it is a principal cause of conflict and ultimately of civil war. As wisely indicated by Polachek and Seiglie (2006), conflict can be defined as 'trade gone awry': if a country's gains from trade are not as high as it thinks it should receive, this becomes a major determinant of conflict, which might in the end jeopardize peace itself. That is why the search for a socially responsible trade integration regime, capable of taking into consideration also the 'pains from trade' (Verdier, 2005), is a duty that the economist cannot escape or forget about.

A related, but different, aspect is the one concerning the relationship between globalization and poverty. In the last couple of decades, poor countries have increased their participation in world trade, so much so that today they can be said to be more globalized than rich countries. Yet, there is very little evidence on that relationship and even the scanty evidence available only deals with the indirect link between globalization and poverty. A notable exception is the recent work by Harrison (2006) who provides a novel perspective on how globalization affects directly poverty in develop-

ing countries. Three general propositions deserve special attention: a) contrary to the Heckscher-Ohlin theory of international trade, the poor in countries with a lot of unskilled labor do not typically gain from trade expansion; b) globalization generates both winners and losers among the poor and this creates social instability in so far as it destroys social capital: c) the poor segments of the population obtain the largest benefits from globalization when national governments endeavour to implement welfare policies aimed at improving the *capabilities* of life of their citizens, rather than their *conditions* of life.

It might be of interest to recall what Adam Smith wrote in *The Wealth of Nations* on the consequences of the discovery of America and the passage of the Cape of Good Hope – 'The two greatest and most important events recorded in the history of mankind'. (Smith, 1950, vol. 2, p. 141). Dealing with the consequences of these events, Smith remarked: 'What benefits or what misfortunes to mankind may hereafter result from those great events, no human wisdom can foresee. By uniting, in some measure, the most distant parts of the world... their general tendency would seem to be beneficial. To the native, however, both of the East and West Indies, all the commercial benefits which can have resulted from those events have been sunk and lost in the dreadful misfortunes which they have occasioned... At the particular time when these discoveries were made, the superiority of force happened to be so great in the side of the Europeans, that they were enabled to commit with impunity every sort of injustice in those remote countries. Hereafter, perhaps, the natives of those countries may grow stronger, or those of Europe may grow weaker and the inhabitants of all the different quarters of the world may arrive at that equality of courage and force which... can alone overawe the injustice of independent nations into some sort of respect for the rights of one another. But nothing seems more likely to establish this equality of force than the mutual communication of knowledge and of all sorts of improvements which an extensive commerce from all countries to all countries naturally, or rather necessarily, carries along with it' (*Ib.* p. 141). I consider this passage a remarkable and fascinating anticipation of the argument according to which nowadays we need a more balanced (and wise) approach in order to acknowledge both the gains and losses from cross-border exchange.

Finally, what can be said about the relationship between globalization and democracy? It is an obvious fact that globalization is draining power away from the nation-state, whose full autonomy is now compromised by two binding constraints. The first one is internal: the democratic rule does

not allow taxing the middle classes so heavily in order to finance the welfare systems. The second constraint is external. National governments are no longer able to escape confrontation with the expectations of international capital markets. Indeed, even modest differences in credibility indicators translate into unsustainable interest rates spread. Thus the threat to the governments' ability to exercise their internal sovereignty becomes a threat to democracy itself. Although citizens continue to exercise their voting right, their actual voting power tends to decrease with the decline in internal sovereignty. This point helps us to understand why the task of trying to 'democratize democracy', which means making democracy itself transnational, is so urgent . In fact, if national legal systems are no longer capable of imposing standards through legislation because business firms are capable of eluding them, we need institutions at the international level than can take up this task. A global civil society of transnational associations and NGOs will have to play a decisive role in this respect, besides nation states and the existing worldwide organizations. The time has come when civil society organizations should be given a suitable institutional place – for example, creating a second assembly of the United Nations to flank the one that already exists and which represents the individual nation-states.

As in all human endeavours, it would be naïve to think that the design of a form or other of global governance does not entail high rates of conflictuality. Indeed, the interests, of all sorts, involved are enormous. Not without reason a sort of distress concerning the future of globalization is spreading today in many circles. This distress is being used by some people as a favourable opportunity to generate a new form of market Machiavellism. I do believe that it is exactly against this subtle neo-Machiavellism that intellectuals, economists in particular, have to take a firm position.

4.2. Granted that everybody accepts that a welfare system should be based upon universalistic precepts, the question that naturally arises is the following: is it possible to design a universalistic welfare system without falling into the trap of assistentialism, which is mostly responsible – as we know – for the current crisis? In other words, is it possible to conjugate solidarity (equity) and subsidiarity (reciprocity) in a credible and sustainable way? The affirmative answer is to be sought in the creases of the following consideration. The constituent element of the state's intervention in a universalistic welfare system includes three main duties: (1) the definition of a set of social services (as well as their relative codified quality standards) that are guaranteed to all citizens; (2) the fixing of rules of access for those services and therefore rules for

the redistribution that is necessary for assuring that all citizens can effectively benefit from them; and (3) the exercise of forms of control on the effective allocation of the services to people. These are the three specific functions of the state-as-regulator. The task of directly producing the services or managing their allocation is not a constituent of the state's task.

So is it possible for the state, in the universalistic model, to supply one service or another as a public monopoly in certain historical or geographical contexts? Yes, if it can offer its citizens documentation proving that the benefits for becoming the *producer* will prevail over the costs of that decision. In other words, in the universalistic model, the functions of the state-regulator can be said to be *a priori,* while making justifications for the state-manager or state-producer are *a posteriori* – that is, the state must accept the scrutiny of the same evaluation process as every other supplying subject. Such a scrutiny becomes all the more necessary when considering the huge tradeoff between management and regulation. The greater the state's role as manager, the lesser its capacity to regulate, and thus the lesser its capacity to insure those objectives of equity and efficiency that are the hallmarks of any social security system.

Having clarified that, let's return to the question of how to build up a welfare society. There are basically three models under discussion in both the political and theoretical arenas. The first is the neostatist model, according to which the state, while conserving the monopolistic role as a purchaser, should give up, altogether or else in part, the monopoly over the production of the welfare services. Known as the *welfare mix,* the government avails itself of the civil society organizations for help in allocating services, yet makes the political decisions on its own. The government is the only responsible agent for formulating and programming the interventions. The third-sector subjects simply implement. In the welfare mix, therefore, the third sector is a supplementary or complementary resource with respect to government intervention. Such a situation helps us understand the difference between the 'principle of subsidiarity' and the 'principle of surrogacy'. The first declares that the state must promote the organization of civil liberties, favoring all those collective forms of action that have public (i.e., general) effects. The second affirms the contrary. The principle of surrogacy means that intermediate bodies of society should do all that the state is incapable of doing or has no interest in doing.

The second model, known as 'compassionate conservatism', entrusts philanthropy and volunteer action with the job of meeting the needs of those left behind in society, while government intervenes only successively

on strongly selective bases. While this model values civil society and its organizations, it does so inadequately regarding the objective of maintaining the universalistic principle. It is the favorite model of the liberal-individualist thought that sees third-sector organizations as a minor segment of the private market, and in any case, a segment that has to be functional – in the sense of functionalist sociology – to the for-profit logic of the market.

Finally, there is the *civil-welfare* model. This model recognizes the organizations of the civil society in their capacity to become active partners in the process of programming interventions and in the consequent adoption of strategic choices. In practice, this means that it is not enough to recognize the juridical subjectivity of these organizations. What is needed, in addition, is that economic subjectivity be recognized. Autonomy, in the sense of being able to exist without the vexations of concessionary regimes, while maintaining the possibility for self-organization, is not enough. What is also required is financial and economic independence; that is, each organization must have the capacity to realize its own programs and to achieve its own objectives without depending, in a constraining way, on either the government or for-profit firms.

Two principal steps need to be taken in order to attain independence in this specific sense. On the one hand, a new category of markets needs to be erected – social-quality markets (which we'll deal with in the next section). On the other hand, changes need to be made in the way donations are made to third-sector subjects. Let's explain. The logic behind the way in which for-profit firms make donations rotates around the principle of reputation. The for-profit firm that donates increases its 'reputational capital', thereby obtaining an advantage in terms of prestige; as a consequence, it gains easier access to a targeted market. If one thinks about it, all the elaborate techniques for fundraising are based on this type of logic. But, in the long run, this approach is destined for self-destruction. If the majority of firms were to become philanthropic, any reputational advantage would cease to exist (even putting aside all possible forms of manipulation and instrumentalization) Our proposal, then, is to get citizens and their organizations into the game and transform the mechanism for donations from the current bipolar one to a three-polar system.

The following scheme exemplifies the proposal. Let *A* stand for the set of firms that sell consumer goods; let *B* stand for the set of organizations that are the potential beneficiaries of donations; and let *C* stand for the set of consumer-citizens. When buying from an *A* enterprise, the citizen receives a coupon with a previously established value, equal to a certain

percentage of the amount spent. The citizen then chooses the *B* subject to which he/she desires to donate the coupon. Let's analyze the dynamics that follow. In order to receive the greatest number of coupons, the civil society organizations work to acquire the consumer-citizens' sympathy by informing them of their actions, missions and results, and in so doing they engage the consumers in the effort to meet their goals. For their part, the consumers who 'bond' with a particular organization by sharing its mission put pressure on the firms to increase the value-percentage of the coupons. For obvious reasons, the *A* firms will want to comply with their consumers' requests. What would constitute the positive results of such a scheme? First of all, it would help the nonprofit organization to establish ties with the territory. So many organizations working in the private-social sphere are unknown to the local civil society. Secondly, it would increase the resources at the disposal of the third sector because citizens would be functioning collectively as a 'flywheel', not only as mediators between donor and beneficiary. Also, this type of solidarity competition among various beneficiaries would tend to increase their operational transparency well beyond that which can be assured by either a social report or social auditing. But most of all, it would increase the effectiveness of their interventions, which would result in lowering the risk of paternalistic relationships developing between subjects of type *A* and *B*, as often happens today.

A useful way to understand the basic differences among the three models of welfare society described above is to ask which specific notion of freedom of choice each of them grants to the bearer of needs. Behind the neo-statist model is the idea that the person who utilizes welfare services is a *user*, a subject whose sole option of choice is that of 'voice'; that is, of protest. As A. Hischmann remarks, this user can only protest in the face of an inadequate or insufficient supply of welfare services. The second model leans on the figure of the consumer as a *client* 'who is always right' because he/she is endowed with purchasing power. Within the field of choices, the client exercises sovereignty through the possibility of using the 'exit' option. The third model comes down to us from the theory of rights. It sees the consumer as a *citizen*, who is not limited to consuming the services he/she prefers, but 'pretends' his/her right to concur, to participate with the various suppliers in defining, and sometimes even producing, the service packages.

It's easy to grasp the implications of the three positions. The first would lead to an updated reproduction of the welfare state model that distributes services in response to the abstract needs of subjects. Though it may do so generously, it nevertheless does so regardless of the particular biographies

of the subjects. But by now we know that forgetting the specific identities of the beneficiaries of social services, especially in health care, raises costs and increases dissatisfaction. In the field of health, the sick person doesn't lay claim to the exclusive exercise of decisional power so much as to the right to be recognized as the bearer of a specific competence with respect to her own health. On the other hand, the consumer-client is only ostensibly free to choose. It is certainly so in the sense of choosing on the basis of his/her preferences. However, given the ever-present phenomenon of asymmetric information between the producer and consumer of care services, it is extremely easy to manipulate preferences. Consider, as an example, the demand for health services – a demand derived from the 'demand for health'; i.e., from a subjective perception of a desired state of health. It is well known that this is a function, besides health care, of factors such as environment, working conditions, lifestyle, and family, etc. This subjective perception is influenced by many variables, such as social status and level of education, but mostly it is influenced by the 'availability effect' (variations in supply induce a corresponding variation in demand) and by the 'choice set effect' – as the parable of 'sour grapes' and the theory of cognitive dissonance teach – where patients' preferences are conditioned by their opportunity to access the health care packages (cf. Elster, 1989).

This is why circumscribing the concept of freedom of choice around the figure of the consumer-client is too limiting and merely consolatory. Instead, we believe that the principle of freedom of choice should be applied to the figure of the consumer-citizen. This presupposes that civil society be organized in such a way as to convert the need; e.g., convert the need for health into a demand for health services that are respectful of personal autonomy. In order to do this, we must facilitate the cultural passage away from the conception of liberty as the power of self-determination to that of the power of self-realization. Instead of being valued for that which it allows us to do or obtain (as in the case of freedom as self-determination), freedom assumes importance because it enables us to affirm our self-realization. It's the same as saying, while negation of the first form of freedom reduces our utility, negating freedom as self-realization deprives us of our dignity and identity, which is far worse.

Let's consider public health once again. Like social cohesion and local development, public health is a fundamental component of social capital. In the presence of social externalities, such as those associated with the accumulation of social capital, the total benefits generated by the activity of a given supplier are not only those that can be attributed to the output

but also those associated with the way that output was obtained, and most of all with the motivational system that animated the people who promoted that activity. So, while the existence of positive social externalities discourages the for-profit firm from increasing its own investment, it represents the very mission of the social and civil enterprises – it is what draws the members of these organizations together to give life to their economic activity. Note that this does not mean that a for-profit firm has no interest in considering social externalities or in contributing to their production. It simply means that the objective of profit maximization (or any other profitability indicator) does not allow this type of firm to 'attribute' any weight to such externalities within its own decisional process. Needless to say, it remains true that another subject, such as a local government or a consumer association, could force or induce the for-profit firm to make such considerations.

4.3. What practical steps need to be taken in order to make the civil-welfare path pervious? A specific type of market – social-quality markets – need to be activated. These *sui generis* markets have a different mode of operating than private goods markets. In this type of markets, the government obtains the resources to allocate to welfare from general taxation. These funds are then utilized to promote and sustain the demand for social services, making this demand effective, instead of merely virtual. In other words, public funds are used for *financing the demand – i.e., the needs-bearer – instead of the supply*. (The operative instruments that can be applied are various in nature, from vouchers to tax deductibility to the promotion of various forms of mutualism in a given territory, among others.)

Secondly, government intervenes on the supply side, with legislative and administrative measures designed to ensure that a plurality of suppliers is always guaranteed, thereby avoiding monopolistic rents, both public and private, and allowing citizens real freedom of choice. The basic idea of social-quality markets is that of inserting the social dimension inside the market mechanisms, not upstream from them, where the proponents of the 'market-as-a-necessary-evil' thesis like to place it; nor downstream from them, where the proponents of compassionate conservatism like to keep it. The paradox of the latter group of thinkers is that these most vocal proponents of the virtues of the market as a social institution don't maintain its adequacy for reaching objectives of a social nature. In fact, they believe that altruism or organized philanthropy is the solution for satisfying the needs of those left behind in the market race.

The basic scheme of social-quality markets rests on the following three pillars. First, on the basis of rules for determining the effective needs of people, the central or local government in one way or another finances the needs-bearer, with the aim of transforming a potential demand for services into an effective demand. Secondly, in order to protect citizens from risks associated with the pervasive presence of asymmetric information, the government ascertains the real capacity of the suppliers to furnish the various types of services. In other words, government assures the citizens about the so-called certified quality of welfare services. Thirdly, by exercising their effective freedom of choice, the need bearers initiate a kind of competition among the suppliers of care services. Note that this form of competition is not over the prices or costs of the services, but over their quality. In such a race, the supplier who, at parity of costs of the service, best interprets and satisfies the demand of relationality of the needs-bearer wins.

By exercising an actual power of choice, consumer-citizens can control the *tacit quality* of the services they receive and in so doing obtain a higher level of satisfaction. The quality of a service is tacit when it can be ascertained only by those who actually receive it. On the other hand, codified quality can be ascertained even by a third party. At the same time, this practice would legitimize the beneficiaries' co-responsibility of making contributions for the services they receive in order to balance the structural insufficiency of relying solely on tax revenues. In fact, the social-quality-markets approach not only aims at widening the area of inclusion for a given configuration of demand and supply, it also sets it into motion. Thus we see how different the social-quality market is compared to the familiar capitalist market. It is rather a *relational market*, to the measure in which the goods produced and exchanged postulate the adoption of relational practices. Note that a market of this type is social not because it is run by government, even though the latter plays an important role, but because social and civil entrepreneurs intervene by making their interactions with needs-bearers the pivotal point of the helping process. It is precisely such interaction that keeps the social-quality market from becoming confused with a capitalist market dealing in the area of social services.

There are three specific reasons why the government should not adopt direct forms of financing welfare-service suppliers (Besharov, 2003). Direct financing tends to create false 'winners and losers' because political pressure is too strong to allow items to be cancelled once they've entered the public budget. Thus unworthy subjects receive perpetual help and worthy subjects have no access to funds. On the other hand, the alternative based

on competitive bidding for contracts, which rewards the best offers from the purchasers' point of view, forces service suppliers to cut costs to the point of lowering the codified (as well as tacit) quality of the service, and it sets forms of social dumping into action as well. Secondly, direct financing can alter the nature of services being offered and thus raise the total costs. In fact, when choosing service typologies, it is natural for the government to fix quality standards and/or regulation standards according to the needs of the average consumer. This causes two undesired effects. On the one hand, failure to consider the citizen's personal situation invites complaints and discontent from those people whose needs are located above or below the median level. On the other, offering a service greater in quality than that which a citizen would choose, if given the opportunity, increases costs due to quality wastes.

Lastly, direct financing tends to shadow the cultural identity of civil society's subjects. This happens according to the measure in which the direct transfers of public funds oblige such subjects to specialize in bureaucratic-administrative tasks rather than entrepreneurial talents. It can be demonstrated that greater amounts of direct public financing proportionately lower the entrepreneurial capacity of third-sector subjects. This tends to weaken their very mission, which is the principal cause of their comparative advantage in supplying the relational goods typical of welfare services. It can also be shown that the dominance associated with direct public financing tends to create vertical ties between public bodies and the suppliers, which weakens the horizontal networks existing among the suppliers themselves. In Italy, for example, direct financing has blocked the creation of social and civil entrepreneurial districts. Italian industrial districts (those of the 'made in Italy' brands) are famous all over the world. Their success depends on their ability to activate local culture and tacit knowledge embedded in a given territory. In spite of this successful model, Italy has failed, thus far, to implement a similar model for its social and civil enterprises.

4.4. In light of what precedes, it becomes clear that putting the civil-welfare model into practice presupposes the existence of social-quality markets and therefore of social and civil enterprises. If one were happy with the welfare-mix model alone, it would suffice to give life to the services of social markets, and to this end, it would be enough to rely upon nonprofit organizations, which are neither fully autonomous nor independent.

In order to move beyond the ambiguity frequently found also in specialized literature, it must be repeated that the social-quality market is substan-

tially different from the social market of welfare services, known also as quasi-market services. The latter is a market of welfare services created by a public body that manages it according to politically fixed principles, thus it is a market in which the public-service culture prevails. The social-quality market, on the other hand, is characterized by the relational content of the services exchanged. What truly characterizes the social quality of the goods and services exchanged in the markets of social quality is not so much their technical characteristics (ascertained with standardized procedures such as the ISO 9000 type and others), but rather the active involvement of citizens in the process of producing the services. The citizen, in fact, is both a bearer of needs as well as a bearer of knowledge and resources. In the words of P. Donati (2003), 'The quality is social not simply because it valorizes the importance of interpersonal relationships in the economic transactions because of their fiduciary and affective quality [...], but because it regenerates social capital. In other terms, it is necessary to pass throughout more elaborate and specific concepts for social quality in terms of social capital' (p. 11).

These distinctions are also important because they allow us to clear up the fact that the criticism and concern that have been advanced against the quasi-market model (Fazzi, 2000) have nothing to do with social-quality markets, as intended here, if for no other reason than these markets have yet to exist.

The basis for proposing social-quality markets is Sen's concepts of capabilities and functioning. Though universally known by now, these ideas have yet to be put into practice. Sen's approach to well-being suggests moving the focus of attention from the goods and services at the disposition of the needs-bearer to the effective capabilities of people to 'function' with the goods they possess, and therefore to expand the opportunity for human flourishing. This would mean placing persons – with their identities, biographies and demands for well-being – at the center of the new welfare, instead of centering in accordance with today's practice on the supply of services, which conserves the value of the instrument instead of the end of the welfare intervention. It is necessary to go against the self-referential distortion of welfare policies, distortions that are the first cause of their own failure. Even though they may be technically efficient, such services as healthcare, education, and assistance, etc., are ineffective and ultimately useless unless they allow those who use them to increase their functioning. In this sense we can say that civil welfare represents an authentically alternative perspective for our present historical contest.

What kind of institutional modifications will the realization of this perspective require? It is necessary to go beyond the well-known neocorporatist model of social order – a model according to which the subjects of the civil society, bearers of culture, do not act autonomously from the state, but either through it or with its permission. It is the (central or regional) government that conducts the various classes of stakeholders in society towards a social equilibrium. Cassese (2001) applies the term 'bipolar paradigm' to describe the nature of the relationship between public administration and citizens typical of that model. 'The State and public law are dominated by the conflict State-citizen, two irreducible and contrasting poles. This paradigm slowly formed in the passage from an order…in which there is no difference between State and civil society, to an order in which we now live that is founded on the separation between the State and the community' (p. 602). The reasons that the neocorporatist model cannot function well today after reaping advantages and merits in the past are well known. The most relevant of these reasons is that in the bipolar paradigm, the public administration is always addressing a passive subject, or a client at best. This is true even where it is efficient and generous in supplying its services.

In the face of the unsustainability of the neocorporatist model, two positions have taken center stage in discussions today. On the one hand, the neoliberal one looks favorably upon the decline of the collective players and asks that individual actors and private market mechanisms (regulated by the principle of the exchange of equivalents) be entrusted with the duty of setting the social order. On the other hand, there is the position of those who want to put civil society into play and think that the organizations of civil freedoms should constitute a genuine institutional infrastructure in today's societies . In this lies the definitive meaning of the principle of horizontal subsidiarity, according to which pluralism *within* the institutions is not enough: This principle requires, in addition, the pluralism *of the* institutions themselves.

The civil economy perspective favors this second position. Arena (2002) uses the term 'shared administration' to signify a particular alliance between public administration and organized civil society, an alliance that postulates the autonomy and responsibility (thus the independence) of all the subjects involved in the relationship who are working towards solutions for problems that neither could reach alone: 'The principle motivation for realizing co-administration experiences cannot be merely solidarity…rather those must also be the interest of all the subjects to resolve a certain problem' (Arena, 2002, p. 187).

What's more, if we look carefully, we realize that the civil welfare model takes seriously all the dimensions of the principle of subsidiarity. Until now, this principle has been declinated in vertical and horizontal terms, but it has never taken into serious consideration a third dimension, which has to do with the principle of reciprocity. The principle of subsidiarity emanates from a more fundamental anthropological principle, according to which the human being is more than just an individual (a distinct and self-sufficient reality); he/she is above all a person who becomes fully himself/herself only within the context of reciprocal relationships with others. Anchored to this personalistic premise, the principle of subsidiarity implies that, given the same levels of efficiency and effectiveness, those institutions with the highest 'density' of interpersonal relationships are to be preferred. Therefore, we need an extension of the principle of subsidiarity. It is not enough to affirm, as the horizontal version of subsidiarity does, that '[t]he State shall not do that which reciprocity can do'; in a civil welfare perspective we have to add that 'the contract shall not do that which reciprocity can do'. With this extension we gain a substantial enrichment of the principle of subsidiarity. Indeed, if this third dimension of subsidiarity is not recognized, there is no way of favoring a social cooperative over a joint stock company for running a crèche! Looking back to the second section above, we realize that this principle was clear to both Genovesi and Smith even if they did not know the expression. They both placed love and friendship well above market exchange, even though they knew that larger societies had to rely on the division of labor and thus were realistically 'resigned' to the exchange of equivalents. Commerce and market cannot rank first in civil life. According to these authors, the 'invisible hand' of the market comes in to *subsidize* and help civil virtues, not replace them.

5. IN CONCLUSION

The main message I want to convey is the following. It is by now a well recognized fact that market systems are consistent with many cultures, conceived as tractable patterns of behaviour or, more generally, as organized systems of values. In turn, the type and degree of congruence of market systems with cultures is not without effects on the overall efficiency of the systems themselves: in general, the final outcome of market-coordination will vary from culture to culture. Thus one should expect that a culture of extreme individualism will produce different results from a culture

where individuals, although motivated also by self-interest, entertain a sense of solidarity. In the same way, a culture of peace and harmony will certainly produce different results, on the economic front, from a culture of confrontational competition.

But cultures are not to be taken for granted. Cultures respond to the investment of resources in cultural patterns, and in many circumstances it may be socially beneficial to engage in cultural engineering. Indeed, how good the performance of an economic system is depends also on whether certain conceptions and ways of life have achieved dominance although a precarious one. Contrary to what many economists continue to believe, economic phenomena have a primary interpersonal dimension. Individual behaviours are embedded in a preexisting network of social relations which cannot be thought of as a mere constraint; rather, they are one of the driving factors that prompt individual goals and motivations. People's aspirations are deeply conditioned by the conventional wisdom about what makes life worth living.

Perhaps what we need is a new anthropological orientation within economics, capable of enlarging the scope of economic research in order to make it more relevant for the analysis both of policy means and of policy ends. In fact what is called for today is a theoretical set-up by means of which one can explain how cultural factors and economic choices interact and how this interaction feeds back on the ongoing social relations. The key notion in this respect is that of coevolutionary dynamics: individual behaviours and social norms evolve jointly as micro and macro changes in the latter prompt adjustments in the former and viceversa. This is clearly a very complex and far-reaching scientific endeavor, which the most recent economic literature has just begun to explore. The various attempts to demostrate the self-sufficiency of the categories of economic discourse do not help to expand its grip on reality. As it is well known, during the last century, mainstream economic theory argued for the divorce of economic judgement from moral and political philosophy. This divorce was supported by the idea that economics should only be concerned with means and not with ends, which has rendered the discipline of little use for the understanding of social processes and for the analysis of structural change.

I do not wish to hide the difficulties lurking in the practical implementation of a cultural project targeted at nothing less than a 'paradigm shift' in economic analysis. As in all human endeavors, it would be naive to imagine that certain changes do not create conflict. The differences of vision and the interests at stake are enormous. It is no accident that a kind of wide-

spread anguish about the future is running throughout society today. Some people and certain pressure groups are exploiting this anguish as a political tool, deriving from it, depending upon the circumstances, either a market-centered Machiavellianism or a State-centered Machiavellianism. It is precisely against this neo-Machiavellian culture and its underlying ethical relativism that those who, like the Christians, are the bearers of a specific message of hope should put up a fight.

I would like to conclude with a passage from the letter Vilfredo Pareto wrote to his collegue and friend Maffeo Pantaleoni on July 30, 1896: 'I am more and more convinced that no study is more useless than that of Political Economy. Tell me, had this science never been studied, would we be in a worse state than the present? All our Political Economy is a vaniloquium'. I do believe that economists cannot resign themselves to an economic discourse reduced to vaniloquium. If so, I think we have to avoid dismembering the economic sphere from the other domains of life. This is what Christian Social Thought is ultimately urging economists to do.

BIBLIOGRAPHY

Arena, G. (2002), *Utenti clienti, alleati: nuove prospettive nel rapporto tra cittadini e pubblica amministrazione*, in Montebugnoli A. (2002).

Bentham J. (1789 [1823]), *An Introduction to the Principles of Morals and Legislation*, London.

Besharov, D.J. (2003), The past and future of welfare reform, in *The public interest*, winter.

Bruni L., Porta P. (2004) (eds.), *Happiness and Economics*, Oxford, OUP.

Bruni L., Zamagni S. (2007), *Civil Economy*, Oxford, Peter Lang.

Buber M. (1972), *Il problema dell'uomo*, Bologna.

Cassese, S. (2001), L'arena pubblica. Nuovi paradigmi per lo stato, in *Rivista trimestrale di diritto pubblico*, no. 3/2001, pp. 601-50.

Cohen D. (2006), *Globalization and its Enemies*, The MIT Press, Cambridge (Mass.).

Dasgupta P. (2007).

Deci E. (1999), Meta-analytical review of experiments examining the effects of extrinsic rewards on intrinsic motivation, *Psychological Bulletin*, 125, 627-668.

Donati P. (2003), Giving and Social Relations, *International Review of Sociology*, 13, 243-72.

502   STEFANO ZAMAGNI

Durlauf S., Young H.P. (2001) (eds.), *Social dynamics*, Cambridge, MIT Press.

Fazzi, L. (2000), La riforma dell'assistenza in Italia e i quasi mercati, in *Economia pubblica*, no. 6, pp. 35-69.

Frey B. (1997), *Not just for the money*, Cheltemham, E. Elgar.

Gui B., Sudgen R. (eds.) (2005), *Economics and Social Interaction. Accounting for Interpersonal Relations*, Cambridge, CUP.

Harrison A. (2006), Globalization and poverty, *NBER*, WP12347, June.

Hobbes, Thomas, (1642), *De Cive. Elementi filosofici sul cittadino,* ed. by T. Magri, Editori Riuniti, Roma 1999.

Hobbes, Thomas, (1651), *Leviathan or the Matter, Forme and Power of a Common-Wealth Ecclesiasticall and Civil*, London, Andrew Craoke.

Kose M.A., Prasad E., Rogoff K., Wei S. (2006), Financial globalization: a reappraisal, *NBER*, WP 12484, August.

Janssen M. and Mendys E. (2004), The price of a price: on the crowding out and in of social norms, *Journal of Economic Behaviour and Organization*, 55, 377-395.

Milanovic B. (2006), *Worlds apart: measuring global and international inequality*, Princeton, Princeton University Press.

Palmieri, Giuseppe, *Riflessioni sulla pubblica felicità relativamente al Regno di Napoli*, Pirotta e Maspero, Milano, 1788.

Polachek S., Seiglie C. (2006), Trade, peace and democracy: an analysis of dyadic dispute, *IZA*, DP 2170, June.

P. Sacco, S. Zamagni (eds.), *Complessità relazionale e comportamento economico*, Bologna, Il Mulino, 2002.

Smith A. (1950), *The Wealth of Nations*, (1776), ed. by E. Cannan, London, Methuen, 6th ed.

Titmuss R. (1970), *The Gift Relationship*, London, Allen & Unwin.

Todorov, T. (1998), *La vita in comune*, Nuova Pratiche Editrice, Milano.

Verdier T. (2004), Socially Responsible Trade Integration, *NBER*, October.

Vigna C. (2002), Aporetica dei rapporti intersoggettivi e sua risoluzione, in C. Vigna (eds.), *Etica trascendentale e intersoggettiva*, Milano, Vita e Pensiero.

Wicksteed P.H. (1910), *The commonsense of Political Economy*, London, Macmillan.

Zamagni S. (2005 b), La svolta antropologica in economia, *La Società degli Individui*, 2005.

Zamagni S. (2005), L'economia civile e i beni relazionali, in R. Viale (ed.), *Le nuove economie*, Milano, Il Sole 24 Ore.

IS RECIPROCITY THE BEST PATH
FOR THE COMMON GOOD?

JOSÉ T. RAGA

It is a great honour for me to undertake the task of commenting on Prof. Zamagni's presentation at this fourteenth Plenary Session of the Pontifical Academy of Social Sciences, corresponding to the year 2008. There are three principal reasons for my personal satisfaction at this honour. Firstly, Professor Zamagni is a university colleague of proven rigour, a rigour applied with excellent results to the study of the Social Doctrine of the Church and its penetration in the development of the social sciences. Secondly, because his contribution to the Plenary Session is an example of his *modus operandi* with respect to the carrying out of scientific research, on a matter of such importance as that of determining the *iter* of a community to the common good, its own common good and that of universal society. Last but not least, our long and consolidated friendship, that *virtutis opinio* of which Cicero spoke,[1] is both a source of pleasure and a cause for gratitude.

We coincide in many aspects of doctrine and we share many commitments and objectives. Therefore, a special effort will be required on my part to achieve objectivity in these observations and enable personal closeness in thinking and criteria to give way to objectivity in the task entrusted to me.

The work of Prof. Zamagni shows a rich historical and doctrinal illustration of the space which man, and ultimately the community, occupies in the consideration of economic endeavour and in the scientific construction of the Economy and the models which tend towards the satisfaction of human needs: fundamentally, the Welfare State model. In this respect he moves with clarity and logic between free economy models and planned models, which have maximum public-sector intervention and

---

[1] *See* M.T. Cicero, *De amicitia*, XI, 37.

deny the capacity to choose of the singular subjects or individuals, if one prefers the latter term.

With great satisfaction, we have witnessed the differentiation, within liberalism, of individualist thinking, much at evidence in Hobbes' political philosophy, which would leave a great mark on subsequent liberal econom-ic thinking, as opposed to the liberal humanist thinking of Adam Smith. In the latter, man is a social being, who benefits from society whilst at the same time, through his free and responsible action, benefiting it.

It is therefore, a question of distinguishing between three models. First-ly, we have the model of maximum public intervention, in which a society without people is shaped, a society whose objectives and preferences are set at a macro-social level, without necessarily bearing a relation to the goals and preferences of the subjects who make up the social nucleus.

Secondly, and diametrically opposed to the above model, is the individ-ualist model, in which the individual is considered the only subject of deci-sions and where such decisions are established by the individual and for the individual, given that society is an artificial creation arising from agree-ment, which more often than not exercises its aggression on the individual himself when he enters into conflict with the rest of its members.

Finally, there is a third model in which the singular subject, and not so much the individual, far from living in isolation and with an aggres-sive attitude towards society, sees himself as a social being and there-fore sociable. This leads him to the conviction of the negative or posi-tive importance his decisions may have for the legitimate objectives of the community. Reflect on the real presence of social objectives – the good of society as a whole – when Adam Smith says: 'Every individual is continually exerting himself to find out the most advantageous employment for whatever capital he can command. It is his own advan-tage, indeed, and not that of the society, which he has in view. But the study of his own advantage naturally, or rather necessarily leads him to prefer that employment which is most advantageous to the society'.[2] The 'society' is clearly present in the thinking of the Scottish economist,

---

[2] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*. First Edition in W. Strahan and T. Cadell in the Strand. London 1776. The reference is from the edition of R.H. Campbell and A.S. Skinner. Liberty Classics, Indianapolis 1981, as an exact photographic reproduction of the edition published by Oxford University Press in 1776; Vol. I, p. 454.

as could only be expected of one who, sixteen years earlier had published *The Theory of Moral Sentiments*,[3] a work in which social man was clearly profiled.

It is true, as Prof. Zamagni points out, that the man implied in the work of Smith, who acts in his own interests and in doing so provides the greatest benefit to society, is not easily perceptible in many current economic studies. In fact, for much economic research, the vision of man and his economic activity is developed in a purely mechanistic environment where the action chosen, preferred or passed over is conditioned by materialistic determinism, in the absence of spiritual considerations and moral behavioural restrictions.

It would not be remiss at this point to bear in mind the thinking of Mises when he states that 'Acting man chooses between various opportunities offered for choice. He prefers one alternative to others. It is customary to say that acting man has a scale of wants or values in his mind when he arranges his actions. On the basis of such a scale he satisfies what is of higher value, i.e., his more urgent wants, and leaves unsatisfied what is of lower value, i.e., what is a less urgent want'.[4] This order, through which the subject chooses, is configured by a scale of values which includes not only material objectives of a physical order, but also objectives of a spiritual nature. Thus, the Austrian author added that: 'It is arbitrary to consider only the satisfaction of the body's physiological needs as "natural" and therefore "rational" and everything else as "artificial" and therefore "irrational". It is the characteristic feature of the human nature that man seeks not only food, shelter, and cohabitation like all other animals, but that he aims also at other kind of satisfaction. Man has specifically human desires and needs which we may call "higher" than those which he has in common with the other mammals'.[5]

Therefore, the reductionism with which certain currents of economic thinking view man as an actor governed only by extrinsic motives, leaving other disciplines to study those actions guided by intrinsic motives, focuses its analysis on purely materialist or economicist elements. It is therefore

[3] *See* Adam Smith, *The Theory of Moral Sentiments*. London and Edinburgh, 1759.

[4] Ludwig von Mises, *Human Action. A Treatise on Economics*. William Hodge and Company Limited. London-Edinburgh-Glasgow, 1949, p. 94.

[5] Ludwig von Mises, *Human Action. A Treatise on Economics*. William Hodge and Company Limited. London-Edinburgh-Glasgow, 1949, p. 19-20.

easier to apply quantitative methods and the implicit principle is that *what cannot be measured or weighted simply does not exist.*

This also implies that, for the model, it is better to have a rational subject, one who is certain and has perfect knowledge of ends and means and the way in which the former are achieved as a result of the latter, or that once the former (ends) are established, he will know how to choose, rationally and with economic logic, the means necessary, and only those necessary, to achieve these ends.[6] However, real man is quite different from that man who is sure of himself, certain in his conceptions, aware and perfectly informed of the environment that surrounds him and capable of making decisions in the certain knowledge of the outcome. More commonly, the man we find every day taking decisions in society is a dubitative, erroneous person, sparsely informed with regard to both means and ends and the link between them, but who, conscious of his shortcomings and weaknesses, is a subject who makes decisions to achieve a particular objective and assumes the inherent risk of error.[7]

This is the man who constitutes the nucleus of conviviality that makes up a society. A community whose harmony will be in accordance with the values on which the action of the subject is based, the action of each singular subject and of each person within the family nucleus, which is the primary and most basic cell of the widest community of them all: the human family. This man, capable of loving and of feeling loved, is he who, in the language of Zamagni, is fit to perfect a 'relational' conviviality in which the fundamental goods are spiritual ones – trust, friendship, love – the 'relational goods'. Goods, services and material goods in general are those that, *per accidens*, are placed at the service of people to satisfy needs of that nature.

The paper of Prof. Zamagni is founded on the relational environment of the economic subjects, as people with a capacity for sacrifice and mutuality in order to profile a civil society of these characteristics. This has as its objective and is aimed at the achievement of a 'Civil Well-being' model as opposed to the 'Welfare State' model. The latter has been traditional in economic literature since German Historicism, which was based on Eisenbach's *Manifiesto* and enjoyed the doctrinal support of the *Verein für Sozialpolitik*.

---

[6] *See* Lord Lionel C. Robbins, *An Essay on the Nature and Significance of Economic Science*. MacMillan, London 1932.

[7] *See* Carl Menger, *Principles of Economics*; with an introduction by Frank H. Knight. Free Press. Glencoe, Illinois, 1950. Also with an introduction by F.A. Hayek. New York University Press. New York, 1981.

SOME OBSERVATIONS ON THE CONTENT OF PROF. ZAMAGNI'S CONTRIBUTION

I am aware that these observations deal more with the semantics employed than the doctrinal content. However, it is my precise intention to avoid possible confusion in the latter arising from the use of ambiguous words or words with multiple meanings or different meanings depending on the time and place in which they are used. Perhaps my personal reason for focusing on this is related to the vacuous nature of some of the expressions used by Prof. Zamagni, which, in my country, Spain, and perhaps not only in Spain, would have quite a different meaning.

A) The first term upon which I wish to focus attention is *civil society*. For Prof. Zamagni, using the same thinking as Giambattista Vico and Genovesi, it consists of 'that set of lifestyles, rules and institutions that enable the ambivalent nature of human beings, their unsociable sociability, to be directed to the common good'.[8] In our opinion, it cannot be said that the term 'civil society' is unequivocally identified with a society that, given its axiological structure, is aimed at the achievement of the common good. Indeed, we would dare to say that in the bosom of so-called civil society, there is no formally or informally accepted understanding of what common good means or the way or alternative ways to its achievement. The exception of course is when the common good is the good established as such by the dominant class or part of the social segment which has the opportunity or privilege to be able to dominate or substantially influence society as a whole.

To guarantee that civil society implies a personalist and therefore relationist structure, committed to man and the human family, would require assurance from those who configure it that said structure was fully impregnated by the values of humanism and specifically by those of fraternity, freedom, love, etc. Otherwise it would merely be a structure with its own dynamic, its own preferences and its own objectives.

Furthermore, when we speak of civil society, we assume a structure generated by the spontaneous order of society in its civic duty rather than one created by human initiative. It is, therefore, not the result of coinciding wills at a given time and place for the creation of a structure convenient to their objectives. It is rather, personalist relational action that unites ideas and objectives from an initial postulate that takes the form of the good

---

[8] Stefano Zamagni 'Reciprocity, civil economy, common good'. Paper presented to the XIV Plenary Session of the Pontifical Academy of Social Sciences. Vatican City 02-06 May 2008. Not yet published; p. 474 of this volume.

desired by the community. If this is so, prior to the configuration of the civil society, a series of human values shared by the members of the community – from the narrowest to the widest – would be necessary. This is what would give rise to the will to live and share said values, and testimony would be borne to them by action aimed at achieving the common good as established by the society itself as a whole.

At times, the concept of civil society is identified with the so-called Third Sector, in reference to organisations where gratuitousness predominates over compensation – call it profit or simply remuneration – at least for those at the head of the organisation, though naturally not for those whose work is to provide the service or fulfil the stated mission of the entity. Though it is true that these organisations representing the Third Sector, the NGOs, wear a halo of communicability, relationality, sociability and therefore are identified with the most worthy of a society's objectives – perhaps even with the common good – it is no less true that they have very diverse aims, which cannot always be assumed to lead to a better society. Indeed, the only implication of the name is that they are simply non-governmental, so it is reasonable to infer that they can carry out any initiative that does not fall within the term 'governmental' and that though they are presented to the public as altruistic, such altruism may be merely apparent.

As opposed to this positive concept of 'civil society', and in contrast to its wealth of content, the exclusive concept of its meaning is no less frequent. Perhaps more so, but not just in Mediterranean countries, the term civil society is simply identified as opposed to political organisation, or, perhaps more functionally, with the public administration. The public administration is predetermined by the structure of the laws that configure it. It fulfils the function assigned to it by the public service – in theory to satisfy the social objectives that have become manifest as a result of the democratic voting process – whereas civil society, with its tools, more often than not informal in origin, materialises through the practical action, the worries, the objectives and the access to relational goods, which have become perceptible as a result of living within a community.

In this way, the concept of civil society would simply be determined by what it is not rather than by what it is. This would lead us to a lower valuation of its inherent structure, given the shortcomings of a profile that would vary depending on changes which might take place in the structure of the public administration, on whose exclusion its character and content depends. The model might be operative within smaller communities, where communication and the presence of relational goods are more spontaneous

and less complex but may not work in wider communities, where the lines of communication and knowledge are more imperfect and the motivation of subjects lower as a result of imperfect information.

It is therefore reasonable to ask where exactly civil society begins and ends. Less need for the state could be considered an advantage of a civil society model, since, arising from its proximity to needs and its greater relationality, civil society itself has the capacity for the self-regulation required to ensure that its action is successfully aimed at achieving the desired result. This would make the presence of state authority redundant. However, in Prof. Zamagni's paper, the presence of the state intervening in the scenario of civil society is quite noticeable.

A particularly striking case of public intervention occurs in the so-called social-quality markets.[9] Here, far from trusting the market, the public sector is responsible not only for financing – there are other formulae which would better guarantee the efficiency of resources – but also, through the public administration, defining priority goods for society and setting minimum quality standards for the legal supply of those goods.

It is true that a system that finances the user or demander, rather than one which finances the enterprise or institution that supplies the good, injects a certain confidence into the market. There is no doubt that this type of financing, to the extent that it permits the demander to choose the supplier, achieves greater efficiency in the use of resources. At the same time, the demander, if adequate information is available, will select not so much the abstract quality of the good but rather the degree of satisfaction it affords. Excellent examples of this are to be found in the area of education, in the form of the system known as the *school cheque* or *school bond*, rather than the direct financing of schools and educational institutions. There are few doubts about the superiority of financing the user, though it does generate inefficiency and dissatisfaction owing to restrictions in supply with respect to the wishes of demanders and more so if good information is available. This does not take account of the positive or negative effects of the location of demanders with respect to the location of the good on supply.

Again with respect to the financing of demanders, it is worth considering whether the superiority of the system in the example of the so-called school

---

[9] *See* Stefano Zamagni 'Reciprocity, civil economy, common good'. Paper presented to the XIV Plenary Session of the Pontifical Academy of Social Sciences. Vatican City 02-06 May 2008. Not yet published; p. 495 of this volume.

cheque can be extended to a greater number of public goods or is applicable only to a reduced number of merit goods. We see no reason, *ab initio*, to believe the contrary, assuming that the same conditions apply, particularly conditions with respect to the quality of real information about the good on offer and those governing its supply. Taking this consideration to its logical limit, and within a scenario of an abundance of goods being publicly financed through the financing of demanders, one question needs to be posed with respect to taxation policy. Would it not be best, rather than penalising citizens with taxes and then returning part of those taxes in the form of demander financing, to reduce from the outset the taxes paid by demanders and allow them to pay in the way they would for a private good or indeed, having paid for the good, permit them to deduct the payment from their taxes?

B) The second aspect on which I wish to comment, again for reasons of possible confusion arising from terminology, is what Prof. Zamagni calls 'reciprocity'. This is the basis for the achievement of a Welfare State, which along with the relational ingredients of the civil society would give rise to a superior state called Civil Well-being and which, in our opinion, is used as a synonym for Common Good.

In the paper presented, the term 'reciprocity' has a meaning that differs greatly from what we generally understand by this word. This is true to the point that in Stefano Zamagni's text, reciprocity is not univocal, though it bears some relation to subsidiarity. Whilst in some passages it is fully equivalent to subsidiarity,[10] in others it identifies with a third dimension of subsidiarity,[11] as opposed to the traditional vertical and horizontal dimensions of the term.

For us, reciprocity implies a rational expectation of compensation. In reciprocity, we fail to see free giving or any generosity in the activity of the subject. This is because he expects to find an equivalent attitude – reciprocity – from the beneficiary of the initial action. Whether it has been established from the outset – and hereon will be based the distinction as to whether or not reciprocation can be demanded as a result of the agreement – an attitude based on the principle of reciprocity implies a service accompanied by compensation from the other party.

---

[10] *See* Stefano Zamagni 'Reciprocity, civil economy, common good'. Paper presented to the XIV Plenary Session of the Pontifical Academy of Social Sciences. Vatican City 02-06 May 2008. Not yet published; p. 489 of this volume.

[11] *See* Stefano Zamagni 'Reciprocity, civil economy, common good'. Paper presented to the XIV Plenary Session of the Pontifical Academy of Social Sciences. Vatican City 02-06 May 2008. Not yet published; p. 499 of this volume.

The four forms presented by Paulo[12] in *Digesto*, are to be found in all reciprocity models: 'I give that you may give', 'I give that you may do', 'I do that you may give' and 'I do that you may do'. Any or all of these form part of the contractual relationship between two economic subjects and is common in the traffic of goods and services between those who, guided by their own interests are unwilling to give free of charge, unless such an action is also met by a similarly generous attitude on the part of other members of the community.

Seen from this perspective, reciprocity demands a return, a return perceived by the subject. In this respect it can be distinguished from charity, from solidarity, from unconditional and generous sacrifice or from any name we wish to give it. Reciprocity is defined as 'mutual or bilateral action'.[13] It has a second meaning 'The mutual concession of advantage or privileges for purpose of commercial or diplomatic relations'.[14] The *Real Academia Española* has defined it as 'mutual correspondence between one person or object and another'.[15]

Similarly, it has been said that 'The last stage in acquiring roles involves recognizing reciprocity between oneself and others'.[16] In another context, it has been said that 'The child understands that members of other countries are as attached to their own lands as he is to his; this is the principle of reciprocity'.[17] Or perhaps, we could cite Gouldner, who postulated the existence of a universal rule of reciprocity which stipulates that '...people should help those who help them'.[18] Without doubt, the relational perspective of Prof. Zamagni, who considers that '…is not that of exchange but that of reciprocity'[19] is closer to these concepts of reciprocity, than it is to attempts to place it within a third dimension of the principle of subsidiarity.

---

[12] Paulo, *Digesto* 19, 5, 5. *Do ut des*, *do ut facias, facio ut des* y *facio ut facias*.

[13] Bryan A. Garner, *Black's Law Dictionary*. English Edition. Thomson – West. St. Paul, MN. 2004. *See* 'Reciprocity'.

[14] Bryan A. Garner, *Black's Law Dictionary*. English Edition. Thomson – West. St. Paul, MN. 2004. *See* 'Reciprocity'.

[15] Real Academia Española, *Diccionario de la Lengua Española*. Madrid 1992. *See* 'Reciprocidad. – *Correspondencia mutua de una persona o una cosa con otra*'. [Translation by the author].

[16] T.M. Newcomb, *Journal of Social Psychology* IX, 1952, p. 308.

[17] G.W. Allport, *Personality and Social Encounter* XI, 1960, p. 175.

[18] Gouldner, *Journal of Social Psychology* LXXXVII, 1972, p. 89.

[19] Stefano Zamagni, Reciprocity, civil economy, common good. Paper presented to the XIV Plenary Session of the Pontifical Academy of Social Sciences. Vatican City 02-06 May 2008. Not yet published; p. 479 of this volume.

These objections and others of a similar nature, based fundamentally on possible *confusio in terminis*, added to the personal conviction that reciprocity is not a safe path to the common good, leads me, convinced of the fact that we are not speaking of different things but rather that we do so in different ways, to outline in the following pages my personal vision of the problem. For this purpose, I shall endeavour to use parameters that have clearly been established both by tradition and more particularly by the Social Doctrine of the Church.

PERSON AND SOCIETY

I could not agree more with Prof. Zamagni when he postulates that what is needed is a new cultural humus. That cultural transit 'from the conception of liberty as the power of self-determination to that of the power of self-realization'.[20] My agreement is even greater when he states that: 'Perhaps what we need is a new anthropological orientation within economics, capable of enlarging the scope of economic research in order to make it more relevant for the analysis both of policy means and policy ends'.[21]

As opposed to the building of a category of civil society of a relational nature, which as we have pointed out would require a new culture, we would prefer to evangelize for a new culture that recognizes the centrality of the human person. We speak, of course, of the human person from whose nature, of necessity, springs mutuality, life in common, and who transmits to society the good represented by his greatness, whilst also benefiting from the teaching provided by it. All of this with generosity and giving without the prior expectation of correspondence or reciprocity but rather motivated by a sense of otherness whereby the *alterum*, the 'other', becomes part of 'me', to the point where they are indistinguishable from each other.

And in the same way that I would not make reciprocity a categorical imperative – unless it aspired to exist merely within a trade-oriented society – I would seek such a Kantian principle for that committed solidarity and

---

[20] Stefano Zamagni 'Reciprocity, civil economy, common good'. Paper presented to the XIV Plenary Session of the Pontifical Academy of Social Sciences. Vatican City 02-06 May 2008. Not yet published; p. 493 of this volume.

[21] Stefano Zamagni 'Reciprocity, civil economy, common good'. Paper presented to the XIV Plenary Session of the Pontifical Academy of Social Sciences. Vatican City 02-06 May 2008. Not yet published; p. 500 of this volume.

sacrifice, that are offered without the expectation of reciprocal reward, in which the 'other' ceases to be such but rather becomes an extension of the 'me' by virtue of becoming part of my very being. In the words of Kant, 'The categorical imperative is...unique...*act only in accordance with a maxim that you could wish to be a universal law of nature*...Therefore, the universal imperative should be formulated as: *act as though the maxim governing your action should become, by virtue of your will, a universal law of nature'*.[22] We must not forget that the categorical imperative is, and has often been used as a synonym for, a 'moral law', where the 'maxim' is none other than the subjective principle governing human action. In other words, it is the principle, according to which, the subject acts.

The human person is, by nature, a social being and he is so by express design of the Creation. 'Yahweh God said, "It is not right that the man should be alone. I shall make him a helper"'.[23] Therefore, and without taking in any manner from the greatness and dignity of the human being – the only being created in the image and likeness of God, wherein lies his inalienable dignity – man needs to live in society for his own perfection. He requires social life to find and avail of the opportunities society offers him to do the good and devote himself to others.

In the words of Friar Abelardo Lobato O.P., this natural integration of the human person in the social life that befits him and of which he forms an inseparable part, is an enriching instrument of good both for himself and for the society which, by means of his contribution, he enriches and makes greater. He states that '...personal life requires communication with the world of others for its own enhancement...Because of his social dimension, that is so by nature, the human person is essentially social and communicative. He needs association with others to achieve perfection and disseminate what he possesses. Therefore, the person is never, in any aspect or in any circumstance, totally independent from society. Nor is his well-being, which is to be

---

[22] M. Kant, *Fundamentación de la metafísica de los costumbres*. Translation from German *'Grundlegung zur Metaphysik der Sitten'*, by Manuel García Morente. Espasa Calpe. Madrid 1946. Octava edición 1983; págs. 72-73. Literally: 'Der kategrorische Imperativ ist...einziger...*handle nur nach derjenigen Maxime, durch die du zugleich woollen kannst, da? sie ein allgemeines Gesetz werde*...so könnte der allgemeine Imperativ der Pflicht auch so lauten: *handle so, als ob die Maxime deiner Handlung durch deinen Willen zum allgemeinen Naturgesetze warden sollte'*. Immanuel Kant, *Grundlegung zur Metaphysik der Sitten*. Der Philosophischen Bibliothek – Band 41. Verlag von Felix Meiner. Hamburg; pp. 42-43.

[23] Genesis 2:18-19, *The New Jerusalem Bible*. Doubleday. New York, 1990.

found in the common good of society. Herein lies the obligation to achieve the common good upon which depends the individual good of the person'.[24]

Man is born, lives, grows and dies in society. In society he learns to know and identify his own needs and those of his brothers, whilst at the same time learning about the commitment which obliges him to attend to, insofar as possible – even renouncing that which he himself needs – the needs and shortages of other members of society. Social life is essential to the development and perfection of the person.

'Man's social nature makes it evident that the progress of the human person and the advance of society itself hinge on one another. For the beginning, the subject and the goal of all social institutions is and must be the human person which for its part and by its very nature stands completely in need of social life...

Among those social ties which man needs for his development some, like the family and political community, relate with greater immediacy to his innermost nature; others originate rather from his free decision. In our era, for various reasons, reciprocal ties and mutual dependencies increase day by day and give rise to a variety of associations and organizations, both public and private. This development, which is called socialization, while certainly not without its dangers, brings with it many advantages with respect to consolidating and increasing the qualities of the human person, and safeguarding his rights'.[25]

Man, a rational and free being, exercises his freedom in accordance with his nature when he tends towards good, because the achievement of good is an objective of man's humanity itself. Saint Thomas Aquinas said: 'A rational power is not to be directed to all opposite purposes, but to those which are contained under its proper object; for no power seeks other than its proper object. Now, the object of the will is good. Wherefore the will can be directed to such opposite purposes as are contained under good... for the will can be directed to either under the aspect of good'.[26] A will aimed

---

[24] Abelardo Lobato O.P. (Dir.), 'El pensamiento de Santo Tomás de Aquino para el hombre de hoy'. Vol. I, *El hombre en cuerpo y alma*. EDICEP C.B. Valencia 1994, p. 828. [Author's translation].

[25] Second Vatican Ecumenical Council, 'Pastoral constitution *Gaudium et spes*'. Rome 07.12.1965, n. 25.

[26] St. Thomas Aquinas, *Summa Theologica*. 1-2, q. 8, a. 1. Second and Revised Edition, 1920. Literally translated by the Fathers of the English Dominican Province. Online Edition 2008 by Kevin Knight (www.newadvent.org).

towards one's own good and the good of society, as outlined by F. Lobato. One's own good and the common good are conditioned in such a way that the individual good cannot be achieved while ignoring the common good and the common good has no place if it excludes the good of those persons who constitute the community.

Hence, '...there should be mutual friendship among men, in accord with which they assist each other either in spiritual or in earthly functions. Of course, it is a greater thing to help another in spiritual matters than in temporal affairs, as much greater as spiritual things are more important than temporal ones, and more necessary for the attainment of the end which is beatitude. Hence, he who gives up, through voluntary poverty, the possibility of succoring others in temporal things, so that he may acquire spiritual goods whereby he may more beneficially help others, he does not work against the good of human society...'.[27] A preference for the supreme goods – those of the spirit – as opposed to temporal and ephemeral goods – material ones –; a preference that is an integral part of the very nature of man.

The axiological order is such, both in the determination of the end and the means used to achieve it. 'As the end is something desired in itself, and what is used to achieve it, in this respect, is only desired because of the end, it is clear that the will can be aimed at the end, without necessarily being aimed at that which leads to it. However, the will cannot be aimed at that which leads to the end, in this respect, without being aimed at the end itself'.[28] An end which of necessity is the common good, owing to the internal coherance of the subject created as a social and sociable being. 'Just as nothing stands firm with regard to the speculative reason except that which is traced back to the first indemonstrable principles, so nothing stands firm with regard to the practical reason, unless it be directed to the last end which is the common good'.[29]

[27] St. Thomas Aquinas, *Summa contra Gentiles*. Book Three, Chapter 134, paragraph 4. Translated by Vernon J. Bourke. Edited, with English, specially Scriptural references, updated by Joseph Kenny, O.P. New York, Hanover House, 1955-57.

[28] St. Thomas Aquinas, *Summa Theologica*. 1-2, q. 8, a. 3. Second and Revised Edition, 1920. Literally translated by the Fathers of the English Dominican Province. Online Edition 2008 by Kevin Knight. (www.newadvent.org).

[29] St. Thomas Aquinas, *Summa Theologica*. 1-2, q. 90, a. 2. Second and Revised Edition, 1920. Literally translated by the Fathers of the English Dominican Province. Online Edition 2008 by Kevin Knight (www.newadvent.org).

THE COMMON GOOD, A SOCIAL OBJECTIVE

The common good is the ultimate objective of man's behaviour. In other words, the common good is the first principle in the operative order around which practical reason revolves. This is so, in that, by principle, the part is ordered, for its perfection, to achieve the perfect whole and, in our case, the individual man forms part of the perfect community.[30]

It is true that each human person in his daily endeavour, bearing in mind his singularity, carries out multiple actions and that his will takes diverse decisions on specific matters that affect his person directly and those persons in his immediate environment. However, it is no less true that all these actions, being singular, have a second dimension, in that they can be connected and associated with the common good, insofar as '...the common good is said to be the common end'.[31]

Furthermore, 'The common good is the end of each individual member of a community, just as the good of the whole is the end of each part'[32] and insofar as the parts are subordinate to the whole, the common good is preferable to the particular good of the singular person. Far from being a purely quantative dimension, St Thomas Aquinas specified that 'The common good of the realm and the particular good of the individual differ not only in respect of the "many" and the "few", but also under a formal aspect. For the aspect of the "common" good differs from the aspect of the "individual" good, even as the aspect of "whole" differs from that of "part"'.[33] In effect, the common good is presented to man as the goal at which to aim his will and an objective that he should strive to achieve. This is so in that man is called to commit his humanism to the humanity of which he is a part. Along these same lines, the Pontifical Council for Justice and Peace

---

[30] *See* Saint Thomas Aquinas, *Summa Theologica*. 1-2, q. 90, a. 2. Second and Revised Edition, 1920. Literally translated by the Fathers of the English Dominican Province. Online Edition 2008 by Kevin Knight (www.newadvent.org).

[31] St. Thomas Aquinas, *Summa Theologica*. 1-2, q. 90, a. 2. Second and Revised Edition, 1920. Literally translated by the Fathers of the English Dominican Province. Online Edition 2008 by Kevin Knight (www.newadvent.org).

[32] St. Thomas Aquinas, *Summa Theologica*. 2-2, q. 58, a. 9. Second and Revised Edition, 1920. Literally translated by the Fathers of the English Dominican Province. Online Edition 2008 by Kevin Knight (www.newadvent.org).

[33] St. Thomas Aquinas, *Summa Theologica*. 2-2, q. 58, a. 7. Second and Revised Edition, 1920. Literally translated by the Fathers of the English Dominican Province. Online Edition 2008 by Kevin Knight (www.newadvent.org).

states that, 'The common good does not consist in the simple sum of the particular goods of each subject of a social entity. Belonging to everyone and to each person, it is and remains "common", because it is indivisible and because only together is it possible to attain it, increase it and safeguard its effectiveness, with regard also to the future'.[34]

John Paul II said that '...prior to the logic of a fair exchange of goods and the forms of justice appropriate to it, there exists *something which is due to man because he is man,* by reason of his lofty dignity. Inseparable from that required "something" is the possibility to survive and, at the same time, to make an active contribution to the common good of humanity'.[35] And in the words of John XXIII, '...the common good is something which affects the needs of the whole man, body and soul'.[36] It is therefore a good that is unfailingly linked to human nature itself. It is not something extrinsic or accidental which might well be replaced by something similar. Instead, it is a good that is inseparable from the very concept of the human person.

'Consisting, as he does, of body and immortal soul, man cannot in this mortal life satisfy his needs or attain perfect happiness. Thus, the measures that are taken to implement the common good must not jeopardize his eternal salvation; indeed, they must even help him to obtain it'.[37] This is why many of the texts of the Social Doctrine of the Church give guidance so that our actions, in the temporal order of things, far from encouraging selfishness, materialism and alienation, contribute to personal perfection and that of society as a whole, by contributing, in accordance with our means, to the achievement of the common good of the human family.

The Second Vatican Ecumenical Council defines common good as, 'the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment'.[38] Prior to that, John XXIII said that 'It is generally accepted today that the common good is best safeguarded when personal rights and duties are guaranteed'.[39]

---

[34] Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*. Libreria Editrice Vaticana. Città del Vaticano 2004, n. 164.

[35] John Paul II, 'Encyclical letter *Centesimus annus*'. Rome 01.05.1991, n. 34.

[36] John XXIII, 'Encyclical letter *Pacem in terris*'. Rome 11.04.1963, n. 57.

[37] John XXIII, 'Encyclical letter P*acem in terris*'. Rome 11.04.1963, n. 59.

[38] Second Vatican Ecumenical Council 'Pastoral constitution *Gaudium et spes*'. Rome 07.12.1965, n. 26.

[39] John XXIII, 'Encyclical letter *Pacem in terris*'. Rome 11.04.1963, n. 60.

Two years previously, the same Pope John had been more explicit in a number of specific references: 'On the national level they include: employment of the greatest possible number of workers; care lest privileged classes arise, even among the workers; maintenance of equilibrium between wages and prices; the need to make goods and services accessible to the greatest number; elimination, or at least the restriction, of inequalities in the various branches of the economy – that is, between agriculture, industry and services –; creation of a proper balance between economic expansion and the development of social services, especially through the activity of public authorities; the best possible adjustment of the means of production to the progress of science and technology; seeing to it that the benefits which make possible a more human way of life will be available not merely to the present generation but to the coming generations as well'.[40]

From this text we can infer the broadness of this concept of common good. Quite a number of items are considered to shape it, but it would be complex to confine in a narrow sense, with exclusion of others. This is the reason why the Compendium of the Social Doctrine of the Church, has no doubt in stating that: 'The demands of the common good are dependent on the social conditions of each historical period and are strictly connected to respect for and the integral promotion of the person and his fundamental rights. These demands concern above all the commitment to peace, the organization of the State's powers, a sound juridical system, the protection of the environment, and the provision of essential services to all, some of which are at the same time human rights: food, housing, work, education and access to culture, transportation, basic health care, the freedom of communication and expression, and the protection of religious freedom. Nor must one forget the contribution that every nation is required in duty to make towards a true worldwide cooperation for the common good of the whole of humanity and for future generations also'.[41]

As can be seen, the scope of the common good far exceeds the common good associated with the welfare state, regardless of the definition used for its analysis. So much so that the Pontifical Council for Justice and Peace is of the opinion that: *The common good of society is not an end in itself; it has value only in reference to attaining the ultimate ends of the person and the*

---

[40] John XXIII, 'Encyclical letter *Mater et magistra*'. Rome 15.05.1961, n. 79.

[41] Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*. Libreria Editrice Vaticana. Città del Vaticano 2004, n. 166.

universal common good of the whole of creation. God is the ultimate end of his creatures and for no reason may the common good be deprived of its transcendent dimension, which moves beyond the historical dimension while at the same time fulfilling it...A purely historical and materialistic vision would end up transforming the common good into a simple *socio-economic well-being*, without any transcendental goal, that is, without its most intimate reason for existing'.[42]

In that precise manner, the common good calls upon man as such. Man who feels himself to be a member of the community and as such, all related to the community befits him and therefore all his means and all his personal capacity are soon placed at the service of the community. This is what we, with extreme clarity, call a sense of *interdependence:* of interdependence among people, of interdependence among nations, of interdependence on a world scale, in the bosom of what we know as the human family. 'Every day, human interdependence grows more tightly drawn and spreads by degrees over the whole world. As a result the common good...today takes on an increasingly universal complexion and consequently involves rights and duties with respect to the whole human race. Every social group must take account of the needs and legitimate aspirations of other groups, and even of the general welfare of the entire human family'.[43]

It is the human person who becomes the cornerstone and the driving force toward that interdependence, when feels the call for community integration; a community that starts with the closest ones in order to be spread to the whole human family. Out of man there is no possibility of community or, at least, of an interdependent community.

'The centrality of the human person and the natural inclination of persons and peoples to establish relationships among themselves are the fundamental elements for building a true international community, the ordering of which must aim at guaranteeing the effective universal common good. Despite the widespread aspiration to build an authentic international community, the unity of the human family is not yet becoming a reality. This is due to obstacles originating in materialistic and nationalistic ideologies that contradict the values of the person integrally considered in all his various dimensions, material and spiritual, individual and community...

[42] Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*. Libreria Editrice Vaticana. Città del Vaticano 2004, n. 170.

[43] Second Vatican Ecumenical Council, 'Pastoral constitution *Gaudium et spes*'. Rome 07.12.1965, n. 26.

The coexistence among nations is based on the same values that should guide relations among human beings: truth, justice, active solidarity and freedom'.[44]

John XXIII, from that world view, did not hesitate to state that '...relationships between States must be regulated in accordance with the principles of truth and justice... . We must bear in mind that of its very nature civil authority exists, not to confine men within the frontiers of their own nations, but primarily to protect the common good of the State, which certainly cannot be divorced from the common good of the entire human family'.[45] It is the road to solidarity, and not so much the way to reciprocity, that Pope John proposes as the path to achieving the common good. And speaking of the universal common good, special consideration must be given to the poor, those who suffer precariousness in their lives, those who are marginalised, those whose fate in the so-called human society is exclusion, both within each social group and within each nation and above all, at world level where a multitude of people and countries suffer extreme poverty, whilst in other regions there is abundance and waste. For this reason, 'The demands of the common good on the international level include: the avoidance of all forms of unfair competition between the economies of different countries; the fostering of mutual collaboration and good will; and effective co-operation in the development of economically less advanced communities'.[46]

The responsibility of each singular person and each nation is in accordance with their means and capacity to contribute to the common good. There is no place for talk of the responsibility of power or leadership if it does not have the objective of enhancing the entire human consortium. 'It is timely to mention – and it is no exaggeration – that a leadership role among nations can only be justified by the possibility and willingness to contribute widely and generously to the common good'.[47] Indeed, it is the achievement of the common good that legitimizes the action of a given government. Therefore, 'The attainment of the common good is the sole reason for the existence of civil authorities. In working for the common good, therefore, the authorities must obviously respect its nature, and at the same time adjust their legislation to meet the requirements of the given situation'.[48]

---

[44] Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*. Libreria Editrice Vaticana. Città del Vaticano 2004, n. 433.

[45] John XXIII, 'Encyclical letter *Pacem in terris*'. Rome 11.04.1963, n. 98.

[46] John XXIII, 'Encyclical letter *Mater et magistra*'. Rome 15.05.1961, n. 80.

[47] John Paul II, 'Encyclical letter *Sollicitudo rei socialis*'. Rome 30.12.1987, n. 23.

[48] John XXIII, 'Encyclical letter *Pacem in terris*'. Rome 11.04.1963, n. 54.

PARTICIPATION IN THE ACHIEVEMENT OF THE COMMON GOOD

This is a task that affirms human dignity, and therefore, nobody can feel exonerated from the duty to do all within their means to achieve this good social objective. Saint Thomas said that, '...to order anything to the common good, belongs either to the whole people, or to someone who is the viceregent of the whole people...since in all other matters the directing of anything to the end concerns him to whom the end belongs'.[49]

If, as was said at the beginning, we take as a starting point that man is by nature a social, and therefore, sociable being, human existence cannot be disassociated from the society in which it takes place. The relationship with the other members of the community enriches man and singular man, by means of his actions, enriches the community. The Pontifical Council stated that: *Unique and unrepeatable in his individuality, every person is a being who is open to relationships with others in society*. Life together in society, in the network of relationships linking individuals, families and intermediate groups by encounter, communication and exchange, ensures a higher quality of living. The common good that people seek and attain in the formation of social communities is the guarantee of their personal, familial and associative good. These are the reasons for which society originates and takes shape, with its array of structures, that is to say its political, economic, juridical and cultural constructs'.[50]

If it is true that all individuals, associations and intermediary groups in general, including those that emerge from the very nature of civil society, have the moral obligation to strive towards and actively participate in tasks aimed at the achievement of the common good, 'The main consequence of this is that they must harmonize their own interests with the needs of others, and offer their goods and services as their rulers shall direct – assuming, of course, that justice is maintained and the authorities are acting within the limits of their competence. Those who have authority in the State must exercise that authority in a way which is not only morally irreproachable, but also best calculated to ensure or promote the State's welfare'.[51]

---

[49] St. Thomas Aquinas, *Summa Theologica*. 1-2, q. 90, a. 3. Second and Revised Edition, 1920. Literally translated by the Fathers of the English Dominican Province. Online Edition 2008 by Kevin Knight (www.newadvent.org).

[50] Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*. Libreria Editrice Vaticana. Città del Vaticano 2004, n. 61.

[51] John XXIII, 'Encyclical letter *Pacem in terris*'. Rome 11.04.1963, n. 53.

It is obvious that if we speak of the different responsibility of each subject in the task of striving for the common good, this responsibility is more intense in those empowered to guide the nation on the road to the common good, so that it reaches and can be enjoyed by all, without preference for any particular group or class. Therefore, '...a sane view of the common good must be present and operative in men invested with public authority. They must take account of all those social conditions which favor the full development of human personality. Moreover, we consider it altogether vital that the numerous intermediary bodies and corporate enterprises – which are, so to say, the main vehicle of this social growth – be really autonomous, and loyally collaborate in pursuit of their own specific interests and those of the common good. For these groups must themselves necessarily present the form and substance of a true community, and this will only be the case if they treat their individual members as human persons and encourage them to take an active part in the ordering of their lives'.[52]

A person, as a member of a community with active participation in common tasks, is tantamount to saying, as we pointed out earlier, a sense of interdependence. When we speak of this, we refer to 'It is above all a question of interdependence, sensed as a system determining relationships in the contemporary world, in its economic, cultural, political and religious elements, and accepted as a moral category. When interdependence becomes recognized in this way, the correlative response as a moral and social attitude, as a "virtue", is solidarity. This then is not a feeling of vague compassion or shallow distress at the misfortunes of so many people, both near and far. On the contrary, it is a firm and persevering determination to commit oneself to the common good; that is to say to the good of all and of each individual, because we are all really responsible for all'.[53]

An interdependence in which, the 'other', has ceased to be a rival, has ceased to be a competitor, has ceased to be an alternative option because mutuality has determined his integration in the 'I'. This interdependence, this integration with the 'I' has caused him to become a visible brother, since it is not for nothing that we share a common paternity. This is the reason for my insistence, my firm determination in the common good, in which the entire human family will participate.

This attitude cannot be false. It must correspond to the true being of the person, and only as a person. Otherwise, such solidarity would be no more

---

[52] John XXIII, 'Encyclical letter *Mater et magistra*'. Rome 15.05.1961, n. 65.
[53] John Paul II, 'Encyclical letter *Sollicitudo rei socialis*'. Rome 30.12.1987, n. 38.

than a show of pharisaism. 'The exercise of solidarity within each society is valid when its members recognize one another as persons. Those who are more influential, because they have a greater share of goods and common services, should feel responsible for the weaker and be ready to share with them all they possesses. Those who are weaker, for their part, in the same spirit of solidarity, should not adopt a purely passive attitude or one that is destructive of the social fabric, but, while claiming their legitimate rights, should do what they can for the good of all. The intermediate groups, in their turn, should not selfishly insist on their particular interests, but respect the interests of others'.[54]

CONCLUSION

'The political community pursues the common good when it seeks to create a human environment that offers citizens the possibility of truly exercising their human rights and of fulfilling completely their corresponding duties...

The full attainment of the common good requires that the political community develop a twofold and complementary action that defends and promotes human rights. "It should not happen that certain individuals or social groups derive special advantage from the fact that their rights have received preferential protection. Nor should it happen that governments, in seeking to protect these rights, become obstacles to their full expression and free use"'.[55]

We believe this to be the firmest and most secure path towards the common good. A path on which singular man assumes the responsibility as a social being, and as such is determined to achieve the good of the community. It is true that intermediary structures can be useful to this end, and that is why man is there to found and create them, but our confidence is in man and not in the structures.

At the end of the day it is man who thinks and acts in liberty and not structures; it is man who hopes for an end to result from his action, not structures; it is man, the only creature deserving of the eyes of God and,

[54] John Paul II, 'Encyclical letter *Sollicitudo rei socialis*'. Rome 30.12.1987, n. 39.
[55] Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*. Libreria Editrice Vaticana. Città del Vaticano 2004, n. 389.

consequently, the only creature capable of saving or condemning himself.

I agree, with Prof. Zamagni, in that a new culture is necessary. Indeed, I believe that what is needed is somewhat more than a new culture. It is necessary to promote an internal change of attitude, which of necessity would be visible on the outside, in the relationship with our brothers. Therefore, in accordance with John Paul II, what is required is a *conversion*. This '...change of behavior or mentality or mode of existence is called "conversion", to use the language of the Bible [Mk 13^{3,5}; Is 30^{15}]. This conversion specifically entails a relationship to God, to the sin committed, to its consequences and hence to one's neighbor, either an individual or a community. It is God, in "whose hands are the hearts of the powerful" and the hearts of all, who according his own promise and by the power of his Spirit can transform "hearts of stone" into "hearts of flesh" [Ezek 36^{26}]'.[56]

BIBLIOGRAPHY

Bentham, Jeremy, *Fragment on Government*. T. Payne, London, 1776. Revised and edited by J.H. Burns and H.L.A. Hart, London, Athlone Press, 1997.

Bentham, Jeremy, *An Introduction to the Principle of Morals and Legislation*. T. Payne & Son. London 1789.

Borghesi, Simone, *Intergenerational altruism and sustainable development*. European University Institute. Florence 1999. Working Paper ECO 1999/0040.

Briggs, A., 'The Welfare State in Historical Perspective'. *European Journal of Sociology (Archives Européennes de Sociologie),* 1961 (11) 2.

Comunidades Europeas – Comisión, 'Hacia una Europa para todas las edades: fomentar la prosperidad y la solidaridad entre las generaciones'. Comunidades Europeas. Luxemburgo 1999. Documentos COM/CE 1999/0221.

Second Vatican Council, 'Pastoral Constitution *Gaudium et spes'*. Rome, 07.12.1965.

Cowherd, Raymond G., *Political Economist and the English Poor Law: A Historical Study of the Influence of Classical Economics on the Formation of the Social Welfare Policy*. Ohio State University. Ohio – Athens, 1977.

[56] John Paul II, 'Encyclical letter *Sollicitudo rei socialis'*. Rome 30.12.1987, n. 38.

European Community – Economic Policy Committee, 'Budgetary challenges posed by ageing populations: the impact on public spending on pensions, health and long term care for the elderly and possible indicators of the long-term sustainability of public finances'. European Community. Brussels, 24 October 2001.

Fleishman, Joel J., 'The Foundation, a great American secret: how private wealth is changing the world'. *Public Affairs*. New York, 2007.

Frumkin, Peter and Imber, Jonathan B. (Eds.), *In search of nonprofit sector*. Transaction Publishers. New Brunswick, 2004.

John XXIII, 'Encyclical Letter *Mater et magistra*'. Rome, 15.05.1961.

John XXIII, 'Encyclical Letter *Pacem in terris*'. Rome, 11.04.1963.

John XXIII, 'Encyclical Letter *Ecclesiam suam*'. Rome, 06.08.1964.

John Paul II, 'Encyclical Letter *Laborem exercens*'. Castelgandolfo, 14.09.1981.

John Paul II, 'Apostolic Exhortation *Familiaris consortio*'. Rome 22.11.1981.

John Paul II, 'Encyclical Letter *Sollicitudo rei socialis*'. Rome, 30.12.1987.

John Paul II, 'Encyclical Letter *Centesimus annus*'. Rome, 01.05.1991.

Keynes, John M., 'The End of Laissez-faire'. In *Laissez-faire and Communism*. New Republic, Inc. New York, 1926.

Keynes, John M., *The General Theory of Employment, Interest and Money*. McMillan, London, Febr. 1936 (first edition).

Kotlikoff, Laurence J. and Morris, John, 'Why don't the elderly live with their children? a new look'. National Bureau of Economic Research. Cambridge, Mass. 1988. Working Paper 2734.

Leo XIII, 'Encyclical Letter *Rerum novarum*'. Rome, 15.05.1891.

Lerman, Robert I. and Sorensen, Elaine, 'Child support: interaction between private and public transfers'. National Bureau of Economic Research. Cambridge, Mass. 2001. Working Paper 8199.

Maloney, William A. and Rossteutscher, Sigrid (Eds.), *Social capital and associations in European democracies: a comparative analysis*. Routledge. Oxon, 2007.

Menger, Carl, *Grundsätze der Vokswirtschaftslehre*, 1871. There is an english translation *Principles of Economics* by J. Dingwall and B.F. Hoselitz, with an *Introduction* by Frank H. Knight. The Free Press. Glencoe, Illinois, 1950. The same text, with an Introduction by F.A. Hayek, was edited by New York University Press. New York and London, 1981.

Mill, John Stuart, *Utilitarianism*. Parker son and Bourn. London, 1863.

Mises, Ludwig von, *Human Action. A Treatise on Economics*. William Hodge and Company Limited. London-Edinburgh-Glasgow, 1949. There is also another edition, in the same year, by Yale University Press. New Haven, 1949.

Paul VI, 'Encyclical Letter *Populorum progressio*'. Rome, 26.03.1967.

Paul VI, 'Apostolical Letter *Octogesima adveniens*'. Vatican, 14.05.1971.

Persson, Torsten, *Deficit and intergenerational welfare in open economies*. National Bureau of Economic Research. Cambridge, Mass. 1983. Working Paper 1083.

Pius XI, 'Encyclical Letter *Quadragesimo anno*'. Rome, 15.05.1931.

Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*. Libreria Editrice Vaticana. Città del Vaticano, 2004.

Raymond, Susan U., *The future of philanthropy: economics, ethics, and management*. John Wiley & Sons. Hoboken, N. J. 2004.

Rossteutscher, Sigrid (Ed.), *Democracy and the role of associations: political, organizational and social context*. Routledge. London, 2005.

Saint Thomas Aquinas, *Summa Theologica*. Second and Revised Edition, 1920. Literally translated by the Fathers of the English Dominican Province. Online Edition 2008 by Kevin Knight. (www.newadvent.org).

Saint Thomas Aquinas, *Summa contra Gentiles*. Translated by Vernon J. Bourke. Edited, with English, specially Scriptural references, updated by Joseph Kenny, O.P. New York, Hanover House, 1955-57.

Smith, Adam, *An Inquiry into the Nature and Causes of the Wealth of Nations*. First edition in: W. Strahan and T. Cadell in the Strand. London 1776.

Smith, Adam, *The theory of Moral Sentiments*. First Edition 1759. Also in *Works and Correspondence of Adam Smith*. Edited by D.D. Raphael and A.L. Macfie, 1979. Clarendeon Press. Oxford, 1976-83.

Zack, Gerard M., *Fraud and abuse in nonprofit organizations: a guide to prevention and detection*. John Wiley & Sons. Hoboken, N.J. 2003.

THE ECONOMY OF COMMUNION

LUIGINO BRUNI[*]

> 'Without recognition,
> without inter-subjectivity,
> without society there is no humanity.
> And without love?' (T. Todorov)

1. INTRODUCTION

Those who read economic and civil history without seeing the role that charisms play, are telling a partial, and hence, an incorrect history. When charisms are at work within civil dynamics, they bring into play a dimension of action characterised by an extraordinary and rare force. It is a force that theology and Christian thought have called 'agape', coining a new word, because the experience of Christians past and present is a new one. Through a charism, agape breaks through into history both within and out of the institutional confines of the church, given the universal nature of Christianity, whose breeze touches and moves peoples of all times and places. To the extent to which persons are bearers of an authentic charism, they are bearers of agape, even if they are unaware of it.[1]

---

[1] There is a very close relationship between charisms and agape. A charism is a gift of the Spirit for the edification of the common good. It is a term that comes from *charis*, the Greek word for grace, which is also the source of agape.

A few great charisms have had an effect on the economic sphere. St. Benedict and St. Francis are always quoted in this regard; but there have been many hundreds, if not thousands of people, the bearers of charisms, and hence moved by agape, who have given rise to works of charity, assistance, mercy also in the economic sphere. Their contribution to civil and economic history is absolutely undervalued.

Few charisms, on the other hand, have also had an impact on economic thought of their own time. Monasticism, we know, gave rise to the economic lexicon of the commercial revolution in Europe around the first millennium. The Franciscans, in their own way, gave rise to the first real school of economic thought (Ockam, Duns Scoto, Olivi...), which gave rise to the categories to interpret the city state society, and subsequently, renaissance society. Also the charism of unity is not only a product of economic works (amongst which the Economy of Communion), but has also inspired theoretical reflection within economics, in the same way as St. Benedict and St. Francis did in their day.

In these pages I will try to demonstrate that the novelty of the experience of the Economy of Communion (EoC) is essentially a cultural and theoretical novelty; in other words, the novelty of the EoC can be understood on a wider cultural horizon than the dimension of the praxis (businesses, projects to help the poor etc...).

2. An Economic Proposal Starting with the Poor

The EoC is a project that currently involves hundreds (754) of businesses in five continents and has attracted the interest of scholars and economists alike. The project started in 1991 when Chiara Lubich visited the city of Sao Paulo in Brazil. Whoever arrives in that metropolis is confronted with a scenario that powerfully symbolises the potential contradictions within capitalism: a forest of skyscrapers surrounded by a savannah of slums. Chiara was deeply moved by this sight and felt the great suffering of humanity: a humanity that is increasingly able to conquer technology and produce wealth, but has not yet been able to overcome misery. What she saw in Sao Paulo, instead, showed her that the gulf between the rich and poor was growing. Within a few days of that trip to Sao Paulo at the end of May 1991, what has come to be known as the *Economy of Communion* was born: businesses which are managed with a new culture (the 'culture of giving') and put their profits into communion, with the aim of demonstrating a part of humanity 'with no-one in need', and becoming a model for many.

The sharing of profits in *three parts* was the first way in which the EoC became a practical proposal: (1) one part of the profits would be re-invested in the business in order to develop and create new jobs; (2) the second part would be used to create a new culture which would inspire women and men capable of living communion in their lives; (3) and the third part would go directly to the poor so as to reinsert them fully into the dynamic of communion and reciprocity. This three-way sharing of profits is a 'pre-economic' intuition, since it neither represents a new juridical form nor an organisational business model, nor a accounting technique, but rather a vision of the economy and society. This vision points to the principal institution of the market economy – the firm – as an economic phenomenon...but not exclusively so. Besides their growth, *businesses of communion* are also *directly* concerned with culture, need and poverty. For these businesses, profit is regarded as the *means,* rather than the *end* of entrepreneurial activity as the profit is put into communion.[2]

EoC is about firms. Nevertheless, the EoC is not primarily an organisational formula for a business to be more ethical or socially responsible. The EoC is a project for a more just and fraternal humanism.

The EoC came about from an encounter with favelas or shanty towns. The original intuition of the EoC emerged as a result of the suffering that Chiara experienced when she realised that there were persons who were living in those inhumane conditions. Rather than the need to make businesses more ethical or more human, it was the need to do her part, through the Movement, to build a more just world, where there would be fewer people forced to live in often inhumane conditions. This is why the EoC cannot and should not become a *corporate social responsibility* project. It did not come about to renew businesses, but to renew social relations. The specific novelty of 1991, its *novum,* is elsewhere, as I will now try to explain in the next sections.

At the same time, there is also something that is relevant to business as an institution. EoC thought of the business as an institution as the natural 'instrument' to respond to what is essentially a problem injustice and the incorrect distribution of goods. Normal logic could have led her to think of other institutions: foundations, NGOs, fundraising activities. In fact, the natural mission of traditional businesses is to create jobs, produce products, goods and services. In the normal course of events, the

---

[2] For more information, statistics, data, see www.edc-online.org.

aim of redistributing wealth is not prevalent in business (even if it cannot be totally excluded: there are taxes, but also salaries). Instead, in the EoC the traditional business is invited to go beyond its 'normal' social function or 'vocation'.

3. AN ECONOMY AS AN EXPRESSION OF A CHARISM

The EoC is an expression of a spirituality, of a charism. In the original vision that H. Von Balthasar offers of the Church, which hangs on a number of foundational and co-essential profiles, the EoC is part of the Marian of 'charismatic' profile rather than the 'institutional' profile.[3] There are a few characteristics found in many social experiences which come about as a result of charisms.

The *first* characteristic: The experiences that come about as a result of charisms affirm the primacy of life over theory. They are therefore popular experiences, which always come about through praxis, and never as a result of experts or professionals sitting round a table. It is not a case of implementing projects, but carefully listening to life, from which intuitions come about, which are always richer than ideas alone. Therefore, when faced with a mismatch between what is being lived and what should be lived according to a good theory (even the best), the mismatch can never be resolved by simply changing the praxis, since the vital experience in and of itself embodies elements of inescapable truths, which then reveal themselves as essential for the success and authenticity of the project itself. This first dimension is very evident in the EoC. Faced with the spectacle of misery and unequal distribution, Chiara did not exclaim: 'Let's start a study centre to study a new economy'. Her proposal, instead, was an immediate action, based on few intuitions (essentially the sharing of profits in 'three thirds', industrial estates inserted in the small towns of the Movement, and 'we are poor but many'). She left it to life to indicate how to proceed one step at a time. There are many projects to 'fight poverty', which are promoted by institutions, by the State for example. In

---

[3] In order to deepen this aspect, you should look at my book *Il Prezzo della gratuità*, Città Nuova, Rome, 2006, where, in Chapter 1, I indicate the possibility of a charismatic profile also in the civil and economic dynamic, and not only within an ecclesial sphere. You should also consult this short paper for a presentation of the EoC and for the theoretical argument which is not developed in this paper.

the charismatic economy, like the EoC, life comes before the theoretical reflection which always accompanies it, because life is more *dense with truth* than whatever theory (which serves life in as much as it comes from life and is nourished by it).

There is then a *second* typical aspect of charismatic economy experiences. These experiences come about as a response of life to the problems of specific people. Chiara was crossing the city of Sao Paulo and she was struck by the thought that there were people of the Movement, members of her family, in those favelas. The EoC came about for them, it did not come about in an abstract but in a practical way. It is always something vital, alive, rather than a humanitarian project to build a better world. Then, once they come into existence, if they are authentic charismatic projects, they will also demonstrate their universality, but nearly as an unintentional effect, which was not part of the original inspiration.

The *third* characteristic: these charismatic experiences call into question the idea of wealth and of poverty. Here St. Francis is a paradigmatic model. After his conversion he returned from his journey to Spoleto, and straight away threw away the proceeds of his business, since he understood that the true goods are others: *the choice of poverty became his new wealth.* More in general, every time a charism arrives in economic history, it calls into question the concept of 'good'. It says that true goods, 'good things', are not those commonly understood: money, power, success. Goods become poverty, the least, communion, not having but giving. A charism, especially a great charism, turns the ordinary vision of things and goods on its head.

There is a *fourth* characteristic which also summarises the preceding ones: charismatic experiences are gifts of 'different eyes' which make us see beautiful things in problems we face. When a charim is at work, those who are part of it see something different, it is the gift of a new gaze. For example, when Mother Teresa of Calcutta spoke of the poor, she loved to repeat: 'do not call them problems, call them gifts'.

4. GOODS AND POVERTY

Up till now we have spoken about the charismatic economy. As the EoC came about through a charism, it shares all of these characteristics which can be found in all experiences of charismatic economy.

Within this great history of charisms, is there something specific about the charism of unity of Chiara? There is something specific, and it has to

be grasped by looking at the specificity of the *charism of unity* in general.[4] In this paragraph I will try to outline some characteristics which emerge when the charism of unity is expressed in the spheres of consumption, relationship with goods and therefore with poverty.

The style of consumption which results from the charism of unity is the communion of goods. The typical note of the charism of unity in relation to goods is communion: it does renounce everything in order to point the way to something transcendental 'beyond', but rather, it puts goods in common to point the way to a 'beyond' also in the midst of the community. This is also one of the differences between the spirituality of St. Francis and that of the Focolare (who was also influenced by the Fransiscan spirituality). St. Francis points to poverty above all as a way to sainthood, freedom from goods so as to attain the Good with a capital G: God. Chiara proposes the same radical choice in the relationship with goods, but putting them in common with the others in view of unity.

Even in a (hypothetical) world without poverty, the lifestyle of the charism of unity would remain the communion of goods, since in the light of this charism you understand that goods become 'more good' when they are put in common; whereas goods that are not shared are become 'bad'. Goods which are held tightly, jealously guarded, in truth impoverish the one who possesses them since they deprive him of the capacity of gift and reciprocity, which is the true human patrimony which brings happiness (as empirical studies are now bringing abundantly to light). It is for this reason that the communion of goods is at the origin of this characteristic sociality, like its cornerstone. When the Movement started in Trent, it did not come about through giving rise to social assistance structures or prayer groups, but through bringing about a great action of communion of goods amongst five hundred people as a result of living the Word.

---

[4] The two cornerstones of the charism of the Focolare Movement, are 'unity' and 'Jesus Forsaken'. Unity, which we could also call 'communion', is the deep vocation of those who participate in this charism, and is also its mission in the church and in the world. Jesus Forsaken is the key to living unity, also when it is absent, to build it where reciprocity is missing, transforming suffering into love, and 'wounds' into 'blessings'. The kind of suffering which the Ideal of unity makes us see, live and transform into love is not so much physical suffering but spiritual suffering. It is the suffering of broken relationships, of lack of unity, of being abandoned. It is therefore a suffering which comes about above all through broken relationships and disunity.

The charism of unity, moreover, makes us understand the forms of misery have a lot to do with *relationships*, and far less to do with merchandise, as is commonly thought. People fall into misery (as individuals but also as communities or peoples) when relationships are broken. This aspect has a lot to do with the EoC. When the profits from the businesses are given as a help for those in need, the first help is the offer of a close relationship and reciprocity. The first cure for poverty is the relationship itself. Before the material help is given, a relationship, communion, proximity is establish with the poor person. The true cure starts there: without this 'first' no help is effective from the perspective of communion.

This vision of poverty also gives rise to a typical way of culturally and theoretically understanding misery and deprivation: it always has something to do with wrong or sick relationships. Within the EoC, when you want to attend to the different forms of poverty – lack of goods, culture, education, clothing, healthcare, a home – the first question which is asked is always 'Which relationship is not working in this situation? In this family, in this community, which relationship is wrong or ill and has created this material poverty?' The cure for every form of poverty is first and foremost always a healing of relationships: interpersonal relationships, but also trying to change power relationships, political and institutional relationships and with the natural environment. From the perspective of unity and communion, one looks at poverty (and wealth) starting from relationships, given the specific vocation of the charism of unity. When a family lives in misery, for example, the point of departure is to understand, through entering into a relationship with them, which relationship is not working anymore (whether between husband and wife, parents and children, in the community...). Perhaps, after a first look, it may be understood that that misery has resulted from the communion of goods which is not longer functioning, from an absence of fraternity in the community. In this case, before any material assistance, the most important intervention is to revitalise the communion of goods in the local community and only then to give rise to concrete initiatives to help. This way of working, amongst other things, is in line with the principle of subsidiarity in Catholic Social Doctrine.

This is also the reason why the interventions of the EoC are directed towards persons who are inserted in living communities, otherwise it would not be possible to meet all the characteristics which would enable communion (the aim of the project) to come about.

This is both the limit and the prophecy of the EoC.

Conclusion

The EoC is not an experience where there are philanthropists or a great entrepreneur who gives his superfluous to the poor, without questioning his own life and becoming a brother or sister and equal to the 'poor' he or she is helping. When a poor person, with the thousand sacrifices they have made to buy a share,[5] brings his son to the Industrial Estate and says with pride: 'this Industrial Estate, this new economy, is also mine', one of the greatest and most prophetic innovations of the EoC comes about. For this reason, the EoC businesses are really an economy of communion also when they have no profits to give, but when they are working and producing a culture of fraternity.

Today the economy and the market have a vital need for communion, happiness, feast and Providence: the EoC with remain faithful to its vocation if day by day is increasingly capable of producing these typical 'goods'.

---

[5] We always have to remember that Chiara also proposed to poor people in the favelas to buy shares in Spartaco Industrial Estate through monthly subscriptions. And this is the way it was.

SOCIAL CAPITAL AND PERSONAL IDENTITY

PARTHA DASGUPTA

1. DEFINITIONS?

The idea of *social capital* sits awkwardly in contemporary economic thinking. Although it has a powerful, intuitive appeal, the object has proven hard to track as an economic good. One can argue (Arrow, 2000) that it is misleading to use the term 'capital' to refer to whatever it is that 'social capital' happens to be, because capital is usually identified with tangible, durable, and alienable objects (e.g., buildings and machines), whose accumulation can be estimated and whose worth can be assessed. There is much to agree with this. But in regard to both heterogeneity and intangibility, social capital would seem to resemble knowledge and skills. So, one can also argue that since economists haven't shied away from regarding knowledge and skills as forms of capital, we shouldn't shy away in this case either.

At first glance it may seem quite absurd that we should even doubt the existence of social capital. After all, we Humans, as has been said so often, are social animals. It is probably impossible to imagine life, let alone a well-lived life, without human relationships. But the idea underlying social capital points to something more elusive. It suggests that there are *instrumental* advantages that a person enjoys when he connects with others, and that those advantages express themselves in the shape of material benefits – higher income, a longer and happier life, and so forth. One can argue that when Aristotle asserted that Man is a political animal, he was speaking about social relationships in the way social scientists today think of social capital: the 'political animal' recognises the benefits of cooperation via collective action. My task in this symposium, as I see it, is to study the notion of social capital and personal identity through my economist's lens. It will provide a partial viewpoint, but I hope a useful one.

In an early definition, social capital was identified with those '...features of social organization, such as trust, norms, and networks that can improve

the efficiency of society by facilitating coordinated actions' (Putnam, 1993: 167). The characterization suffers from a weakness: it encourages us to amalgamate strikingly different objects, namely (and in that order), beliefs, behavioural rules, and such forms of capital assets as interpersonal links (or 'networks'), without establishing reasons why such an inclusive definition would prove useful in gaining an understanding of our social world. Subsequently, Putnam (2000: 19) suggested a redefinition: '...social capital refers to connections among individuals – social networks and the norms of reciprocity and trustworthiness that arise from them'. This is an improvement, but it imbues the object with a warm glow, so much so that we overlook to ask whether social capital may not have a dark side to it. Since Putnam (2000), authors have defined social capital even more inclusively than he did in his original definition: now attitudes toward others make their appearance as well: 'Social capital generally refers to trust, concern for one's associates, a willingness to live by the norms of one's community and to punish those who do not' (Bowles and Gintis, 2002: F419.).

These definitions tells us that 'social capital' is an ingredient in the workings of *civil society* (Putnam, 1993, 2000). In a parallel development, the theory and empirics of *common-property resources* in poor countries (e.g., coastal fisheries, village tanks, local forests, pasture lands, and threshing grounds) have brought out the character of those local institutions that enable mutually beneficial courses of action to be undertaken within communities (Dasgupta and Heal, 1979; Jodha, 1986; Dasgupta and Mäler, 1991; Bromley *et al.*, 1992; Baland and Platteau, 1996). Development economists have also studied rotating savings and credit associations, irrigation management systems, and credit and insurance arrangements in poor countries (Ostrom, 1990; Udry, 1990; Besley *et al.*, 1992; Grootaert and van Bastelaer, 2002). These studies suggest that social capital is a measure of the worth of *communitarian institutions*.

Where the state is weak or indifferent or rapacious, where markets don't work well or are even non-existent, communities enable people to survive, even if they do not enable them to live well. That may be why scholars writing on social capital have frequently imbued the notion with a warm glow. But there is a dark side to communities, involving, as they often do, hierarchical social structures (e.g., the Hindu caste system), rent-seeking groups, the Mafia, and street gangs. Ominously, the theory of repeated games (Fudenberg and Maskin, 1986) cautions us that communitarian relationships can involve allocations where some of the parties are *worse off* than they would have been if they had not been locked into the relationships;

meaning that even though no overt coercion would be visible, such relationships could be exploitative (Dasgupta, 2000a, 2008).

We will take 'social capital' to mean *interpersonal networks*. This is a lean definition and does not presume that social capital is necessarily virtuous. Two sets of questions arise: (1) What functions do networks serve?, and (2) How do networks form? Question (1) is self-evidently important. Question (2) is important because people invest in joining and building networks.

In studying these questions, though, I have found it necessary to dig deeper and study the notion of *mutual trust*. The next section begins with trust.

2. WHY DO PEOPLE KEEP PROMISES?

Imagine that a group of people have discovered a mutually advantageous course of actions. At the grandest level, it could be that citizens see the benefits of adopting a Constitution for their country. At a more local level, the undertaking could be to share the costs and benefits of maintaining a communal resource (irrigation system, grazing field, coastal fishery); construct a jointly useable asset (drainage channel in a watershed); collaborate in political activity (civic engagement, lobbying); do business when the purchase and delivery of goods can't be synchronized (credit, insurance, wage labour); enter marriage; create a rotating saving and credit association (*iddir* in Ethiopia); initiate a reciprocal arrangement (I help you, now that you are in need, with the understanding that you will help me when I am in need); adopt a convention (send one another Christmas cards); create a partnership to produce goods for the market; enter into an instantaneous transaction (purchase something across the counter); and so on. Then there are mutually advantageous courses of action that involve being civil to one another. They range from such forms of civic behaviour as not disfiguring public spaces and obeying the law more generally, to respecting the rights of others.

Imagine next that the parties have agreed to share the benefits and costs in a certain way. Again, at the grandest level the agreement could be a social contract among citizens to observe their Constitution. Or it could be a tacit agreement to be civil to one another, such as respecting the rights of others to be heard, to get on with their lives, and so forth. Here we will be thinking of agreements over transactions in goods and services. There would be situations where the agreement was based on a take-it-or-leave-it offer one party made to another (as when one enters a modern supermar-

ket). In other contexts, bargaining may have been involved, as in a middle-eastern bazaar. The question arises: *Under what contexts would the parties who have reached agreement trust one another to keep their word?*

Because one's word must be credible if it is to be believed, mere promises wouldn't be enough. (Witness that we warn others – and ourselves too – not to trust people 'blindly'). If the parties are to trust one another to keep their promise, matters must be so arranged that: (1) at every stage of the agreed course of actions, it would be in the interest of each party to plan to keep his or her word if all others were to plan to keep their word; and (2) at every stage of the agreed course of actions, each party would believe that all others would keep their word. If the two conditions are met, a system of beliefs that the agreement will be kept would be self-confirming.

Notice that condition (2) on its own wouldn't do. Beliefs need to be justified. Condition (1) provides the justification. It offers the basis on which everyone could in principle believe that the agreement will be kept. Notice that condition (1) on its own wouldn't do either. It could be that it is in each one's interest to behave opportunistically if everyone believed that everyone else would behave opportunistically. In that case non-cooperation is also a possible outcome. The fundamental problem every society faces is to create institutions where conditions (1) and (2) apply to engagements that protect and promote its members' interests.

In responding to the question I have highlighted, four contexts come to mind:

(i) *Mutual affection*

Consider those situations where the people involved care about one another. The household is the most obvious example of an institution based on affection. To break a promise we have made to someone we care about is to feel bad. So we try not to do it.

(ii) *Pro-social disposition*

Another situation is where people are trustworthy, or where they reciprocate if others have behaved well toward them. Evolutionary psychologists have suggested that we are adapted to have a general disposition to reciprocate. Development psychologists have found that pro-social disposition can be formed by communal living, role modelling, education, and receiving rewards and punishments (be it here or in the afterlife).

We don't have to choose between the two viewpoints; they are not mutually exclusive. Our capacity to have such feelings as shame, guilt, fear, affection, anger, elation, reciprocity, benevolence, jealousy, and our sense of fairness and justice have emerged under selection pressure. Culture helps to shape preferences, expectations, and our notion of what constitutes fairness. Those in turn influence behaviour, which are known to differ among societies. But cultural coordinates enable us to identify the situations in which shame, guilt, fear, affection, anger, elation, reciprocity, benevolence, and jealousy arise; they don't displace the centrality of those feelings in the human makeup. By internalizing norms of behaviour, a person enables the springs of his actions to include them. In short, he has a disposition to obey the norm, be it personal or social. When he does violate it, neither guilt nor shame would typically be absent, but frequently the act will have been rationalized by him. Making a promise is a commitment for that person; and it is essential for him that others recognise it to be so.

People are trustworthy to varying degrees. So, although pro-social disposition is not foreign to human nature, no society could rely exclusively on it; for how is one to tell to what extent someone is trustworthy?

The need for incentives

Societies everywhere have therefore tried to establish institutions where people have the incentive to do business with one another. The incentives differ in their details, but they have one thing in common: *those who break agreements without acceptable cause are punished*. Broadly speaking, there are two ways in which the right incentives are created.

(iii) *External enforcement*

It could be that the agreement is translated into an explicit contract and enforced by an established structure of power and authority; that is, an *external enforcer*.

By an external enforcer we imagine here, for simplicity, the State. (There can, of course, be other external enforcement agencies; e.g. tribal chieftains, warlords, and so forth.) Consider that the rules governing transactions in the formal marketplace involve legal contracts backed by an external enforcer, namely, the State. So, it is because you and the supermarket owner are confident that the State has the ability and willingness to enforce contracts that you and the owner of the supermarket are willing to transact when you go there to purchase goods.

What is the basis of that confidence? Simply to invoke an external enforcer for solving the credibility problem won't do; for why should the parties trust the State to carry out its tasks in an honest manner? A possible answer is that the government worries about its reputation. So, for example, a free and inquisitive press in a democracy, aided by a demanding civil society, helps to sober the government into believing that incompetence or malfeasance would mean an end to its rule, come the next election. Knowing that they worry, the parties trust them to enforce agreements.

The above argument involves a system of interlocking beliefs about one another's abilities and intentions, one that supports an equilibrium in which the agreement is kept. Unfortunately, non-cooperation can also be held together by its own bootstrap. There, the parties don't trust one another to keep their promises, because the external enforcer can't be trusted to enforce agreements. To ask whether cooperation or non-cooperation would prevail is to ask which system of beliefs has been adopted by the parties about one another's intentions. Social systems harbour multiple possible outcomes.

(iv) *Mutual enforcement in long-term relationships*

Suppose the group of parties in question expect to face similar transaction opportunities in each period over an indefinite future. Imagine too that the parties can't depend on the law of contracts because the nearest courts are far from their residence. There may even be no lawyers in sight. In rural parts of sub-Saharan Africa, for example, much economic life is shaped outside a formal legal system. But even though no external enforcer may be available, people there do transact. Credit involves saying, 'I lend to you now with your promise that you will repay me'; and so on. But why should the parties be sanguine that the agreements won't turn sour on account of malfeasance?

They would be sanguine if agreements were mutually enforced. The basic idea is this: *a credible threat by members of a community that stiff sanctions would be imposed on anyone who broke an agreement could deter everyone from breaking it*. The problem then is to make the threat credible. The solution to the credibility problem in this case is achieved by recourse to social norms of behaviour.

By a *social norm* I mean a rule of behaviour that is followed by members of a community. For a rule of behaviour to be a social norm, it must

be in the interest of everyone to act in accordance with the rule if all others were to act in accordance with it. The theory of games has shown that, if people discount the future benefits from cooperation at a low enough rate, there are social norms that support cooperation.

As with the case of external enforcement, even when cooperation is a possible outcome under mutual enforcement, non-cooperation is a possible outcome too. If each party was to believe that all others would break the agreement from the start, each party would break the agreement from the start. Failure to cooperate could be due simply to a collection of unfortunate, self-confirming beliefs, nothing else.

3. SOCIAL CAPITAL AS INTERPERSONAL NETWORKS

In common parlance, we reserve the term *society* to denote a collective that has managed to achieve a mutually beneficial outcome. Underlying each of the four contexts I have alluded to, in which people trust one another to cooperate, is a system of mutual beliefs. Because such a system of mutual beliefs is likely to arise only if the parties know one another (at least indirectly), I believe it is best to regard *social capital* as *interpersonal networks*, nothing more. The advantage of such a lean notion is that it doesn't pre-judge the asset's quality. Just as a building can remain unused and a wetland can be misused, so can a network remain inactive or be put to use in socially destructive ways. There is nothing good or bad about interpersonal networks: other things being equal, it is the *use* to which a network is put by members that determines its quality.

Interpersonal networks are systems of communication channels linking people to one another. Networks include as tightly-woven a unit as a nuclear family or kinship group, and one as extensive as a voluntary organization, such as Amnesty International. We are born into certain networks and enter new ones. Personal relationships, whether or not they are long-term, are emergent features within networks – involving as they do systems of mutual beliefs. For example, Seabright (1997) has suggested that civic engagements and communal activities heighten the disposition to cooperate (context (ii) above). The idea is that trust begets trust and that this gives rise to a positive feedback between civic and communal activities and a disposition to be so engaged. That positive feedback is, however, tempered by the cost of additional engagements (time), which, typically, rises with increasing engagements.

4. CULTURE AS BELIEFS

You can see where I'm heading. Agreements would be kept only if parties expect agreements to be kept. Mutual expectations about 'reputation' and 'norms of behaviour' would seem to require an underlying 'thing', something that would permit the coordination of those optimistic beliefs. But what is that 'thing'? Could it be culture? I now argue that pointing to culture as an explanatory device won't do, because culture itself should be explained.

4.1. *Basics*

In any situation where incentives are required for cooperation, non-cooperation is also a possible outcome. Which state of affairs prevails depends upon mutual beliefs. The arguments I am offering here don't *explain* those beliefs; what they do is to identify beliefs that can be rationally held. Rational beliefs are not belied by the unfolding of evidence. As they are self-confirming, rational beliefs offer an anchor for our analysis. Because rational beliefs are not unique, they offer just the kind of flexible anchor we need in order to make sense of societal differences.

In his famous work on the influence of culture on economic development, Weber (1930) took a community's culture to be its shared values and dispositions, not just beliefs. Studies as widely cast as Weber's can't easily be summarized, but the causal mechanism Weber himself would seem to have favoured in his work on Protestant ethic and the spirit of capitalism leads from religion, through political culture, to institutions and, so, to economic performance.

Using culture to explain economics has not been popular among social scientists in the post-War period. But there has been a recent revival. The most ambitious appeal to culture to understand differences in economic performance since Weber has been Landes (1998), who asks why it is that since the middle of the sixteenth century, countries in northern Europe managed to race ahead of those several others elsewhere seemingly better placed at the time. No doubt technological progress and its rapid diffusion among populations was the key to that success, but that progress itself needs explaining. The one Landes offers is distinctive, because it gives importance to the evolution (or a lack of it) of different types of attitudes and beliefs in various regions of the world. Landes argues that these differences gave rise to institutional differences (with feedback to attitudes and

beliefs), which help to explain why some countries became winners, while others enjoyed a brief period of success before losing to the winners, while yet others merely suffered from atrophy.

Landes offered a historical narrative. An alternative strand of enquiry makes use, when available, of statistical evidence. The two strands complement each other. Putnam (1993), Knack and Keefer (1997), and La Porta *et al.* (1997) have studied cross-section data and discovered positive links between *civic* culture (civic engagements, trust) and economic growth, while Granato, Inglehart, and Leblang (1996) have studied cross-section data and found positive links between *personal motivation* (the desire to advance oneself economically) and economic growth.

The statistical findings shouldn't be given a causal interpretation. The motivation to advance oneself would be expected to depend upon one's expectations (i.e., beliefs) regarding the chance that hard work pays off. Parents would be expected to instil personal ambition in their children only if they were sanguine that such ambition would not be thwarted by the social order. And women would not rise beyond their station if they (rationally!) feared retaliation against them for their temerity. Thus, even an attitude can be a determined rather than determining factor. When it is the former, an observed statistical link between culture and economic progress should be interpreted as a relationship between two variables, nothing more. I am using 'culture' to denote differences in the beliefs people hold about one another. Culture in this view is a coordinating device.[1]

Let us apply the above line of thinking to two contemporary phenomena: the presence of cultural stereotypes and tax compliance.

4.2. *Cultural Stereotypes*

Beliefs can play an even more complex role than the one discussed so far. Economists have shown how cultural stereotypes can persist even when there are no intrinsic differences among groups. Needless to say, such stereotypes usually result in overall economic losses.[2]

Imagine that to be qualified to do a demanding (but personally rewarding) job requires investment, and that investment costs differ among peo-

---

[1] Greif (1994) has pursued this line of enquiry.

[2] The key contributions are Arrow (1973), Starrett (1976), and Coate and Loury (1993). The example in the text is taken from the Coate-Loury paper.

ple, dependent as the costs are on a person's intrinsic ability. Imagine too that individuals' intrinsic abilities have been drawn from the same genetic urn: there are no group differences, only individual differences. Assume now that innate ability cannot be observed by employers, to an extent that even if one has made the investment and is thus qualified for the demanding job, employers are unable *ex ante* to judge this with unerring accuracy. If, however, employers harbour negative stereotypes against a particular group's ability, they are likely to use a stiffer criterion for assigning workers of that group to the difficult, but personally more rewarding job. Among workers belonging to that group, this practice would lower the expected return on the investment that makes them suitable for the more rewarding job. This means that fewer of them would make the investment. This in turn means that there would be fewer of them suitable for the rewarding job, which in its turn could confirm the cultural stereotype and justify the use of the stiffer criterion by employers. In other words, it is possible for people's beliefs about group differences to be confirmed by the consequences of the actions members of those groups take in response to the practice people follow in response to those beliefs. This is once again an instance of one outcome out of possibly several, because, if employers did not hold negative cultural stereotypes against any group, there wouldn't be such a differentiated outcome among groups. Discrimination occurs and persists because of a self-fulfilling system of prejudicial beliefs.

4.3. *Civic Virtues*

Although quantitative estimates are few in number, civic virtues would appear to differ enormously across societies. In poor countries, where the State is often viewed by communities as an alien fixture and the public realm an unfamiliar social space, the temptation to free-ride on such State benefits as there are must be particularly strong. Even in a 'well-ordered' society free-riding would not be uncommon: separation of the private and public spheres of life is not an easy matter. Living off the State can become a way of life.

Political scientists have puzzled over the fact that in some countries taxpayers comply far more frequently than would be expected if compliance rates in other countries were used as a basis of comparison. Paying taxes is voluntary, in that people choose to comply in situations where they are not directly coerced. But it is only 'quasi-voluntary' (Levi, 1988), in that those who don't comply are subject to coercion if they are caught. One way to interpret differences in compliance across countries is to suppose that peo-

ple are willing to pay their dues if (i) the government can be expected to keep to its side of the bargain on transfers and public expenditure, and (ii) others pay their dues. Taxpayers are viewed on this interpretation as people who are willing to cooperate in a good cause if a sufficiently large number of others cooperate as well, but not otherwise. The hypothesis is that most people are civic minded when, and only when, most others are civic minded.

There is evidence obtained by psychologists (not behavioural psychologists!) that people don't merely display reciprocity (Section 2.2), they have *feelings* about reciprocity. To quote Levi (1988: 53), nobody likes being taken for a sucker. Our propensity to have such feelings is itself an outcome of selection pressure over the long haul of time. Findings such as these have been deployed by economists in modelling the attitudes of citizens to work on the one hand, and to the volume of taxes and the character of public transfers on the other (Lindbeck, 1997; Lindbeck *et al.*, 1999). Imagine that a person's desire to live off the State increases with the proportion of those who live off the State because, say, there is little stigma or shame when the proportion is large, but a good deal when the proportion is small. Citizens vote on levels of taxes and transfers, and then choose in the light of the outcome of the votes whether to work. As the two sets of decisions are taken in a sequential manner, the model isn't easy to analyse, but it has been found that, with some additional structure, quantitative conclusions can be reached (Lindbeck *et al.*, 1999). The model is attractive because it treats the degree of compliance (more generally, the degree of civic cooperation) as something to be explained; civic behaviour isn't regarded as part of the explanation. The model admits more than one pattern of behaviour, each characterized by a particular degree of compliance. Compliance rates, whether high or low, are held together by their own bootstraps, involving the now-familiar circular chains of reasoning. Where compliance rates are high, it is because most people reciprocate by behaving in a civic-minded way when most others are behaving in a civic-minded way. Conversely, where compliance rates are low, it is because most people reciprocate by behaving in an opportunistic way when most others are behaving opportunistically; and so on.

4.4. *Culture vs Explanatory Variables*

In each of the two examples, rational beliefs could be the consequence of historical accidents, rather than deliberate agreement. So it can be that societies that are identical in their innate characteristics (i.e.

fundamentals) display very different civic behaviour. Similarly, it can be that people in one society harbour cultural stereotypes even though people in another society possessing the same fundamentals don't harbour them. Culture is not an explanatory variable in either example – it is created in both. Moreover, as our four-way classification in Section 2 suggested and the model of quasi-voluntary behaviour illuminated, you don't need to know someone, even at some steps removed, to form beliefs (even rational beliefs) about his or her intended behaviour. Social capital, in the sense of interpersonal networks, is certainly necessary if mutually beneficial outcomes are to be identified and the associated agreements reached, but you don't need to know each and every fellow citizen to arrive at rational beliefs, at a statistical level, about their intended behaviour. Trust is the key to cooperation, what scholars have meant by 'social capital' is merely one of the means to creating trust.

Analysis of rational beliefs in such models as those in the pair of examples is frequently a short hand for understanding pathways by which beliefs evolve over time. History matters, if only because historical experiences affect contemporary beliefs. The idea, more broadly, is to explain contemporary cultural differences (differences in rational beliefs) in terms of differences in primitives, such as our material needs, the large-scale ecological landscape, the shared knowledge base, and historical accidents. Cultural differences would be correlated with differences in economic performance, they would not be the cause of them.

The models of cultural stereotypes and civic cooperation suggest also that different types of variables should be expected to change at different speeds – some slow, some others not-so-slow, yet others fast. Imagine now that certain types of (cultural) beliefs are slow to adapt to changing external circumstances. Since slow variables are to all intents and purposes fixed in the short run, it would not be unreasonable to regard them as parameters for short-run analyses. This is the approximation social scientists make when they offer cultural explanations for economic performance, for example, the success of Japan in the post-War era (Hayami, 1997).

Matters are different in the long run. Individual motivation and beliefs are influenced by values and the practice of norms, and they in turn are influenced by the products of society, such as institutions, artifacts, and technologies (Wildavsky, 1987). Moreover, any process that ties individual motivations and beliefs to values and norms and thereby to the choices made, and back again, would be expected to be path-dependent. There is little evidence though that trade and imitation may not lead to convergence

in those spheres of culture that have a sizeable effect on economic performance. It is also possible that the *effect* of a particular component of a people's culture changes over time even when the culture itself isn't changing. The various components of culture are in different degrees complementary to other factors of production. So it is possible for a particular component to lie dormant for decades, even centuries, only to become a potent force when external circumstances are 'right'. By the same token, this same component could become ineffective, even dysfunctional, when external circumstances change again. This is why there is no logical flaw in such claims as that Japan's remarkable economic success in the post-War period has been due in part to some aspects of the nation's culture, even though those same aspects did not have potency in earlier centuries and may in future even prove to be dysfunctional.

And finally, the models of cultural stereotypes and civic cooperation offer the sobering thought that, under slowly changing circumstances, the extent to which people harbour cultural stereotypes or the degree to which people are civic-minded can alter imperceptibly over a long period of time, until a moment is reached when society transforms itself rapidly from one state of affairs (e.g., a society where citizens are civic minded) to another, very different, state (e.g., a society where citizens are not civic minded). The rapid transformation is a transition from one compliance rate to another.

5. CREATING NETWORKS

So far I have assumed that people are able to interact with one another without having to search for others with whom to interact. The interpersonal networks (networks for short) have been taken to be in place. But people are known to create networks. Moreover, searching for others with whom to form networks involves resources (e.g., time). So we need to study pathways by which networks get formed and the reasons why they get formed.

One may think of networks as systems of communication channels for protecting and promoting interpersonal relationships. Interpersonal relationships are a more complex notion than networks, as they are the outcomes of a system of mutual beliefs. But networks cover a wide terrain. We are born into certain networks and enter new ones. So networks are themselves connected to one another. Network connections can also be expressed in terms of channels, although a decision to establish channels which link networks could be a collective one.

An elementary channel connects a pair of individuals directly. However, one can establish indirect links. Person A builds an elementary channel, connecting her to person B, person C builds an elementary channel connecting him to B, and so forth. A is then connected to C, albeit once removed. Indeed C's motive for establishing an elementary channel with B could be because of his desire to be linked to A. And so on.

To establish a channel involves costs, as it does to maintain it. In some contexts they would be called 'transaction costs'. The desire to join a network on someone's part could be because of a shared value.[3] But as we noted earlier, networks also play a role in enabling coalitions to form, to coordinate and to act, matters central to Putnam's (1993) view of civic engagement. Generally speaking, the decision to invest in a channel could be because it would contribute directly to one's well-being (investing in friendship) or it could be because it makes economic sense (joining a guild), or it could be because of both (entering marriage). On occasion, the time involved is not a cost at all, as the act of trying to create a channel can itself be something that adds grace to one's life. Arranging and sharing a meal; giving a personal, decorative expression to one's immediate environment; being able to confide one's inner world to chosen others – these are deeply felt needs. We all experience these needs and try to act upon them.[4] Many of the consequences of joining a network and continuing one's membership are unanticipated. The immediate motivation could be direct pleasure (enjoyment in relating to someone or being a member of a congenial group), its economic benefits an unanticipated side-effect (the 'old-boy' network). But the direction could go the other way (joining a firm and subsequently making friends among colleagues). Regardless of the motivation, expenditure in a channel involves a resource allocation problem, with all its attendant difficulties.

The clause 'personal relationships' in the notion of networks is central. It involves trust without recourse to an external enforcer of agreements (Section 2).[5] There is also the suggestion that engaging in civic cooperation leads

---

[3] Fukuyama (1997, Lecture 2) takes this to be the defining characteristic: 'A network is a group of individual agents that share *informal* norms or values beyond those necessary for market transactions'.

[4] Douglas and Isherwood (1979) and Goody (1998) contain accounts of why and how it is that even 'consumption' is a social engagement.

[5] Compare Putnam (1993: 171): 'Social trust in complex modern settings can arise from two related sources – norms of reciprocity and networks of civic engagement'.

to a heightened disposition to cooperate (Section 2). It amounts to forming personal beliefs about others and one's own tastes through sampling experiences. But if social engagement fosters trust and cooperation, there would be positive feedback between civic engagement and a disposition to be so engaged. The synergy would be tempered by the fact that the private cost of additional engagements (time) would rise with increasing engagements.[6]

As elsewhere in economics, it helps to think first of networks in 'equilibrium' and to then study their dynamics. We may take it that each person has available to him a set of channels from which he can choose. Some would have been inherited (the decision problem concerning these would be whether to maintain them and, if so, at what level of activity), others he would have to create. Imagine that for any configuration of channels that others select, there is an optimal set of channels for each individual. An equilibrium network of channels is then a feasible network possessing the property that each party's choice of channels in the network is optimal for him, given that others establish their respective channels in the network in question.

Equilibrium networks can be expected to contain strategically-placed individuals. They are the fortunate people, having inherited and (or) having made the most valuable connections, in a literal sense. There would be others with connections of not much economic worth, even if their emotional worth were high.

6. NETWORK EXTERNALITIES

Installing channels is a way to create trust. Plausibly, someone's knowledge of someone else' character declines with the number of elementary channels separating them, as in perhaps knowing very little personally about a friend of a friend of a friend, knowing rather more about a friend of a friend, and knowing even more about a friend.[7] This creates the necessary tension between the benefits and costs of establishing elementary channels.

---

[6] Putnam (1993: 86-91) discusses this influence. He even suggests (p. 90) that 'taking part in a choral society or a bird-watching club can teach self-discipline and an appreciation for the joys of successful collaboration'. Seabright (1997) reports empirical evidence of cooperation begetting further cooperation. Recall the observation by Hirschman (1984) that trust is a moral good (it grows with use and decays if unused).

[7] Compare this account with Putnam (1993: 168-9): 'Mutual trust is lent. Social networks allow trust to become transitive and spread: I trust you, because I trust her and she assures me that she trusts you'.

6.1. *Weak and Strong Ties*

But one can be misled by this chain-postulate into thinking that weak ties are not valuable. In fact they can be very valuable. In a famous study based on interviews with professional and technical workers in a town outside Cambridge, Massachusetts, Granovetter (1973, 1974) revealed that more than half had found their jobs through a personal connection. Surprisingly, the majority of personal connections weren't close friends, they were mere acquaintances.

Granovetter himself noted that the latter finding should have been expected. The reason weak ties are especially useful in the search for jobs is that they cover a greater range of links than strong ties. Weak ties connect one to a variety of people and so to a wide information base. However, among *rural* populations in poor countries there are not so many weak ties, ties are mostly intense. This narrows possibilities. But it creates an avenue for migration. One enterprising member of the community moves to the city, perhaps supported by those with whom he has strong ties at home while he searches for work. He is followed by others in a chain-like fashion, as information is sent home of job prospects. Migrant workers may even recommend village relations to their bosses, because employing them would reduce moral hazard and adverse selection problems for the bosses. This would explain the still largely anecdotal evidence that city mills often employ disproportionate numbers of workers from the same village. The emotional costs of adaptation to new surroundings would also be lower for later migrants, with the implication that migration in response to new opportunities in the city should be expected to be slow to begin with but would pick up strength as costs decline (Carrington *et al.*, 1996). Formal evidence of chain migration, though sparse, does exist. Caldwell (1969) has confirmed its occurence in sub-Saharan Africa and Banerjee (1983) has provided evidence from an Indian sample. Chain migration from village to town has been observed among children in Karnataka, India, by Iversen (2002) in his study of peer-group emulation as a determining factor in the supply of child labour.

6.2. *Inherited Ties*

Wintrobe (1995) postulates that parents create and invest in channels and pass them on to their children, in return for security in old age. This probably has had force in poor countries, where capital markets are large-

ly unavailable to rural households. But there would seem to be more in our desire to transfer capital assets to the young. One type of capital we give our offspring in abundance is the kind which falls under the term 'cultural values', values we cherish. We make such transfers not only because we think it is good for our children, but also because we desire to see our values survive. Investing in channels and passing them on to children is a way of preserving those values.

Wintrobe (1995) also asks why networks frequently operate along ethnic lines and why they are multi-purpose and dense, unlike specialized 'professional' networks. In answer he observes that exit from, and entry into, ethnic networks are impossible, and that the threat of sanctions by the group prevents children from renaging on the implicit contract to work within it.

But there probably are additional forces at work. It shouldn't be surprising that the channels people bequeath their children in traditional societies frequently amount to ethnic networks (who else is there with whom one can form connections?). As Posner (1980) observes in the African context, village and kinship networks are a means of reducing what in the insurance industry are called 'moral hazard' and 'adverse selection', because monitoring one another's activities is not costly within the village and because membership of the kin-group is based on birth. However, while it is true that exit from one's ethnicity is literally impossible, children do have a choice of not using the ethnic channels they may have inherited. So Wintrobe's thesis needs to be extended if we are to explain why those particular networks are so active – their mere denseness would probably not suffice. The way to extend the account is to observe first that investment in channels is *irreversible*: one can't costlessly re-direct channels once they have been established (such investments are inevitably specific to the relationships in question). Moreover, if trust begets trust, the cost of maintaining a channel would decline with repeated use (witness that we often take our closest friends and relatives for granted). So, using a channel gives rise to an externality over time, much as in 'learning by doing' in the field of technology-use. The benefits from creating new channels are therefore low if one has inherited a rich network of relationships. This is another way of saying that the cost of not using inherited channels is high. Outside opportunities have to be especially good before one severs inherited links. It explains why we maintain so many of the channels we have inherited from our family and kinship, and why norms of conduct pass down the generations. We are, so to speak, locked-in from birth. That may be why our personal identities are so bound up with our inherited background.

6.3. *Contagion*

There are types of influence that are able to travel great distances, for example, via radio and television, newspaper, and the internet. They would be expected to push society in the direction of greater homogeneity. Individual projects and purposes would become more similar across regions. Of course, local influences can have this effect too, as in simple models of 'contagion'. Whether contagions spread or are geographically contained appears to be sensitive to model specification. The models are nevertheless united in one thing: they all tell us that channels of communication create twin pressures, one leading to clusters of attitudes and behaviour (Glaeser *et al.*, 1996; Eshel *et al.*, 1998), the other to homogeneity (Ellison, 1993). These pressures work on different, criss-crossing spheres of our lives. Both in turn interact with markets.

7. HORIZONTAL VS. VERTICAL NETWORKS

Putnam (1993: 174) observes a critical difference between horizontal and vertical networks:

'A vertical network, no matter how dense and no matter how important to its participants, cannot sustain social trust and cooperation. Vertical flows of information are often less reliable than horizontal flows, in part because the subordinate husbands information as a hedge against exploitation. More important, sanctions that support norms of reciprocity against the threat of opportunism are less likely to be imposed upwards and less likely to be acceded to, if imposed. Only a bold or foolhardy subordinate lacking ties of solidarity with peers, would seek to punish a superior'.

There is a third reason:

Imagine a network of people engaged in long-term economic relationships, where relationships are maintained by observing social norms (e.g., norms of reciprocity; Section 2.6). Suppose new economic opportunities arise outside the enclave, say, because markets have developed. Horizontal networks are more likely to consist of members who are similarly placed. If one of the parties discovers better economic opportunities outside the enclave, it is likely that others too will discover better economic opportunities. Both parties would then wish to re-negotiate their relationship.

Vertical (or hierarchical) networks are different. Even if the subordinate (e.g., the landless labourer) finds a better economic opportunity in the

emerging markets, it is possible that the superior (i.e., the landlord-creditor) does not; in which case the former would wish to re-negotiate, but the latter would not. It is no doubt tempting to invoke the Coase-argument (Coase, 1960), that the subordinate would be able to compensate the superior and thus break the traditional arrangement. But this would require the subordinate to be able to capitalise his future earnings, something typically not possible for such people as those who are subordinates in rural economies in poor countries. Nor is a promise to pay by instalments an appealing avenue open to a subordinate. He would have to provide collateral. As this could mean his family left behind, the worker could understandably find it too costly to move.

8. NETWORKS AND MARKETS

Networks are personal. Members of networks must have names, personalities, and attributes. Networks are exclusive, not inclusive, otherwise they would not be networks. The terms of trade within a network would be expected to differ from those which prevail across them. An outsider's word would not be as good as an insider's word: names matter.

Networks give rise to 'communitarian' institutions. In contrast, markets (at least in their ideal form) involve 'anonymous' exchanges (witness the oft-used phrase: 'my money is as good as yours'). To be sure, the distinction between named and anonymous exchanges is not sharp, and even in a sophisticated market (modern banking), reputation matters (credit rating of the borrower). But the distinction is real. The key point that follows is that the links between markets and communitarian institutions are riddled with externalities. Transactions in one institution have effects that spill over to the other without being accounted for. Externalities introduce a wedge between private and social costs, and between private and social benefits. We observe below that some externalities are of a kind that reflects synergism between the two institutions, while others reflect antagonism between them.

All societies rely on a mix of impersonal markets and communitarian institutions. The mix shifts through changing circumstances, as people find ways to circumvent difficulties in realizing mutually beneficial transactions. It pays to study those features of goods and services that influence the mix in question and the hazards that lie in wait while the mix changes as a consequence of the individual and collective choices that are made.

8.1. *Complementarities*

Networks and markets often complement one another. Production and exchange via networks in one commodity can be of vital importance to the functioning of the market in another. As has been long noted by economists, for example, exchanges within the firm are based on a different type of relationship from those in the market place between firms. The classification in Section 2 was in part prompted by such differences.

But complementarities between networks and markets can be a good deal more subtle. Powell (1990) and Powell and Brantley (1992) have found that researchers in rival firms in such a competitive environment as the one that prevails in the bio-technology industry share certain kinds of information among themselves, even while the scientists maintain secrecy over other matters. The balance between disclosure and secrecy is a delicate one, but in any given state of play a common understanding would seem to prevail on the kinds of information members of a network of scientists are expected to disclose, if asked, and the kinds one is expected not even to seek from others. In such an environment non-cooperation would be costly to the individual scientist: if he refused to share information, or was discovered to have misled others by giving false information about his own findings, he would be denied access to information others share. There is also evidence that sharing research findings among scientists in rival firms is not clandestine practice. Management not only are aware of the practice, they positively encourage their scientists to join the prevailing network. Well-connected scientists are especially valued. The geographical clustering of firms in research-based industries (e.g., Silicon Valley, California; the Golden Triangle in North Carolina; Silicon Fen around Cambridge, England) is a consequence of the need for such networks. Networks can even be the means by which markets get established (long distance trade in earlier times). In some cases they are necessary if markets are to function at all.[8]

8.2. *Crowding Out*

Where networks and markets are substitutes, they are antagonistic. In an oft-quoted passage, Arrow (1974: 33) expressed the view that organiza-

---

[8] Even here the role of networks can be expected to diminish as it becomes easier and easier to transmit and access information in the market place.

tions are a means of achieving the benefits of collective action in situations where the price system fails. This formulation, if interpreted literally, gets the historical chronology backward, but it has an important contemporary resonance: when markets displace communitarian institutions in the production of goods and services, there are people who suffer unless countermeasures are undertaken by collective means.

Arrow's observation also has a converse: certain kinds of network can prevent markets from functioning well (Arnott and Stiglitz, 1991). Networks can even prevent markets from coming into existence. In such situations networks are a hindrance, not a help to economic development. They may have served a purpose once, but they are now dysfunctional.

To illustrate, consider the strong kinship ties that are prevalent in traditional societies. Such ties reflect a communal spirit absent from modern urban life and strike an emotional chord among Occidental scholars (Apfell Marglin and Marglin, 1990). But there is a functional side to kinship ties: the obligation of members of a kinship to share their good fortune with others in the group offers a way to pool individual risks. The lowlands of sub-Saharan Africa, for example, are in large measure semi-arid, where people face large climatic risks. In contrast, people in the highlands enjoy more reliable rainfall. Lineage groups are powerful in the lowlands. They are less powerful in the highlands, where even private ownership of land is not uncommon (e.g., the Kikuyu in Kenya; Bates, 1990).

However, there is a bad side to the coin in kinship obligations. They dilute personal incentives to invest for prosperity. Even if the social return on investment in an activity is high, the private return can be low: because of kinship obligations, the investor would not be able to appropriate the returns.[9] Insurance markets are superior to communitarian insurance systems because the former, covering a wider terrain of people, are able to pool more risks. On the other hand, mutual insurance among members of a community (e.g., household, kinship, village) can be expected to be less fraught with problems of moral hazard and adverse selection than markets. This means that if we view kinship obligations over insurance and credit, respectively, as risk-sharing arrangements and intertemporal consumption-smoothing devices, they are to the good; but they are not *all* to the good,

[9] Platteau and Hayami (1998) have stressed this feature of life in the lowlands of sub-Saharan Africa. They were concerned to account for differences between its economic performance and that of East Asia since the 1960s.

because their presence renders as low the private benefits people would enjoy from transacting in insurance and credit markets even when the collective benefits are high.

It is possible also to show that the more dissimilar are transactors, the greater are the potential gains from transaction. This means that, to the extent communitarian institutions are a dense network of engagements, they are like economic enclaves. But if the institutions act as enclaves, they retard economic development. For example, social impediments to the mobility of labour imply that 'talents' aren't able to find their ideal locations. This can act as a drag on economic development. The same point can be made about credit, if credit is based on kinship. More generally, resources that should ideally flow across enclaves don't do so. Society then suffers from an inefficient allocation of resources.

9. DARK MATTERS

Two potential weaknesses of institutions built on social capital are easy enough to identify:

Exclusivity. Networks are exclusive, not inclusive. This means that 'anonymity', the hallmark of competitive markets, is absent from the operations of networks. When market enthusiasts proclaim that one person's money is as good as any other person's in the market place, it is anonymity they invoke. In allocation mechanisms governed by networks, however, 'names' matter. Transactions are personalised. This implies inefficiencies: resources are unable to move to their most productive uses.

Inequalities. The benefits of cooperation are frequently captured by the more powerful within the network. McKean (1992), among others, has discovered that the local elite (usually wealthier households) capture a disproportionate share of the benefits of common-property resources, such as coastal fisheries and forest products. Her finding is consistent with the possibility that all who cooperate benefit.

Exploitation within Networks

The reason why social capital continues to radiate a warm glow in the literature is that the examples that have motivated the subject have been the Prisoners' Dilemma (see e.g. Ostrom, 1990). However, one-period games involving the use of common property resources don't give rise to the Prisoners' Dilemma (Dasgupta, 2008). It is possible to show in such games that if the players discount their future payoffs at a low enough rate, there

are social norms that can sustain an outcome where a party would be worse off in the long-term relationship with the others than she would be if they were not in long-term relationship. The social norm sustaining that outcome would be *exploitative* of her.

Inequality is not the same as exploitation. Which is why demonstrating exploitation in an empirically satisfactory way will prove to be very hard: any such demonstration would involve comparison of an observable state of affairs with a counterfactual. However, there are stark examples that are suggestive. In Indian villages access to local common-property resources is often restricted to the privileged (e.g., caste Hindus), who are also among the more prosperous landowners. The outcasts (euphemistically called members of 'schedule castes') are among the poorest of the poor. Stark inequities exist too in patron-client relationships in agrarian societies that make it very likely that the 'client' is worse off in consequence of the relationship than she would have been in its absence.

7. Morals

Social capital is an aggregate of interpersonal networks. From the economic point of view, belonging to a network helps a person to coordinate his strategies with others. We should not pre-judge the character of the strategies on which members of a network coordinate. As with any other form of capital asset, social capital can be put to good use or bad.

REFERENCES

Apfell Marglin, F. and S.A. Marglin, eds. (1990), *Dominating Knowledge: Development, Culture and Resistence* (Oxford: Clarendon Press).

Arnott, R. and J.E. Stiglitz (1991), 'Moral Hazard and Nonmarket Institutions: Dysfunctional Crowding Out or Peer Review?', *American Economic Review*, 81, 179-190.

Arrow, K.J. (1973), 'The Theory of Discrimination', in O. Ashenfelter and A. Rees, eds., *Discrimination in Labor Markets* (Princeton, NJ: Princeton University Press, 1973).

Arrow, K.J. (1974), *The Limits of Organization* (New York: W.W. Norton).

Bala, V. and S. Goyal (2000), 'A Non-Cooperative Model of Network Formation', *Econometrica*, 68, 1181-1229.

Baland, J.-M. and J.-P. Platteau (1996), *Halting Degradation of Natural Resources: Is There a Role for Rural Communities?* (Oxford: Clarendon Press).

Banerjee, B. (1983), 'Social Networks in the Migration Process: Empirical Evidence on Chain Migration in India', *Journal of Developing Areas*, 17, 185-196.

Banfield, E. (1958), *The Moral Basis of a Backward Society* (Chicago: Free Press).

Bates, R. (1990), 'Capital, Kinship and Conflict: The Structuring Influence of Capital in Kinship Societies', *Canadian Journal of African Studies*, 24, 151-164.

Besley, T. and S. Coate (1995), 'Group Lending, Repayment Incentives and Social Collateral', *Journal of Development Economics*, 46(1), 1-18.

Besley, T., S. Coate and G. Loury (1992), 'The Economics of Rotating Savings and Credit Associations', *American Economic Review*, 82.

Beteille, A. ed. (1983), *Equality and Inequality: Theory and Practice* (Delhi: Oxford University Press).

Binmore, K. and P. Dasgupta (1986), 'Game Theory: A Survey', in K. Binmore and P. Dasgupta, eds., *Economic Organizations as Games* (Oxford: Basil Blackwell).

Blume, L. and S.N. Durlauf (2001), 'The Interactions-Based Approach to Socioeconomic Behavior', in S.N. Durlauf and H. Peyton Young, eds., *Social Dynamics* (Cambridge, MA: MIT Press).

Bowles, S. and H. Gintis (2002), 'Social Capital and Community Governance', *Economic Journal*, 112 (Features), F419-436.

Bromley, D.W. *et al.*, eds. (1992), *Making the Commons Work: Theory, Practice and Policy* (San Francisco: ICS Press).

Caldwell, J.C. (1969), *African Rural-Urban Migration* (Canberra: Australian National University).

Carrington, W.J., E. Detragiache, and T. Vishwanath (1996), 'Migration and Endogenous Moving Costs', *American Economic Review*, 86, 909-930.

Coase, R.H. (1960), 'The Problem of Social Cost', *Journal of Law and Economics*, 3, 1-44.

Coate, S. and G.C. Loury (1993), 'Will Affirmative-Action Policies Eliminate Negative Stereotypes?', *American Economic Review*, 83, 1220-1240.

Coleman, J.S. (1988), 'Social Capital in the Creation of Human Capital', *American Journal of Sociology*, 94, 95-120.

Coleman, J. (1990), *Foundations of Social Theory* (Cambridge, MA: Harvard University Press).

Dasgupta, P. (1988), 'Trust as a Commodity', in D. Gambetta, ed., *Trust: Making and Breaking Cooperative Relations* (Oxford: Basil Blackwell).

Dasgupta, P. (1993), *An Inquiry into Well-Being and Destitution* (Oxford: Clarendon Press).

Dasgupta, P. (2000a), 'Economic Progress and the Idea of Social Capital', in P. Dasgupta and I. Serageldin, eds., *Social Capital: A Multifaced Perspective* (World Bank, Washington, DC: 2000).

Dasgupta, P. (2000b), 'Population, Resources, and Poverty: An Exploration of Reproductive and Environmental Externalities', *Population and Development Review*, 26(4), 643-689.

Dasgupta, P. (2008), 'Common-Property Resources: Economic Analytics', in R. Ghate, N.S. Jodha, and P. Mukhopadyay eds., *Promise, Trust, and Evolution* (Oxford: Oxford University Press).

Dasgupta, P. and K.-G. Mäler (1991), 'The Environment and Emerging Development Issues', *Proceedings of the Annual World Bank Conference on Development Economics, 1990* (Washington, DC: World Bank).

Diamond, P. (1982), 'Aggregate Demand Management in Search Equilibrium', *Journal of Political Economy*, 90, 881-894.

Douglas, M. and B.C. Isherwood (1979), *The World of Goods* (New York: Basic Books).

Ellison, G. (1993), 'Learning, Local Interaction, and Coordination', *Econometrica*, 61, 1047-72.

Eshel, I., L. Samuelson, and A. Shaked (1998), 'Altruists, Egoists, and Hooligans in a Local Interaction Model', *American Economic Review*, 88(1), 157-179.

Fehr, E. and U. Fischbacher (2002), 'Why Social Preferences Matter: The Impact of Non-selfish Motives on Competition, Cooperation and Incentives', *Economic Journal*, 112(478), C1-33.

Fudenberg, D. and E. Maskin (1986), 'The Folk Theorem in Repeated Games with Discounting or with Incomplete Information', *Econometrica*, 54, 533-56.

Fukuyama, F. (1997), *Social Capital* (Tanner Lectures, Brasenose College, Oxford); Mimeo., Institute of Public Policy, George Mason University.

Gambetta, D. (1993), *The Mafia: A Ruinous Rationality* (Cambridge, MA: Harvard University Press).

Glaeser, E., B. Sacerdote, and J. Scheinkman (1996), 'Crime and Social Interactions', *Quarterly Journal of Economics*, 111, 507-548.

Goody, J. (1998), *Food and Love: A Cultural History of East and West* (London: Verso).

Granato, J., R. Inglehart, and D. Leblang (1996), 'The Effect of Cultural Values on Economic Development: Theory, Hypotheses, and Some Empirical Tests', *American Journal of Political Science*, 40, 607-31.

Granovetter, M.S. (1973), 'The Strength of Weak Ties', *American Journal of Sociology*, 78, 1360-1380.

Granovetter, M.S. (1974), *Getting a Job: A Study of Contacts and Careers* (Chicago: University of Chicago Press).

Greif, A. (1994), 'Cultural Beliefs and the Organization of Society: A Historical and Theoretical Reflection on Collectivist and Individualist Societies', *Journal of Political Economy*, 102, 912-50.

Grootaert, C. and T. van Bastelaer, eds. (2002), *The Role of Social Capital in Development: An Empirical Assessment* (Cambridge, UK: Cambridge University Press).

Hart, O. and B. Holmstrom (1987): 'The Theory of Contracts', in T. Bewley, ed., *Advances in Economic Theory* (New York: Cambridge University Press).

Hayami, Y. (1997), *Development Economics: From the Poverty to the Wealth of Nations* (Oxford: Clarendon Press).

Hayami, Y. and M. Aoki, eds. (1998), *The Institutional Foundations of East Asian Economic Development* (London: Macmillan).

Hinde, R.A. and J. Groebel, eds. (1991), *Cooperation and Prosocial Behaviour* (Cambridge: Cambridge University Press).

Hirschman, A. (1984), 'Against Parsimony: Three Easy Ways of Complicating Some Categories of Economic Discourse', *American Economic Review*, 74 (Papers & Proceedings), 88-96.

Iversen, V. (2002), 'Autonomy in Child Labour Migrants', *World Development*, 30, 817-33.

Jodha, N.S. (1986), 'Common Property Resources and the Rural Poor', *Economic and Political Weekly*, 21, 1169-81.

Knack, S. and P. Keefer (1997), 'Does Social Capital Have an Economic Payoff: A Cross Country Investigation', *Quarterly Journal of Economics*, 112, 1251-1288.

Kreps. D. (1990), 'Corporate Culture and Economic Theory', in J.E. Alt and K.A. Shepsle, eds., *Perspectives on Positive Political Economy* (New York: Cambridge University Press).

Landes, D. (1998), *The Wealth and Poverty of Nations: Why Some Are So Rich and Some So Poor* (New York: W.W. Norton).

La Porta, R., F. Lopez-de-Silanes, A. Schleifer, and R. Vishny (1997), 'Trust in Large Organizations', *American Economic Review*, 87 (Papers & Proceedings), 333-8.

Levi, M. (1988), *Of Rule and Revenue* (Berkeley, CA: University of California Press).

Lindbeck, A. (1997), 'Incentives and Social Norms in Household Behaviour', *American Economic Review*, 87 (Papers & Proceedings), 370-377.

Lindbeck, A., S. Nyberg, and J.W. Weibull (1999), 'Social Norms and Economic Incentives in the Welfare State', *Quarterly Journal of Economics*, 114, 1-36.

McKean, M. (1992), 'Success on the Commons: A Comparative Examination of Institutions for Common Property Resource Management', *Journal of Theoretical Politics*, 4(2), 256-68.

Narayan, D. and L. Pritchett (1999), 'Cents and Sociability: Household Income and Social Capital in Rural Tanzania', *Economic Development and Cultural Change*, 47, 871-889.

Ostrom, E. (1990), *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge: Cambridge University Press).

Ostrom, E. (1996), 'Incentives, Rules of the Game, and Development', *Proceedings of the Annual World Bank Conference on Development Economics, 1995* (Washington, DC: World Bank).

Platteau, J.-P. and Y. Hayami (1998), 'Resource Endowments and Agricultural Development: Africa versus Asia', in Y. Hayami and M. Aoki, eds., *The Institutional Foundations of East Asian Economic Development* (London: MacMillan).

Posner, R.A. (1980), 'A Theory of Primitive Society, with Special Reference to Law', *Journal of Law and Economics*, 23, 1-53.

Powell, W. (1990), 'Neither Market nor Hierarchy: Network Forms of Organization', *Research in Organizational Behaviour*, 12, 295-336.

Powell, W. and P. Brantley (1992), 'Competitive Cooperation in Biotechnology: Learning Through Networks?', in N. Nohria and R. Eccles, eds., *Networks and Organizations* (Cambridge, MA: Harvard University Press).

Przeworski, A. (1991), *Democracy and the Market* (Cambridge: Cambridge University).

Putnam, R.D., with R. Leonardi and R.Y. Nanetti (1993), *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton, NJ: Princeton University Press).

Putnam, R.D. (2000), *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster).

Rabin, M. (1993), 'Incorporating Fairness into Game Theory and Economics', *American Economic Review*, 83(5), 1281-1302.

Schelling, T. (1978), *Micromotives and Macrobehaviour* (New York: W.W. Norton).

Seabright, P. (1997), 'Is Cooperation Habit-Forming?', in P. Dasgupta and K.-G. Mäler, eds., *The Environment and Emerging Development Issues, Vol. II* (Oxford: Clarendon Press).

Sethi, R. and E. Somanathan (1996), 'The Evolution of Social Norms in Common Property Resource Use', *American Economic Review*, 86, 766-88.

Solow, R.M. (1995), 'But Verify', *The New Republic* (September 11), 36-39: Review of F. Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity* (New York: The Free Press, 1995).

Starrett, D. (1976), 'Social Institutions, Imperfect Information, and the Distribution of Income', *Quarterly Journal of Economics*, 90, 261-84.

Udry, C. (1990), 'Credit Markets in Northern Nigeria: Credit as Insurance in a Rural Economy', *World Bank Economic Review*, 4.

Weber, M. (1930), *The Protestant Ethic and the Spirit of Capitalism* (London: George Allen & Unwin).

Wildavsky, A. (1987), 'Choosing Preferences by Constructing Institutions: A Cultural Theory of Preference Formation', *American Political Science Review*, 81, 3-21.

Wintrobe, R. (1995), 'Some Economics of Ethnic Capital Formation and Conflict', in A. Breton, G. Galeotti, P. Salmon, and R. Wintrobe, eds., *Nationalism and Rationality* (Cambridge: Cambridge University Press).

COMMENTS ON THE PAPER
OF PROF. PARTHA DASGUPTA

JOSEPH STIGLITZ

I thought Prof. Dasgupta's paper was extremely interesting and I think it raised a number of points. I'm going to try to put some of what he said in a broader perspective. The fundamental problem that he has been concerned with, and which the general literature and social capital is concerned with, is how, in a context of individuals who are self-interested, can we generate cooperative behaviour that is directed at the social good. The basic theoretical insight is that, in what is sometimes called 'theory of repeated games', we can induce cooperative behaviour in a way that we couldn't if we weren't in a repeated relationship, so it's that repeated relationship that can lead people to act cooperatively at the same time as they are only self-interested.

There are a couple of aspects I want to call attention to. The way things work is that, basically, if you don't cooperate, you're punished. So that it's not appealing to people's highest moral sentiments. I'll come back to that in a second. It's really saying, if you don't cooperate, if you don't act in the social good or in the way that we deem to be the social good, there will be consequences that are so adverse that it's in your own interest to behave well.

One of the questions that the literature has concerned itself with is how credible is the punishment? Will people actually execute, is it in the self-interest of the people who punish to execute the punishment? That is actually a very interesting literature where one aspect is that punishment is part of cooperative behaviour. That is to say, when you are part of the club, part of the social system, you punish those who don't punish so you enforce the enforcement through the same kind of sanctions that you enforced good behaviour, so that people are induced cooperatively to behave well by punishments and the punishments themselves are induced by these repeated games.

The ease with which you can induce cooperative behaviour is sometimes increased by the range over which people interact. In a way, this stands behind some of what Prof. Dasgupta was talking about in terms of social networks. When there are social networks where individuals are interacting in many spheres, then the potential of enforcing cooperative behaviour is greater. You can think of it as in a simple village where, if you misbehave in one area, they can punish you in many other areas, there are many other things you can do. You can actually get better enforcement of cooperative behaviour. One of the aspects of the success, I think, of the microcredit regimes, programmes in Bangladesh that Yunus pioneered and that BRAC engaged in is that they have been trying to create denser forms of social interaction. And I think that's not widely understood by a lot of people trying to export the microcredit schemes because they are exporting microcredit schemes just as financial arrangements as opposed to a much broader social context. They are successful not because they are a bank but because they are actually part of a broader social context. Both Yunuf and the guys who thought up these programmes were very much aware that they were operating in a social context where it wasn't finance, it was really social change they were trying to engineer. That's why, for instance, BRAC has not only a microcredit programme, it has a health programme, a legal education programme, it provides all kinds of intermediary goods, education, there's a whole variety of things and I think that density of connections makes the enforcement of the social contracts easier and more effective.

At the other side of it is the fact that marketisation, the market economy and, more broadly, development and globalisation, actually served to weaken these ties. They weakened them because the nature of market interactions is based on the notion of anonymity. You aren't dealing with people with names, you're dealing in an anonymous marketplace and so, as the sphere of the market gets larger, the sphere of social interactions and the kinds of enforcement mechanisms that have been associated with the kinds of repeated interactions become weaker. Actually it's worse than that because, in many contexts, globalisation and marketisation result in the weakening of the community base, people migrating out of communities, and the result of all this is that the ability to enforce cooperative action is weakened.

One of the hypotheses in development is that, as you go from low stages of development to a more market economy things may get worse before they get better because you break down the social enforcement mecha-

nisms before you get the ability to have the legal enforcement mechanisms, which is an alternative and often a less efficient way of enforcing cooperative action, enforcing things that are to the social good.

Now, the second broad point I wanted to raise is to highlight the point that Prof. Dasgupta mentioned, but I think didn't emphasise enough. When he said that there are multiple equilibriums what he meant is, in fact, you can enforce, implement through these social sanctions, through this so-called cooperation, not only the social good but also social bads and you can get stuck in bad equilibrium. An example that everyone in the United States knows very strongly is Jim Crow behaviour, where you have segregation. This is a real example where a standard market economist really went astray. Gary Becker famously wrote a book saying that discrimination could not exist because, if it did, it would be profitable for somebody to hire somebody who was discriminated against and therefore, since discrimination isn't profitable, it doesn't exist. It was a very short line of reasoning from the argument that it wasn't profitable to the fact that it doesn't exist. Well, in fact, the kinds of models that Prof. Dasgupta talked about can be used to explain the persistence of discrimination and actually provided a very good description of what happens: those who don't discriminate get discriminated against. And so, even if you yourself were not prejudiced, the fact that the system would actually punish those that did not go along with the social norm of discrimination led to the persistence of a social arrangement that I think most of us think is not a social good but a social bad. So one of the problems with these kinds of cooperative actions, they lead to cooperation but not necessarily cooperation that is viewed as a social good, it can be a cooperative behaviour that is a social bad. As Prof. Dasgupta said, we don't have a very good theory about why one society might wind up in a very positive equilibrium, I'm presuming a social good, and another society can wind up in a very negative situation, a cooperative action to enforce a social bad, and another one just has chaos. So we don't have a very good answer to that, other than to say that history matters.

The third point that Prof. Dasgupta emphasised was that part of what determines the nature of the equilibrium is our beliefs: our beliefs are related to the networks to which we belong, which, in some sense, you can say perpetuate those sets of beliefs, those views about what are the equilibriums, and he used the term 'identity'. There is another use of the concept of identity that I want to describe very briefly. One of the ways of enforcing good behaviour, what you might call socially desirable behaviour, cooperative behaviour, the one that we described is one where people have differ-

ent preferences and are induced to act in a cooperative way, in the pursuit of their self-interests, by the threat of punishment. The other general approach is to say, let's make their preferences the same as that of the social good, we'll change their preferences so that they will want to act in the social good. That's a very different way of inducing cooperative behaviour and you see that in the context of firms: when firms hire workers they go through elaborate processes of indoctrination, of creating what is called a corporate culture, of trying to persuade individuals that it's a good thing to…they try to make them feel part of the team, and in feeling part of the team to actually change their preferences in some way so that what they think is their own interest becomes the group interest. They try to somehow elicit that kind of identity of preferences and we do that in a whole variety of contexts: governments, societies try to develop a sense of loyalty to the country and, in that process, try to induce preferences about a whole variety of things, of trying to create values that are coherent. The big advantage, of course, of that is if you can actually get people to believe that what is in the social good is in their own personal good. When they see those two as coincident, it's actually much easier to enforce good behaviour, or cooperative behaviour, because you have eliminated the sources of dissention. Now you can't always do it, and obviously there's a certain danger in trying to get that kind of preference change. But it's certainly one of the mechanisms that is widely used and it's a mechanism that we call 'identity', you try to get them to identify with the groups to which they belong.

The fourth general point goes back to a topic that has been raised in this meeting several times, which is that there is a difference in our sense of wellbeing, our sense of, I don't know how to describe it, pleasure in what we do, our sense of satisfaction in doing something because we think it's the right thing to do as opposed to we do it because, if we don't do it, we will be punished. It's interesting all of Prof. Dasgupta's equilibriums are enforced by the threat that, if we don't behave the right way, there are all kinds of consequences as opposed to, I do it because I feel good about myself when I act in a good way. In a way, if we can change the preferences in the way I described, we change the identification of the individual with the group interest, then he has the ability to have the pleasure of doing something that is in his own interest and in the interests of society at the same time. He can get the pleasure of gift-giving, that we talked about earlier, as opposed to the notion of 'I'm giving a gift because if I don't give the gift I will be punished'. It's a very different notion of these two forms of cooperation. And then of course it's also related to the role of the state, we

say that there's a difference between helping the poor because we are compelled to do it by the state versus helping the poor as an act of charity that comes from our self-motivation. So I think there is at least an element here of an individual's wellbeing that is not captured well in the models of cooperative behaviour and trust that are induced by the threat of the consequences of not behaving well.

The basic idea of identification the way I've described it can be viewed, in a way, as part of a general theory of what we call 'endogenous preferences', how preferences are actually affected, and that again is one of the topics we've hinted at, for which there's no easy answer. But clearly the nature of the way society is organised does affect our preferences, does affect our senses of identity.

So, to come back to the other point I made earlier, I think there are concerns that markets may in fact enhance a sense of selfishness and non market kinds of behaviour may change preferences in ways that are consistent with less selfish ways of behaving. There are a number of experiments in economics that confirm this. Economists believe in self-interested behaviour more than anybody else and there are some studies that have looked at students of economics, and it turns out that students of economics in their first year are systematically more selfish than students in, say, psychology. But what is also interesting is, by the end of their first year, and certainly by the end of their undergraduate studies, students of economics are even more selfish in that they've learned how to think in a more selfish way and, in a way, we are indoctrinating them so that our models become more descriptive of their behaviour because we've succeeded in getting them to behave the way our models tell them they are supposed to behave. This broad issue that I think has been hinted at at various times is that how we design social institutions, markets, does affect people's identities, their preferences and therefore the mechanisms by which we can sustain cooperative behaviour. There's a whole literature in evolutionary game theory that talks about the virtues of various kinds of behaviours, including non-selfish behaviours for the viability of societies: societies where there are less selfish behaviours can be more sustainable, so, in a way, if that is true, of course, it raises concern about the emphasis of market economies which are actually encouraging the development of more selfish behaviours as opposed to more altruistic behaviour.

Finally, I just want to mention that, in a way, picking up on some of the remarks that were made this morning, it is interesting that there are parts of the new economy where cooperative behaviour is flourishing: Wikipedia,

the development of things like Firefox, a whole set of computer networks where people are acting cooperatively even at a distance. And a strong movement in this direction is suggestive that at least there are subsets of the population who feel very strongly that forms of cooperative behaviour are more productive, and that one can get cooperation in ways other than the threat of punishment which are at the centre of the kind of repeated game context that Prof. Dasgupta was talking about.

ORGANIZATIONS ACTING IN A SUBSIDIARY
WAY IN CIVIL SOCIETY
(THE CASE OF THE 'FOOD BANK')

GIORGIO VITTADINI

Introduction

The present intervention describes the experience of the Fondazione Banco Alimentare Onlus, the Onlus Foundation Food Bank (FBAO) which operates in Italy for the socioeconomic valorization of surplus food by collecting and redistributing it to non-profit organizations that help the poor and marginalized on a national level. The Food Bank operates like a 'bank' that redistributes the available food resources amongst charitable and volunteer organizations that request them, above all in the South, where the need for food seems to be the highest.

Further to demonstrating the relevance of suggestions derived from the Church's social doctrine, the originality and success of this social enterprise offers points of reflection with regards to the possibility of coexistence and mutual strengthening of the two social forms in discussion at this conference, solidarity and subsidiarity. As we will see throughout this treatment, their significance will be clarified and elaborated through the description of the experience of FBAO.

1. FOOD SECURITY AND THE BIRTH OF FOOD BANKS

According to FAO, the World Food and Agriculture Organization of the United Nations, food security consists of the circumstances in which all persons have economic, social and physical access to healthy and nutritious

food, sufficient to satisfy the preferences and dietary needs that permit an active and healthy lifestyle.[1]

Ensuring the provision of food is a leading problem in underdeveloped countries, but is also a problem in wealthier countries, in those strata of the population for whom the cost of food is high, given their low-income level. A recent analysis of the European population at risk of poverty brings into focus not only the monetary dimension, but also the ties and the rationing for certain particular needs, such as the possibility to purchase goods like food, medicine and clothing. In Italy approximately 5% of families (average 2005-2006) declared having encountered difficulty purchasing food goods at least once in the last 12 months. The percentage is even higher for single persons, single-parent families, families with two or more children, and single-income families. The percentage is higher in the South of Italy compared to the North, but with a narrower gap if we compare it to the corresponding measures of income.

A survey conducted in Europe allows the identification of other specific dimensions, such as the difficulty procuring/consuming, for those who desire, a meal with meat, poultry or fish every two days. In 2005, the incidence level of individuals in difficulty was 3.67% of the population in Italy (of which 4.01% represent minors, 0-17 years old). The percentage against the total population was equal to 2.94% in France, to 2.2% in Germany and 2.47% in Great Britain. The incidence rate of not being able to eat meat, poultry or fish every two days was greater than 10% for 5 European countries (out of 25).

Therefore the question of being able to provide food security is present to a significant degree in many wealthy European countries, as well as in the United States: in effect proven by the birth of many voluntary experiences, by now well-established as social enterprises of the Third Sector, with the specific objective of meeting the food needs of families in difficulty.

In Europe, as in the United States, a central role is played by 'Food Banks' which are non-profit organizations, that function in principle like banks. These 'banks' collect production surpluses from businesses and farmers and their work involves directly and indirectly engaging with families with difficulties procuring food.

---

[1] The term 'food security' used here intends both the ensuring of food (in a quantitative sense) as well as ensuring the quality of food (in terms of food safety).

The underlying implicit idea of the experience of Food Banks, in Europe and in the United States, is that there exists a tendency to over-produce food and agricultural products, which given the prices on the market and distribution of buying power, would be wasted: the 'banks' represent a social invention that transform goods which would otherwise be wasted, either because the supply exceeds demand at fixed prices or because they cannot be sold (due to slight defects), into goods of positive value for those individuals whose basic food needs are otherwise rationed. These surpluses are generated by private companies in the agriculture, food manufacturing and distribution sectors, and/or by the public sector as a result of the subsidizing of the agriculture industry.

2. THE ORIGINS OF FOOD BANKS: THE EXPERIENCE OF SECOND HARVEST

The first food bank was born in 1967 in Phoenix, Arizona, thanks to the intuition of an American named John Van Hengel. In 1979 America's Second Harvest was constituted, which incorporated the network of Food Banks which had developed throughout the country in the meantime. Second Harvest collects food products rejected by companies that operate nation-wide to then redistribute them to the various Food Banks.

In the year 2000 America's Second Harvest merged with The Food Chain – America's most important organization for the collection of perishable food items – thus succeeding in becoming the most powerful and efficient collector and distributor of food in the country.

During the course of 2006 the association collected, just in the form of donations of products, a total of *1.48 billion* pounds of food goods from 500 food companies (with an estimated value of 576.7 million dollars). Every day, thanks to the contributions of many donor associations, the association succeeds in guaranteeing thousands of needy people a meal. They do so by distributing stocked products in surplus to its *206* recognized and certified members, amongst which are the *195* food banks located across the country, and *11* volunteer organizations and non-governmental non-profits. They collaborate with approximately *50,000* local charitable agencies that participate in over *94,000* programs including 'food pantries', 'soup kitchens', 'emergency shelters', kids' cafes and after school programs in all 50 States, in the District of Columbia and Puerto Rico. In 2006, *25,300,000* people were reached by this association.

From this initial experience other Food Banks have been born: in 1984 in France, and then in successive years in 16 other European countries (Spain, Belgium, Ireland, Czechia, Portugal, Poland, United Kingdom, Ukraine, Switzerland, Luxembourg, the Netherlands, Slovakia, Hungary, Germany and Italy).

In South America as well *Bancos de alimentos* (Food Banks) are present in the following countries: Brazil, Argentina, Paraguay, and Mexico. Today 155 Food Banks exist around the globe.

3. ITALIAN FOOD BANKS: THE ORIGIN IN AN ENCOUNTER

The first Food Bank in Italy was born in 1989. In 1999 the *Fondazione Banco Alimentare Onlus* (FBAO) was established, with a headquarters in Milan, which guides and coordinates the activities of 20 Food Bank Associations, operating throughout Italy. The Foundation and the 20 Associations constitute the Food Bank Network, *Rete Banco Alimentare*.

So what is the uniqueness of the FBAO with respect to analogous experiences in the United States and around the world?

First of all, the Italian Food Bank was not born out of a sociological motivation or the welfare state, but rather because of an encounter, which occurred in 1989 between Danilo Fossati, President of the STAR corporation (a highly successful food manufacturing company), and Fr. Luigi Giussani, founder of the Catholic Movement of Communion and Liberation (CL).

Danilo Fossati was a great man and a great entrepreneur who had actually created an industrial empire starting from a family-run business, perfecting it and betting it all on a future to come.

Fossati belonged to that generation of men who can be considered the creators of the 'Italian system', protagonists of an unforgettable period of the reconstruction of our country. He had an element of melancholy, like in all great men who see something still unaccomplished in their lives, and feel the need to leave a sign, that goes beyond that of their professional capacity. Fossati was not an exception to that rule. From his parents he had learned how to work hard and that upbringing had served him well to become rich and famous. With that success he had not lost the ability to look at people, to discover their needs, to be moved by those who suffer and be indignant about wastefulness. For example, it weighed on his conscience that while his company produced excellent products – some of which were imperfect and thus needed to be discarded and destroyed – many Italians

struggled to put a square meal on the table. Near the end of the 1980s, during a period of great social and political changes in the world, Fossati, thanks to two of his employees, met with don Luigi Giussani.

In his encounter with don Giussani, Fossati began by speaking of his mother, of her generosity and of all the good she had done in her life. So don Giussani spoke to him of charity: a good act redeems life, and a good act is to share the life of another human, through a concrete, simple gesture in which is inherent the desire to partake in the destiny of the other. Without a gesture everything remains abstract, but without meaning, generosity does not last.

The discussion turned to a small Food Bank that was just starting because an Italian entrepreneur, who was living in Barcelona, had suggested to his Italian friends of CL to open an Italian branch of the Food Bank, an entity unknown in Italy up until then.

For Fossati it was inevitable for him to say 'I will help'. So that is how the Italian Food Bank was born; from an encounter between two men who enthused one another and who imagined that the Food Bank could represent a gesture of education for all about sharing, an education to charity, and the desire of good for Christians and non-Christians. It has become an example of subsidiarity, that is the valorization of anyone's positive impetus and effort, according to the traditions of the Church's Social Doctrine. Every move and activity of the Italian Food Bank had at its origin and as its inspiration the continual replication of that relationship which had generated it. Which according to the dual nature of Christian charity, that so easily attaches itself to lay generosity, and to subsidiarity, which gives values to each person's impetus.

4. ITALIAN FOOD BANKS: WORKS OF CHARITY

From its beginning, the Italian Food Bank has proceeded according to a revolutionary idea of charity that goes beyond any form of State welfarsim.

Increasingly, the Food Bank acts according to the characteristic principles of Christianity, that are embodied in the moved gift of self towards the concrete, unique and unrepeatable person. These ideas are shown in the following aspects.

4.1. *Charity is above all an education for who does it*

The educative work of the Bank has at its core a Christian anthropological conception, according to which an act of charity is such if you consider

man in his totality. It is this which constitutes human nature and the infinite desire for truth, justice, beauty and love. It is not possible to act in a complete and correct way with regards to the poor if we do not look at them from the starting point of the whole of fundamental needs and facts that constitute – using biblical language – their 'heart', 'objective criteria by which nature throws man into the universal paragon'.[2] Only with this stance can a true desire remain to realize a need and to not reduce it in an effort to try and respond. Don Giussani says: 'desire is like the spark that ignites the motor. Every human action is born of this phenomenon, of this dynamism that is inherent to man. Desire ignites the human motor. So he puts himself to the task of finding bread and water, finding work, looking for a wife, finding a more comfortable armchair and a better home, he becomes interested in why some have much and others have nothing, why some are treated fairly and he isn't, right to the point of enlarging, expanding and changing himself and these stimuli that he has inside and that the Bible globally calls, heart'.[3]

This is particularly true for whom as a Christian, working at the Food Bank, remembers the parable of the Good Samaritan that perpetually describes the face of our neighbor from the teachings of Christ on earth: 'In as much as you have done it unto the least of these you have done it unto me'.[4]

Therefore the Food Bank is conceived as a place of education to this charity as the gift of self moved. This does not come about through abstract discussions or political claims, but through concrete gestures, and in line with the teachings of Benedict XVI: 'Love – *caritas* – will always prove necessary, even in the most just society. There is no ordering of the State so just that it can eliminate the need for a service of love. Whoever wants to eliminate love is preparing to eliminate man as such'.[5]

a) *Voluntary service*

Firstly, the FBAO has relatively *few employees*. Instead the association is maintained by the *strong* support of a staff of *volunteers*.

The volunteers who donate their work on a daily basis at the Food Bank Network, are approximately 1140 in total; some offer their time on a regular

---

[2] Giussani L., *The religious sense*, McGill-Queen's University Press (October 1997).

[3] Giussani L., *L'io, il potere, le opere*, Marietti, Genova 2000, p. 173.

[4] *Mt* 25,40.

[5] Benedict XVI, Encyclical Letter *Deus Caritas Est*, 25 December 2005, 28b.

schedule, while others on a periodical or occasional basis. These volunteers carry out on the one hand an economic function and on the other a social function. The volunteers are made up of pensioners, the employed and unemployed, and to a small degree of students who are of age. The nature of their duties is always growing; more and more often they are in decision-making roles and have the same morally implicit contract with the organizations as employees, thus assuming a certain status as interest holders.

It is worth nothing that, at this time, the number of employees is decisively lower compared with the number of volunteers: 78 employees in all of Italy, but their ideal attunement with the goals of the Foundation, as is the case with the volunteers, is unavoidable.

b) *Education*

The second distinguishing element of the Italian Food Bank experience is *the attention to training and education.* The first duty of employees and volunteers is to learn not only what to do but to understand how one works, and this is accomplished through the suitable moments of training and reflection. Such moments are proposed and shared even by the larger network of 8248 social assistance centers and charitable organizations that receive monthly shipments of food products free of charge from the Food Bank. In these moments there is reflection on the significance of human and Christian charity, study of the causes of poverty, what are the relevant and determining factors of food security, and what are best ways to respond without causing a division between ideals and an analytical knowledge of reality.

To continue highlighting the educational aspect for those working at the Food Bank, it is important to add that at the heart of these activities are moments for public education to charity which in turn reinforces the Foundation's overall activities.

In 1997 the *Giornata Nazionale della Colletta Alimentare (GNCA)/ National Food Collection Day*, was born. This event has become the most visible and important sign of the Foundation's work. This day is an annual appointment in which millions of Italians are asked to contribute to the activities of the Foundation by making donations of non-perishable food items – in particular olive oil, homogenized foods, baby food, canned meat, tuna, legumes and vegetables – purchased from supermarkets throughout Italy. The Network of Food Banks then redistributes these donations for free to their associated assistance agencies and organizations.

In 2007, the eleventh edition of the food collection day, we saw over 6,800 supermarkets participating, 100,000 volunteers mobilized for the entire day, from a multitude of grassroots organizations, and 8,932 tons of food collected from more than 6 million donors. Every citizen is stimulated to make a gesture of charity and to share in the basic needs of those who are marginalized, becoming educated to charity through an active gesture for the common good.

From the desire/request to continue these acts of charity in one's daily life, the *Banchi di Solidarità/Solidarity Banks* were born (today there are more than 150). In the vein of the ideals of the traditions of San Vincenzo, every day thousands of volunteers across parishes, tenement buildings, bars and places of employment, take on the task of responding to the needs of the hungry by donating a part of their groceries to prepare food care packages. Without asking for anything in return, they take these packages to the homes of poor families.

c) *Governance*

The Food Bank is certainly an example of coexistence of an organization with typical motivational aspects for its nature and with managerial ways typical of the dynamics of an entrepreneurship. In fact the *governance* of the Food Bank system is regulated by agreements initiated between the individual Food Banks and the Foundation. The 20 Food Bank Associations (amongst whose statutes there are common points) are autonomous juridical entities with their own directing bodies at the local level. These local directors manage the relationships with companies donating food surpluses and they are the owners of the products collected. They also negotiate and manage the relationships with the associations and organizations that are assisted. Furthermore, the administrative councils oversee the presence of presidents of the local Food banks, the volunteer representatives and employees such that even these decisions are a reflection of who works and who educates those who are working.

d) *Networks of relationships*

In order to address poverty, the Food Bank intends to favor the building and strengthening of enduring and stable relationships between the companies who donate, the volunteers who give their time and abilities, the charitable organizations who receive and distribute the food and finally the poor

who accept this relationship. *Value is given to each encounter* and care to the relationships each of these generates has distinguished the FBAO since the beginning of the project. The FBAOs development plan is not the result of business strategies determined in the boardroom, but is the outcome of encounters, not pre-determined and frequently unexpected and of relationships cultivated with all and with each one: with the organizations, the companies, the volunteers, with the public institutions, with the sponsors and with the individual persons.

4.2. *Helping the poor be protagonists of their own destiny*

The new poor are not usually 'loafers' or 'lazybones', it is thus people who have lost hope in a cause for life. The new poor are those who have experienced a difficult immigration, the need to care for a chronically ill person, the involuntary loss of employment at 50, the solitude of a failed marriage, or those who are experiencing old age with a poor pension-plan. Therefore the fight against poverty can never be won from above, but from helping each person to become free and responsible, protagonists of a possible change of their own destiny. It is this approach that liberates each person, as poor or rich as they may be. In the conception of the Food Bank the real poor person is not just the person who has no food: it is the person who cannot alleviate their own condition because they are incapable of acting. Instead, through the activities of the Food Bank, even the most needy people are helped to judge their own conditions and all of their reality with a new vision. These people are helped to not just wait for social assistance from the State – which may be necessary in certain situations of extreme disadvantage and lack of supportive response – or private donations.

a) *Charity towards the person not collective management of the need.* When you are working through organizations sharing people's destiny through their daily lives, when you express something like the Solidarity Banks, you choose to deal with the person, not the problem. By doing so many can begin to experience a journey of conscience and awareness. Giving food aid is important but it isn't everything: often time the food aid given by organizations providing assistance and Solidarity Banks allows the recipients to acknowledge the gratuitousness of which they are subjects. They are also given a chance to open up and begin to discuss their own destiny with someone who is willing to listen. Many times they are given a chance to regain their self

consciousness, their need for happiness, to rediscover that no matter what you are always free and to begin again to face with greater strength and responsibility the existing difficulties.

b) *A Study of Poverty.* Love towards the person has driven a desire to deepen the understanding of the reasons for poverty, and thus the great social experience of the Foundation has been put at the disposal of scientists and researchers. Thus a collaboration was born between the FBAO, the Foundation for Subsidiarity and the Department of Economics at the Catholic University under the leadership of Professor Luigi Campiglio. The collaboration sets out to realize an annual recording on poverty on a sample drawn from the population of people who indirectly benefit from the services of the FBA. The desire is to give life to research, study and working groups that help tackle poverty at the social, political and economic level.

c) *Towards a more whole response.* From the experience of the FBAO came an important 'outreach' initiative as an attempt to respond to other needs of the poor. We are speaking of the *Pronto Banco* project, a *Prompt Response Crisis Hotline*. The hotline is a free telephone service for people in crisis and has been active since 2004 in the region of Sicily in the provinces of Palermo, Catania, Trapani, Messina and Caltanissetta. The operators receive calls for help, and they provide counseling, as well as 'accompanying'/directing the caller to public and private resources in their community based on the needs that have been reported.

4.3. *Charity, production of value and redistribution*

All that is good in this start-up can be found in its outcomes and results. Even without mentioning its overall success, the benefits are undeniable.

The benefits produced by the virtuous cycle primed by the FBAO are concretized in the following three areas:

a) *Economic Benefits*: because of savings in costs (for example the cost of liquidating surpluses) as well as because of the added value to the surplus itself. By creating a 'market' that responds to a need that previously could not express itself, a manifestation of the same is corrected and an economic efficiency is gained. As we will see, the economic benefits aren't limited to monetary aspects; gains/earnings in terms of social responsibility, education in solidarity and faith have an important economic value.

b) *Social Benefits*: as previously mentioned, we are referring to benefits linked to an increase in social responsibility, inter-institutional trust and the education of the numerous parties taking part in commensurate activities according to the methods of subsidiarity.

c) *Environmental Benefits*: Lastly, there are also benefits of the environmental kind, linked for example to the reduction of waste.

a) *Economic Benefits*

During the fiscal year of 2006 the Network spent roughly 8 million Euros to operate while approximately 160 million Euros worth of food goods were distributed. A primary characteristic of the socioeconomic activity of the FBAO is a characteristic that is probably unique amongst non-profit organizations from the point of view of efficacy: the FBAO is an organization that multiplies its resources. In fact, for every Euro spent, the return obtained, in terms of commercial value of food products destined for the needy, is equal to 20 Euros. The chain of subsidiary actions and cooperatives of different origins, give rise to a lever effect that permits exceptional results. Particularly, as mentioned before, these great results are due in great part to the fact that much of the Foundation's workforce is made up of volunteers, thus without cost, and at the same time finds its respective benefit in the growth of awareness and solidarity.

As illustrated in Table 1, from an economic standpoint, the results are positive for all involved. Looking at the monetary effects, in the context of the production chain, we see that the benefits are superior to the costs (first line, last column of the table). Looking at the monetary effects we see the same result. Finally, (as we see on the last row of the table) all parties of the FBAO's production chain have a positive balance sheet. Furthermore, there is an increase in social equity in that the poor have access to goods they would not otherwise have had access to. But above all it substantiates a strong increase in social capital in terms of education and responsibility, an asset which accumulated over time produces further social and economic advantages.

TABLE 1.

	Companies, Supermarkets, cafeterias	Foundation and Volunteers	ONLUS clients	Beneficiaries	Production Chain
Financial Impact	Saved liquidation costs – positive balance	Overall organizational costs and storage	Saved delivery costs, efficacy/ efficiency in the specialization of the production chain	Final value of goods net of the monetary costs of the various agents in the production chain – highly positive	Overall monetary effect is highly positive (Lever effect)
Non-financial impact	Social Responsibility, reputation – positive balance	Volunteer work (cost), social education to subsidiarity (benefit)	Educating the network on subsidiarity; self-reinforcing	Experience of solidarity, education up to network protagonism	Non-monetary effects (social, educational) highly positive
Overall Impact	Positive	Highly positive	Positive	Highly positive	

b) *Social Benefits*

The social value of the FBAO is undisputed, given that the immediate purpose of its activity is to deliver food to those who are not in a position to purchase food with their own means, and that its long-term goals are the education of those who receive as well as those who give to a greater self-awareness of their worth and responsibility.

From the quantitative perspective it is a fundamental reality in the fight against poverty in our country. The latest figures, from 2007, are impressive: approximately 58,705 thousand tons of food goods are recovered from the surplus production of the food-farming production chain and then distributed to 8,248 associated charitable organizations who then accommodate about 1,435,500 needy people on a daily basis. If you compare this last statistic with the 2,200,000 people who declared having difficulty buying food on a regular basis,[6] we can certainly argue that the FBAO makes a consistent contribution to the needy people in Italy.

---

[6] Our interpretation/processing from 'La povertà e l'esclusione sociale nelle regioni italiane'/'Poverty and social exclusion in the regions of Italy', ISTAT, December 2003.

c) *Environmental Benefits*

The ecological merit of the FBAO is of value to the community at large by decreasing the waste that would be stocked in garbage dumps or brought to incinerators. As a result the FBAO is fully in-line with the priorities of European, Italian and the Region of Lombardy's laws, which put at the top of their list the importance of preventing the production of waste.

In this way the FBAO brings about an interesting form of interaction between the profit-making businesses and non-profit organizations, triggering a impressive course which plays out in a series of benefits to be described ahead.

5. SUBSIDIARITY, THE METHOD OF INTERVENTION

The second component of intervention of the Italian Food Banks is the principle of subsidiarity as it is formulated by the Compendium of the Social Doctrine: 'The principle of solidarity, even in the fight against poverty, must always be appropriately accompanied by that of *subsidiarity*, thanks to which it is possible to foster the spirit of initiative, the fundamental basis of all social and economic development in poor countries. The poor should be seen not as a problem, but as people who can become the principal builders of a new and more human future for everyone'.[7] And further from Benedict XVI in the encyclical *Deus caritas est:* 'We do not need a State which regulates and controls everything, but a State which, in accordance with the principle of subsidiarity, generously acknowledges and supports initiatives arising from the different social forces and combines spontaneity with closeness to those in need'.[8]

Based on this worldview, central to the FBAO is the involvement of a network of entities that share the *mission* of the organization and participate towards the ideal drive that sustains and guides development in the belief of subsidiarity. The Foundation has never started certain activities instead of others, it has never substituted itself for any social entities, but it has constantly mobilized itself such that each entity could be carried out as best to meet its purpose. Therefore, the FBAOs activities are subsidiary in

---

[7] Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church,* Libreria Editrice Vaticana, 2004, n. 449.

[8] Benedict XVI, *Deus caritas est,* Vatican City 25/12/2005, n. 28b.

comparison with the companies; in its relationships with assistance-giving organizations and public institutions, through its contribution in the general field, towards the State, and finally through the GNCA, national day of food collection, with the single citizen.

5.1. *Relationship with businesses*

Historically, the FBAO's first sources of supplies came from companies in the food manufacturing industry (Star, Barilla, Ferrero, Ponti, Nestlé, etc.) that account for 18.1% of the food donations, and a further 15.4% of donations from large-scale distributors (Esselunga, Coop Italia, Auchan, Carrefour, etc.). There are actually about 400 companies who supply the FBAO with their surpluses. In addition, for some time it has been possible to start a project called *Pronto Fresco* (*Ready Fresh*) with many hypermarkets. In the Pronto Fresco project, surplus fresh products such as vegetables, dairy products and meat that would not be sold the next day, but are in excellent condition, are collected on a daily basis.

Following the example of the American *Good Samaritan Donation Act*, which the FBAO greatly promoted, Italy has passed the so-called 'Legge del Buon Samaritano', 'The Good Samaritan Act' which is one of its kind in Europe. The passing of this law has opened a chain of recovery or surpluses in the restaurant and catering sector through the 'Siticibo' project. The 'Siticibo' project involves the daily collection of fresh food and cooked food that has not been served, from catering and restaurant chains (company cafeterias, school refectories, university cafeterias, hospitals, hotels, etc.) to then give them to charitable organizations that assist needy people through various food programs such as soup kitchens, community housing, outreach centres, residential programs, etc.

The supply from the *Associazioni di Produttori ortofrutticoli/Associations of Fruit and Vegetable Producers* has become an important source quantitatively (increase in the amount of produce collected) as well as qualitatively as it provides additional new types of foods donated to the needy.

The method pursued by the FBAO consists of engaging in its activities those responsible for the companies, through direct contact with these representatives and through the construction of a network of relationships that involve the company and the public institutions. In this way it becomes clearer that the FBAOs objective is to create partnerships between the profit and non-profit worlds. Thus in time, the type of relationship with the company has changed from one that was casual and 'voluntaristic' to a proposal of eco-

nomical service and managerial utility whose aim is an act of solidarity. The business is not simply a supplier of surpluses, but a client to whom the FBAO delivers an efficient and efficacious service. This service includes simultaneously the collection of the excesses of supply, the advantageous reduction of warehouse space, the containment of costs, tax reductions, an image of social engagement, and last but not least the conviction of carrying out an activity inspired by and moving toward strong ideals.

5.2. *Relationship with Public Institutions*

In the last ten years a strong relationship has also developed with the Public Institutions, who are the chartered interlocutors in the recovery of surplus and excess in the European agricultural market.

Public institutions such as the AGEA (Agenzia per le Erogazioni in Agricoltura/Agency for the Supply in Agriculture), and Ente Nazionale Risi (National Rice Agency), represent the first important sources of supply for the FBAO, whose goals are to support the prices and yields of this market as well as to purchase the product surpluses from the primary sector once they have completed their distribution, in order to shift them from the food industry to the organizations that help the needy in the countries of the Union, as per the European Union regulations. The relationship between the FBAO and the AGEA was born in 1993. Since then the quantities received have increased exponentially from year to year, whereby in 2007 approximately 33,841 tons, representing 57.6% of the food donations, were received.

This juncture in the network is of particular relevance because it brings to light how a proper relationship between public and private sectors can contribute to the achievement of efficient returns in a public system that often lives and breathes according to auto-referential logic and does not help 'subsidize' the society it governs. Even in this case, the FBAO has carried out an innovative social, economical and managerial activity by intervening in the typical bureaucratic logic of entities such as these. On the one hand it has changed the management of the turnover of produce, making it compatible with the needs of its recipients, and on the other hand, positioning itself as logistical middle-man, it has permitted/allowed a decrease in the costs of transportation and distribution.

Thus this is an example of subsidiarity oriented towards 'the valorization of private initiatives', which represents an important breakthrough from the point of view of public governance with respect to the traditional methods of out-sourcing public services.

5.3. *Relationship with organizations providing social assistance*

There are 8,248 varied organizations and charitable groups to whom the FBAO provides a monthly delivery of food products at no cost:
– Soup kitchens for the poor
– Welcoming centres
– Recovery centres
– Therapeutic communities for individuals with addictions
– Communities for Disabled Individuals
– Youth homes and shelters for young mothers
– Organizations who assist families and the elderly
– Solidarity banks

The working agreement between the Foundation and these beneficiary organizations places the commitment on the part of these groups listed above to use the products received exclusively for the use of needy people. It also provides that overseers for the BA can check the actual activities of assistance carried out.

In setting up working relationships with the above described groups, which imply both ex-ante and ex-post examinations of the activity, the FBAO tries to avoid bureaucratic types of controls and to educate a sense of co-responsibility. This sense of co-responsibility has facilitated activity and has improved the results and it is a fundamental element of the 'subsidiary' nature of the Foundation because the Foundation wants to put itself to the service of those who already give aid without claiming to substitute itself in its relationship with those helped.

As mentioned, while the immediate mandate of the FBAO's activity is to provide food to those who are unable to acquire it themselves, its long-term goals are to educate those who give and those who receive to a greater sense of consciousness, of their own value, and responsibility. The educative value of the FBAO's activities is the heart of its subsidiary action because it offers the person the tools to put into action their personal initiative of responsibility towards their needs.

The relationship that the charitable organization establishes with the final recipient allows the overcoming of the informative problem dictated by embarrassment and modesty which can lead to not asking for help when necessary, because the organization starts a direct connection with the needy person, developing a confidential and trusting relationship which means they will more easily report the necessity for the need.

6. CONCLUSION

Given this description, what are the future possibilities for this type of intervention that joins together solidarity and subsidiarity? The strategy and configuration of Food Banks should change in light of changes taking place around the world and the new requirements and needs.

In fact, first of all, in the course of the past few years, we have seen a structural increase in the demand of agricultural goods as well as an increased demand in cereals destined to be transformed into bio-fuels, consequently there has been a reallocation of use of agricultural lands and a progressive reduction of food surplus.

Therefore, it is necessary to shift towards direct purchases from companies on the internal and international markets, especially for food banks, such as the Italian one, where about 60% of the current collection is derived from the excesses of community farms, through the Pead, the European program for food aid.

Furthermore to avoid imbalances that come from malnutrition or from imbalanced nutrition, of great consequence for children and adolescents, particularly in the form of obesity, it is crucial to emphasize the quality as well as the quantity of food.

It is necessary to resolve two further problems which contrast with each other: as mentioned, on one side there are families who because of pride or social shame do not come to the assisting agencies even though they are in need, and on the other hand it is possible that the resources are requested by those who really do not have the need, thus taking away from those needy families who request nothing.

Finally, the lack of food security is a sign of other binds and rationings: the 84% of families who declare a disadvantage in food, also declare economic difficulties for costs associated with purchasing clothes and for 71% of them costs related to illness.

So how do we tackle these problems and provide for these new needs?

Once again the answer is not to be drawn up in the boardroom.

A logic analogous to that of the food bank could be extended to medicines and clothes, where the 'problem' of excess and surplus continues. This is testified by the birth of the Pharmaceutical Bank in Italy that is growing along side the Food Bank.

The Food Bank can change, innovating itself, if it is true to its novel methodology: an example of those 'facts of new life' mentioned by Pope John Paul II in his lecture at the Rimini Meeting of 1982: an example of

good social practice that is born from the desire of truth, justice, beauty of the heart of man, from his vision of the ideal, from the Christian faith.

These good practices are experiences and social and economic works where the human subject is reborn. Where man is capable of active initiatives, moved by a brotherly love that fills itself of material need and of the destiny of other men, desiring to build the common good. In clear contradiction with the slogan 'we don't need charity, we need justice', which ideologically sets itself against two just things, right in this reality one can find the roots of a concrete social justice that grows from the grassroots in the perspective of subsidiarity.

Reflecting on the experience of the Food Bank, developing and expanding to meet new needs, also helps to identify new and suitable interpretive models to understand how a renewed political-economic-social action is possible in the current society.

As Benedict XVI affirmed in *Deus Caritas Est,* even in the most just society, charity will always be necessary: we need to continue to educate ourselves and educate others to that charity, to that subsidiary construction of works that are the beginning of justice.
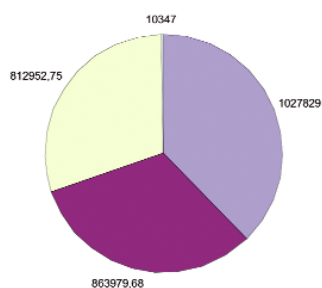
STATISTICAL APPENDIX

1. ECONOMIC-FINANCIAL RESOURCES

Source of Foundation's resources
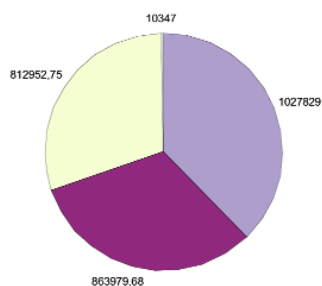
PUBLIC INSTITUTIONS	1,027,829
INSTITUTIONAL DONORS	863,980
PRIVATE	812,953
FINANCING AND CAPITAL ASSETS	10,347

Deployment of Foundation's Resources

INSTITUTIONAL ACTIVITES	2,065,349
FUNDRAISING	495,768
OPERATING COSTS	380,011
FINANCING AND CAPITAL ASSETS	24,484
OTHER	143,102

Sources and Deployment of Resources for the Food Bank Network 2006

	The FB Network	FBAO	TOTAL FB Network
MAIN COSTS	3,331,533	1,750,239	5,081,772
SIDE COSTS	1,198,343	404,495	1,602,838
PROMOTION AND FUNDRAISING COSTS	81,974	495,768	577,742
	4,611,850	2,650,502	7,262,352
PROCEEDS FROM PUBLIC INSTITUTIONS	1,688,566	1,027,829	2,716,395
PROCEEDS FROM PRIVATE SECTOR	2,393,894	2,086,826	4,480,720
	4,082,460	3,114,655	7,197,115

2. LOGISTICS

Logistics of the Food Bank Network		
	2006	**2007**
STORAGE		
Warehouse spaces (m³)	29,665	32,156
Offices (m²)	2,653	2,721
REFRIGERATORS		
Refrigerating rooms – regular (positive) (m³)	6,775	7,678
Refrigerating rooms – below zero (negative) (m³)	2,784	2,939
WAREHOUSE EQUIPMENT		
Transpallets	138	148
Fork Lifts	48	49
MEANS OF TRANSPORTATION		
Refrigerator Delivery Trucks – positive	15	20
Refrigerator Delivery Trucks – negative	9	13
Other vehicles	30	21

3. SOURCES OF FOOD COLLECTION
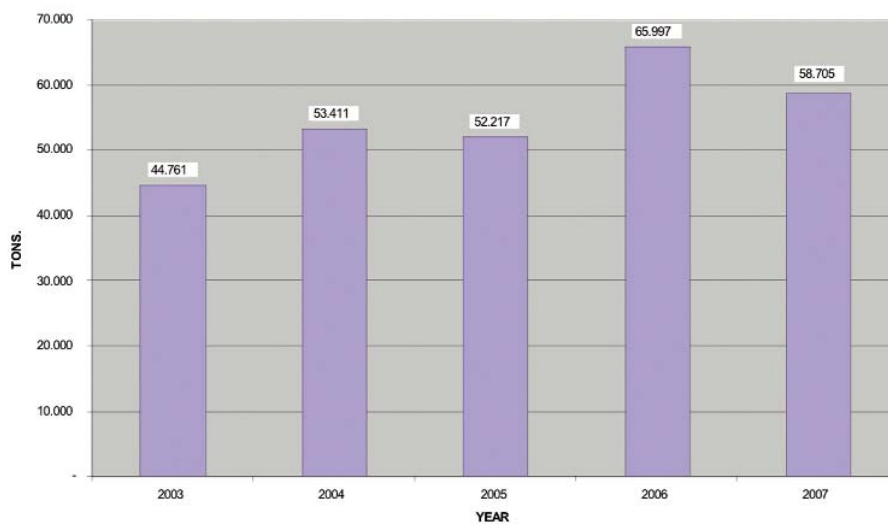

SUPPLY TREND 2004-2007

	2004	2005	2006	2007
Market-Garden Produce	2,205	2,437	2,310	2,045
European Union	34,681	30,357	41,287	33,841
Food Manufacturing Industry	8.532	9,233	11,936	11,850
Wholesale Distributors	846	1,400	1,534	1,557
Collection	7,147	8,479	8,666	9,184
Restaurants and Catering Industry (Siticibo + 'Good Samaritan' Project)	–	310	263	228
Total Collection	53,411	52,217	65,997	58,705

ACTUAL SUPPLY – Year 2007			
	tons	% of total	Trend 07vs.06
Market-Garden Produce	2,045	3.5%	-5%
Agea/Ente Risi	33,841	57.6%	36%
Food Manufacturing Industry	11,850	20.2%	29%
Wholesale Distributors	1,557	2.7%	10%
Collections	9,184	15.6%	2%
Restaurants and Catering Industry	228	0.4%	-15%
Total	58,705	100.0%	26%
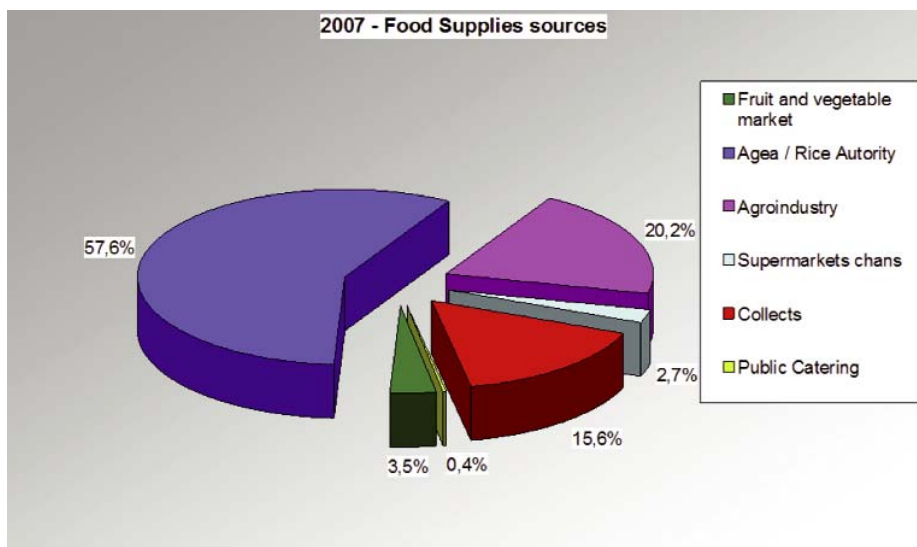
DESCRIPTION/CLASSIFICATION OF FOOD PRODUCTS COLLECTED 2007

COLLECTION – Year 2007	KG.	%	Economic value*
Pasta and rice	16,507,636	28.1%	€ 25,437,734
Milk and dairy products	17,806,410	30.3%	€ 77,038,100
Preserved meat and fish	812,526	1.4%	€ 8,101,242
Vegetables and pulses	5,115,290	8.7%	€ 12,524,626
Sweetmeats and sugar	6,314,832	10.8%	€ 26,556,477
Drinks	2,057,934	3.5%	€ 3,489,759
Fruit and juices	4,018,032	6.8%	€ 9,947,277
Sauces, seasoning and oils	1,347,971	2.3%	€ 4,770,730
Childhood foods	964,039	1.6%	€ 6,609,579
Bread and similar products	605,671	1.0%	€ 2,119,132
Sundry products	3,154,932	5.4%	€ 10,724,751
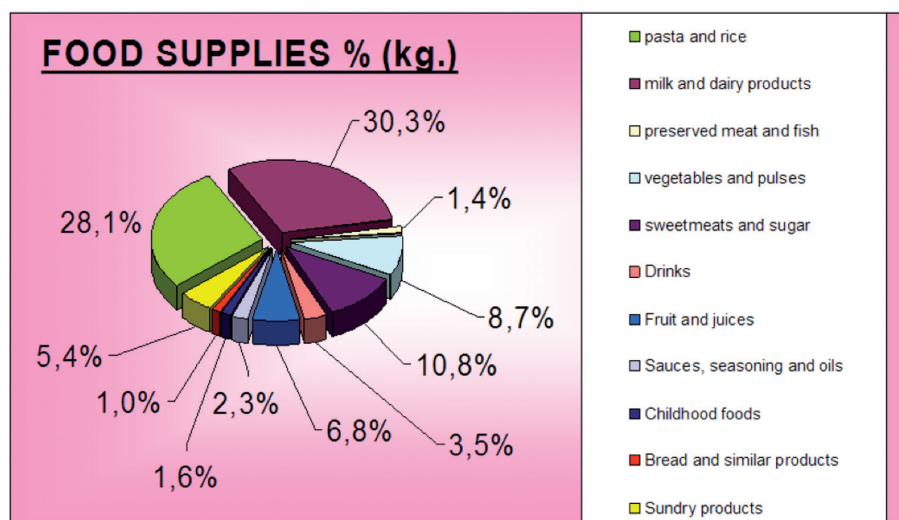
4. TRENDS FOR ASSOCIATED SERVICE PROVIDERS AND PERSONS ASSISTED

CHARITY ORGANIZATIONS (n°)

RECIPIENTS (n°)
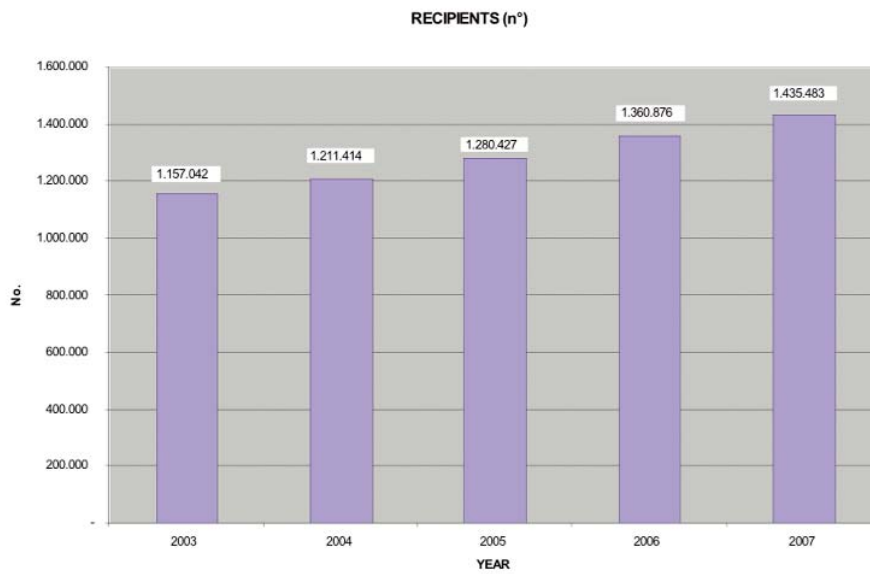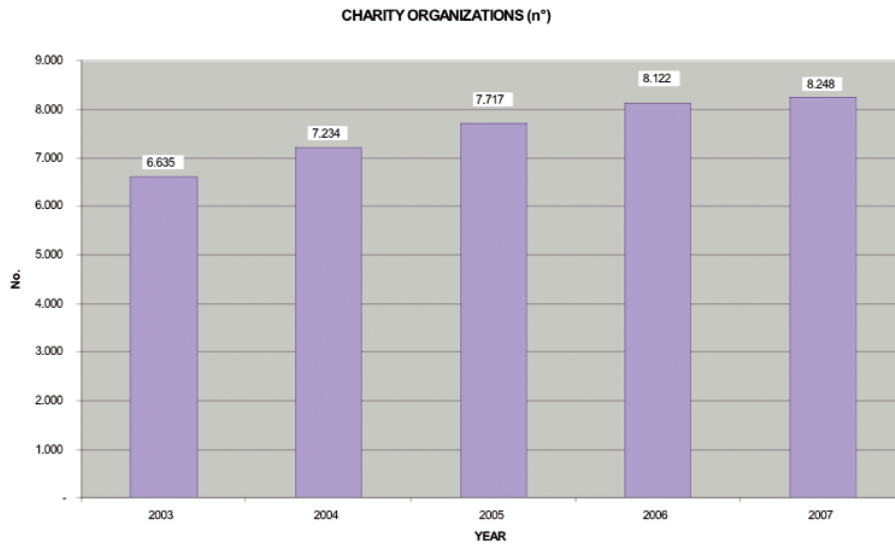
5. TREND GNCA NATIONAL DAY OF FOOD COLLECTION

TONS. OF FOOD COLLECTED

NUMBER OF STORES, SUPERMARKETS AND SHOPS INVOLVED
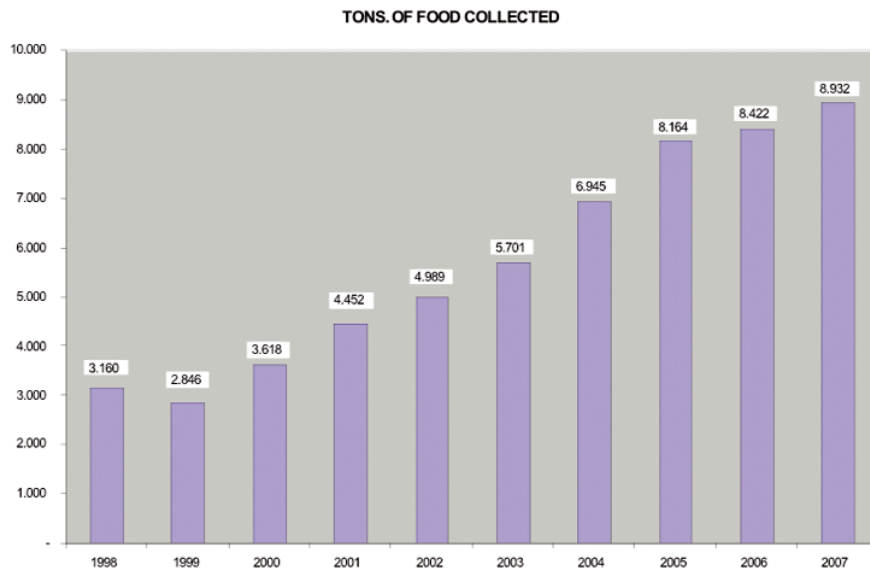
NUMBER OF STORES, SUPERMARKETS AND SHOPS INVOLVED

MICROFINANCE
A SUCCESS STORY OF SOLIDARITY
AND SUBSIDIARITY: THE STATE OF THE ART

ALFONSO PRAT-GAY

- Microfinance started a little over 30 years ago, inspired by a spirit of solidarity, and led by NGOs that proved that poor people need even more financial services than the wealthy and that they should be taken just as seriously as traditional bank clients. At the end of 2007, microfinance served over 130 million families across the globe.

- Today the NGOs are not alone; there are banks that offer not just loans for microenterprises but also for housing, as well as savings and international transfers; there are global insurance companies daring to insure the previously uninsurable such as weather risk for small agricultural producers in Africa. In the past 20 years, there has been a spectacular proliferation of microfinance institutions, and now new actors come in: today it does not surprise that Zurich is launching microinsurance in China or AIG is seeking to grow it in India.

- Innovations are expanding the frontier of the possible: mobile ATMs are taking banking to rural areas; payments services are becoming accessible through text messages now that mobile phones are inexpensive in large areas of Asia and Africa; biometrics are allowing illiterate women and men to open and manage their accounts privately and securely.

- Microfinance has proven a success story of civil society at work and of a fruitful (though of course imperfect) interaction with governments in the development of an industry that supplies a powerful tool for the reduction of poverty. The work started by NGOs in the company of donors, development banks and agencies, and academia has been joined by the private sector: commercial banks, cooperatives, insurance companies, and investment funds, among others.

How Successful is Microfinance in Providing Access to Financial Services for All?

• Numbers differ widely by source; the estimate of the 2007 Report of the Microcredit Summit Campaign is that 3,316 microfinance institutions (MFIs) are reaching over 133 million clients worldwide.

• But how far is microfinance from its goal of serving the poor? Very far:

Graph 1
Poorest Families Reached by MFIs
Source: 2007 Report of the Microcredit Summit Campaign
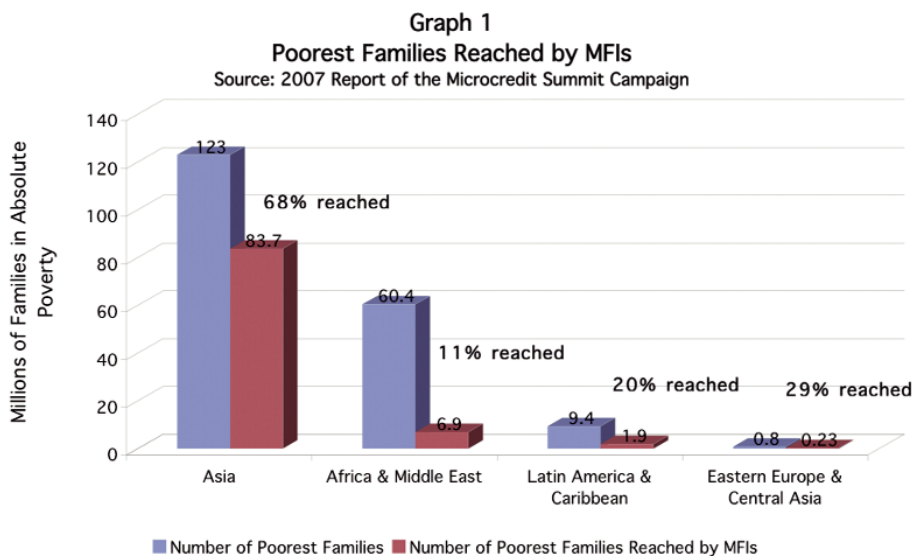
The Microcredit Summit Campaign gives a rough but informing estimate on poverty outreach that indicates what percentage of families living in absolute poverty are reached by MFIs, calculating absolute poverty as the % of families with members living under US$1 a day adjusted for PPP (see graph 1).

We can see strong results in Asia, where 68% of the poorest households are reached by MFIs: Asia boasts the longest-standing MFIs and the largest ones in the world as well: MFIs like Grameen, BRAC, ASA, and BRI set aggressive outreach goals and have not drifted from targeting the poor as clients.

Elsewhere results are weaker: Africa and the Middle East reach the smallest share of families, 11%, pointing to the difficulties in terms of pop-

ulation densities, basic infrastructure, and health issues that have been major challenges to sustainable microfinance. However, this region is becoming very dynamic and new technologies are making some services viable: before life microinsurance existed, lending to microenterprises in Africa was largely unsustainable; many homes did not dare borrow due to the ups and downs of AIDS and malaria and very low life expectancy, and those that borrowed were braver but subject to the same risks to a comparable degree; but today, what is called 'credit life', the life insurance policy of a loan to a microenterprise, is a commodity in Uganda and elsewhere, no MFI can compete in the market without it, and clients are coming back to this safer proposition.

Latin America and the Caribbean as well as Eastern Europe and Asia are in the low and high twenties, respectively; not an impressive record: Even though Latin America is seen as a region of increasing competition, we can see many poor are yet to be reached; this suggests competition is largely for the less poor clients.

• Widening the scope to access to financial services at large, we see an imposing mountain to climb (graph 2).

Graph 2
Access to Financial Services: A Long Hike for Most
Source: Author, with World Bank Data
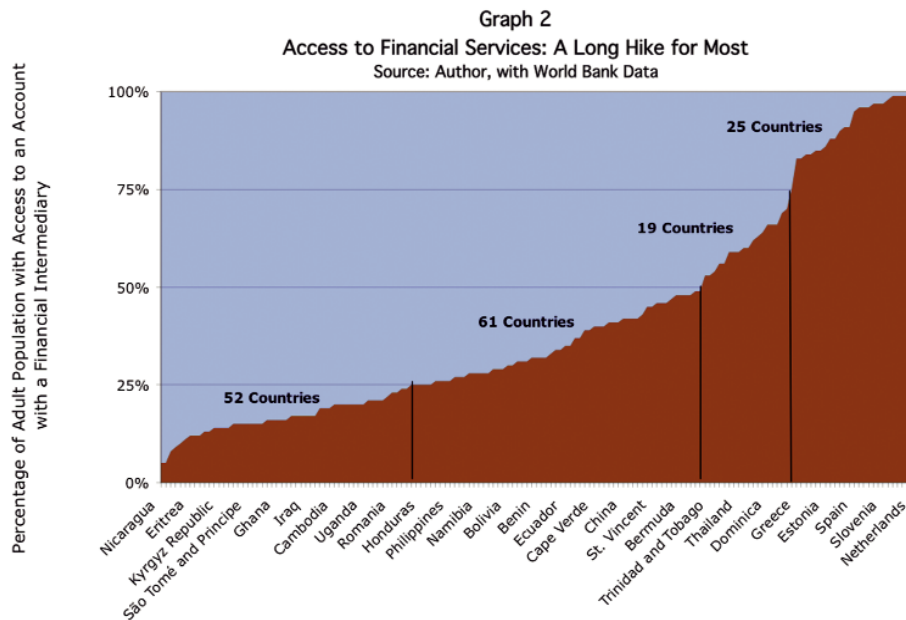
The World Bank database on access to financial services, covering 157 countries, shows that:

– In 70% of those countries (113), less than 50% of all adults have an account at a financial intermediary.

– In one third of the countries (52), less than 25% of all adults have an account.

– The achievements of microfinance in Asia shine a bright light on this bleak picture: MFIs are reaching 68% of the poorest families in this region, when only in a country like Poland or Italy do financial intermediaries reach a comparable proportion of their total adult population.

• But MFIs are not all financial intermediaries. In Asia as elsewhere we are still broadly talking about providers of microcredit for microenterprises:

– Widening of the supply of financial services has quickly advanced in recent years. And this widening is necessary: for a poor family microcredit for its economic activity is important, but if the family lacks a safe haven for its savings to cover expected consumption needs or unexpected emergencies, if it cannot borrow to plan improvements to its quality of life in terms of housing or education, if it cannot protect the assets it accumulates, steps out of poverty will be accompanied by setbacks just waiting to happen. Microfinance is still too rigid.

– Estimating demand for microfinance is tricky, because it is based on our limited understanding of this market. We have no idea what we are talking about and this is wonderful. Why? A few years back demand for microfinance was estimated based on microentrepreneurs who wanted a loan for working capital… but this no longer applies. We are now talking of demand for life and weather risk insurance, term-deposits, housing loans, payment services, and more. The market was initially defined by the ability of supply, but we are learning that is too narrow a perspective and we are thus broadening it. There is a fortune at the bottom of the pyramid, as C.K. Prahalad wrote, and my impression is that we are clueless about the size of the fortune. How we can best find out the size of the fortune is by engaging in conversation with the women and men that are the bottom of the pyramid, and by then investing enough resources in the

development of the financial services they need and want. This brings us to a heated debate in microfinance today.

Commercialization, Microfinance as an Asset Class, and Related Challenges

- Commercialization of microfinance is growing (through upgrading, downscaling, or start-ups), and MFIs are becoming an asset class. Earlier this year CGAP, the Consultative Group to Reach the Poorest, released first ever performance figures for microfinance investment funds:

  – It is an increasingly sophisticated group, including fixed income mutual funds, venture capital firms, and others.

  – It includes 93 investment funds dedicated to microfinance: Many are young funds: 53% of the 93 were created since 2007.

  – Returns vary: from a high of 8% for structured financial vehicles to a low of 0% for young funds.

  – Funds invested have grown strong: 80% from 2004 to 2007, reaching US$3.5 billion in 2007.

  – Investments are concentrated in a few players: the top ten funds account for 2/3 of total investments, with German ProCredit being the largest; most others are funds of less than US$25 million, though rapidly growing.

- On April 20, 2007, Banco Compartamos, which had started in 1990 as a small NGO lending to indigenous Mexican women, issued a landmark IPO of its stock, a very successful transaction 13 times oversubscribed, with a 22% surge in the stock price on the first day of trading, and attracting not only the usual investors focused on microfinance but investors at large, mainly because of a consistent record of growth and profits.

- Microfinance becoming an asset class is good news, with an important risk:

  – The good news is that microfinance is proving it can attract market resources for the very long trek towards inclusive financial services; also, as MFIs grow and competitions kicks in, microfinance prices will go down globally as has already happened in the few mature microfinance markets like Bolivia.

– The risk is that if subsidies (broadly defined, includes donations) exit too early and do not provide the funding needed for trial and error, for research and development that we still need to design the right technologies and the right organizations, we may leave large segments of the poor underserved or not served at all. In this sense, saying that microfinance is becoming mainstream is probably an overstatement.

• Through all this there is the challenge of developing microfinance as an industry that is not just profitable but also responsible. The Compartamos IPO raised controversy in part because Compartamos charged then and still does now very high interest rates (close to an annual effective interest rate of 90%, in a country with a 3% inflation rate) to its poor clients, in fact among the highest in its peer group in Mexico, while holding a dominant market share (Banco Compartamos is the largest Mexican and Latin American MFI, with almost 840,000 clients in Mexico at the end of 2007). There are many sides to the controversy around the Compartamos IPO, but I want to focus on the issue of efficiency vs. profitability. Much of the uneasiness around the IPO hinged on whether the Compartamos team had made efficient use of its resources to develop a strong poverty alleviation tool, the initial goal of the MFI, or whether they had drifted into a corporate culture of passing inefficiencies and little or big luxuries on the shoulders of poor clients simply because they could, until competition kicked in. Because the previous cannot be assessed subjectively, a desirable path for both policy makers and MFIs that want to bring social value as an asset to the market is to measure and communicate which MFIs are profitable because of efficiency, and which MFIs are profitable because of their ability to let the clients foot the bill. A recent book published by the ILO called 'Microfinance and Public Policy – Outreach, Performance, and Efficiency' provides data, insights, and specific proposals for anyone interested in this.

It is All about People

What is fundamental to develop the efficient and profitable MFIs we are talking about? People. The right people:

– A dream team can be found behind every successful MFI.

– But the bad news is: these dream teams are hard to come by. Man-
agement quality is the #1 risk faced by MFIs in the world today,
according to 'Microfinance Banana Skins 2008 – Risks in a Booming
Industry' a report by the Centre for the Study of Financial Innova-
tions, sponsored by Citigroup and the Consultative Group to Assist
the Poor. This report 'explores the risks of microfinance as a business
and as a social service as the sector is undergoing profound changes',
and sets management as the top of the 29 risks identified.

– Good microfinance managers are scarce; the rapid grow of the sector
is making them scarcer. Also, it has to be admitted that excellent
microfinance managers combine an unusual set of attributes and
attitudes, including that:

  • Under no circumstances will they deliberately pass their inefficien-
    cies onto the clients in the form of higher prices.
  • They will embrace change and innovation and will love to think
    how to turn what is impossible today into something possible
    tomorrow.
  • They want to see their clients grow and exit poverty, knowing that
    the existence of the MFI does not depend on the persistence of
    poverty but the opposite, on loyal clients that can grow with the
    institution.
  • They thrive under increasing competition and uncertainty.

Does Microfinance Help to Reduce Poverty?

Many wonder whether microfinance is not just a way to provide finan-
cial services to poor people at a profit but with either negative or nil effect
on the quality of the life experience of clients:

– This is a relevant question that has been usually replied with asser-
tions of conviction rather than with solid answers generated by the
right tools.

– Measuring rigorously whether microfinance helps reduce poverty is
difficult and expensive: the vast majority of measurements are
invalid; they come from data gathered or analyzed inadequately.

Solutions are being found:

  • MFIs are focusing on what they can and should do well, which is
    to ensure they are achieving their stated goals. An example: the

Social Performance Management Project, sponsored by the Ford Foundation, the International Foundation for the Development of Agriculture, and other donors, is equipping MFIs with tools that enable them to translate their institutional missions into practice: for example, by establishing specific procedures to identify and measure whether they are reaching the target populations set in their mission statements.

- Academics are no longer writing from a desk about poverty and microfinance but working alongside MFIs to accurately measure impact and improve the design of microfinance. Innovations for Poverty Action (IPA) and the Poverty Action Lab are initiatives led by teams of young development economists of top American universities, that do on-site 'experiments' to test and improve impact; for example, IPA figured out that clients of an MFI in the Philippines could save more if they made a commitment that restricted access to their accounts until they had saved an agreed amount of money, than if they had full access to their accounts (as was widely assumed), which is benefiting both the MFI and its clients.

On the Role of the Government and Microfinance as Inspiration

What is the role of government in all this? When government has attempted to become a microfinance provider, it has mostly failed (BRI in Indonesia being a BIG exception). MFIs have often perceived that government either interferes directly or that it generates unhelpful regulation and sets incentives that are perverse (as indicated in the Microfinance Banana Skins 2008; note that regulation is the third largest risk for MFIs according to this report). But government does indeed become a catalyst of the process that microfinance has set in motion when it:

- Provides a regulatory and policy framework that ensures competition and stability:

    - Demanding transparency.
    - Removing regulatory barriers that have proven unnecessary elsewhere.

- Channels subsidies to overcome barriers for the development of services such as savings and payments, which are lagging behind credit and insurance.

– Develops the information and communication infrastructure for low-cost technologies, which microfinance services can use to reduce its transaction costs, and which can also enable other products and services to start reaching the poor (hopefully microfinance will trigger the development of many other markets). For Example: Mobile phones in Africa; or the information technology that prevents data fragmentation among MFIs, and in turn allows the good functioning credit bureaus (preventing undesired situations such as over-indebtedness, which has already caused trouble in many microfinance markets: the Bolivian microfinance sector suffered a strong crisis of over-indebtedness that credit bureaus failed to detect, which triggered along with other factors a severe backlash against MFIs).

Microfinance turned the poor from a problem of governments to clients of companies. This shows us how our roles are not set in stone and our freedom can always be expressed in new ways that expand the range of the possible. I hope that microfinance will not fade but continue the trek to the summit of the mountain we saw, and that it will inspire new ways of working together towards a more prosperous life for all.

Fourth Session

SOCIAL JUSTICE AND THE COMMON GOOD
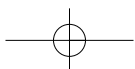
SOCIAL JUSTICE AND THE COMMON GOOD WITHIN AND BETWEEN DIFFERENT SPHERES OF SOCIETY

RAFAEL ALVIRA

The concept of the Common Good

The essential connection between social justice and the common good has been clearly established in social theory. Russell Hittinger has provided a brilliant and profound explanation of the history of the concept of social justice and its links with justice in general. I must also mention my master, the unforgettable Antonio Millán-Puelles, who devoted a wonderful book to this subject (*Persona humana y justicia social*).

Millán-Puelles also published another study on the issue of the common good, in which he gathered together the best classic theory on this subject. When he refers to what the common good is, he indicates that the first element of all is peace. If there is no peace, then no community exists. From this point of view, peace is the minimum requirement that permits people to have something in common. Secondly, the common good contains the cultural and material goods that need to be shared.

The task of determining what the common good is has generally not been presented as a simple one. We could say that the concept of social justice is easier to think of and imagine than is that of the common good. And yet without the common good, social justice would have no object.

None of this should come as a surprise, because the most basic concepts are those which are hardest to imagine and most difficult to think about. To use Thomist terminology, what is last on the path of knowledge is what is first in ontological terms, even though this must have already been in our minds from the start. The method enables us to make explicit what is implicit.

An equally classic distinction is made between the common good on the ontological plane, which is God, and the common good in practice. On the

one hand, in this distinction we understand God as the common good of the whole universe because He is in fact the One in whom everything finds its meaning and its perfection; on the other hand we are referring primarily to common good of the human being. But here it is necessary to take into account the fact that the practical also has being – for it is – and that to the extent that praxis is the way of life of a spiritual being like the human being, and that God is spirit, the radical practical common good can mean nothing other than to live in God. As the Holy Father Benedict XVI has stated so many times in his writing, the human being is relational by his/her nature – relational with other human beings, and with God. Therefore it is impossible to imagine an individual practical good which exists independently of the ontological common good.

The human being therefore cannot choose between a particular practical good and the common good, because praxis has being, and there is no ontological good outside God. The only thing that someone can do is reject the common good, *tout court*, but there is no possibility of something positive being achieved outside the common good.

In this respect, I would like to point out a rhetorical nuance concerning the current use of the concept of person. Quite rightly, the core nature of the condition of being a person is emphasized: we are more than mere individuals, and more than mere elements in a collective society. We have no difficulty understanding that being a person is more than being a mere individual, but the notion that society is for the person, and not the person for society, seems to me to be genuine in its intention but somewhat difficult to explain. In fact, there is no individual good without a common good, and if the common good is necessarily social, it is hard to perceive what comes before and what comes after. If we only achieve holiness, that is, conquer our own being (because heaven is for those who have attained their identity, their being, and hell is for those who never manage to become what they are, that is, those who fail to reach their own identity and end up being nothing) by giving up our own life to God and to others, the formula given above, which subordinates society to the person, might strike us as strange.

I do not wish to return to the old controversy involving Charles de Koninck versus Jacques Maritain, in which de Koninck defended the primacy of the common good against personalist theories. I simply wish to emphasize that when we speak of the subordination of society to the person, perhaps we do not always take into account the fact that the human being belongs in ontological terms, and in practice, to a society known as humanity, which contains all the past, present and future members of the human race.

One of the infinite impressive aspects of Christianity is that it takes this concept totally seriously. In other words, it does not leave it in a 'merely theoretical' or ontological and theoretical Olympus, but actually takes it seriously in practice. This explains, among other aspects, why the social teaching of the Church exists.

Usually, when reference is made in political life to the concept of the common good, albeit implicitly, this common sphere refers to a given sector of the population, and within this sector, to external aspects of life. Even today, when we seem for the first time in history to be living in a unified humanity ('globalized' or 'world' humanity), the humanity which is discussed in the political and economic sphere is that of the present, but, as is clear from so many details, such as abortion, or the economic debts left for future generations to pay, it does not mean humanity in general, including past and future members of the human race, and still less does it refer to the unity of humankind, that is, to Christ.

But this means ignoring the fact that every person, every generation, every 'nation', only fulfils its existential truth by serving the 'building of humanity'. For this reason, too, it is so true that we can only be happy by serving God and other people. Here, humanity has a meaning that is both qualitative (what is fully human) and quantitative (everyone who is human).

I may be wrong, but I understand that the insistence not on the concept of person (which has always been fundamental to Christianity), but on the social 'centrality' of the person, may have been motivated by the desire to dialogue with a modern world that has from its outset taken the freedom of the individual as its fundamental principle. But, as it could not be otherwise, the modern idea of freedom is increasingly revealing its misconceived nature. This can be perceived on the one hand in the rise of mass culture, and in the disguised but real totalitarianism in politics, and on the other, in the exacerbated individualism of our age, which sociologists have so amply documented.

In practice, insistence on the primacy of the person still often leads to moderate, though real, variants of individualism. For example, solidarity is understood as what we in Spain call 'the cherry on the cake': once someone has achieved what he or she wants, showing solidarity with others is an excellent virtue. Moreover, it is one which makes you very popular. The profound meaning which the Church's social teaching gives to the concept of solidarity is not understood. What is more, people fail to see that the first principle of solidarity is that we must fulfil our human obligations to others. Young people today do not know what this *natural duty* to others real-

ly means. They tend to be moved by emotional factors, which means that these are a powerful political weapon.

In other words: to be truly social implies sacrifice, meanwhile to be a kind individualist means being deeply indifferent towards others, showing at the same time emotional solidarity.

COMMON, PUBLIC, STATE, POLITICAL

It does not seem to me to be possible to talk – as I intend to do here – about the 'Common good within and between different spheres of society', without referring first to the common good itself. Let me give two more brief reflections on this issue.

The first takes its inspiration from a distinguished Spanish jurist: Alvaro D'Ors. He makes a distinction between some pairs of concepts that are related, but different. Thus we have what is 'common' and what is 'individual', 'public' and 'private', 'state' and 'non-governmental', 'political' and 'social'.

Today, it is common to make the equation: 'common' – 'public' – 'state' – 'political'; this contrasts with 'individual' – 'private' – 'non-governmental' – 'social'. Such a dichotomy is fraught with misconceptions.

What is common is what is already given, what unites; the individual is the way that each person participates in this. What is common is therefore not accessible to our freedom. We can only accept it, each person in his/her way, or reject it. What is common is both in us and above us. For this reason, it cannot be identified with the common interest, which is not above us and, for this very reason, does not have the strength of union characteristic of the good.

We can and we should put the means to make a community appear as a reality, but if it does appear, it would always come as *a gift from above*. The human being on his/her own, has no power to *create* what is *common*.

Nor can the common will be identified exactly with the *volonté générale* or the common good. But there can be a common will, which is the subject's dimension (and therefore 'subjective' dimension) of the common good, which is objective by nature. In this view, the common will, in its highest form, is practically the same as solidarity in the deeper meaning that is attributed to it in, for example, point 203 of the Compendium of the Social Teaching of the Church. Solidarity, as genuine love, is equal to the common will. And in love, what is common and what belongs to each person are inseparable. In this context, we might say that, since at one extreme

there is no true love without common faith, the traditional formula used by the Church ('we believe') is at least as valid as the more individual one used today ('I believe').

Now let us return to the subject of love. Here it is enough to add that all genuine love is common, in the sense that everyone can participate in it, in different ways. It always radiates out. All love is specific in its intention, but there is no love that is 'only' specific or individual. I mean that the person or object of love is specific, but love itself is not. Nonetheless, love – even the love of friends – is never directly public, because it is private by nature. It is the consequences of love that are public. A scientific friendship can generate ideas that are made public and which will benefit many people. A couple will have children and bring them up, and they will be known and appreciated by the whole of society.

What is public is not what is already given and unites, like what is common, but what is expressed or placed at the disposal of a larger or smaller group of people. Whereas what is common is not within the realm of choice – even air and water, for example, as material common goods, are necessarily 'usable', but we have to respect them absolutely – public things are available. They can be made public or not, and it is not necessary to use them. For example, it is not only possible to suppress or restrict public opinion for a time, it may actually be necessary to do so, from the point of view of political prudence, for the sake of the common good. By contrast, it is not possible to limit or confiscate the common good.

On the other hand, the public and private spheres need and complement each other. The better the private sphere, the better the public, and vice versa. For example, many religious organizations found private schools and hospitals which are open to the public – that is, they use private resources for the public good. The converse is also true: people often use so-called public institutions for the benefit of private people or groups, such as political parties, etc. This is what we know so well today as corruption, the essence of which is precisely the use of public goods for private gain.

THE STATE AND THE COMMON GOOD

The State is an *institution* and as such it has certain ends, like any other institution. As the *Compendium* explains, it cannot claim that its purpose is the common good, because this is beyond its powers. It can only aspire to creating the *best possible conditions* for its citizens to live out the

common good as fully as possible. But the State itself is incapable of achieving this aim because, as is quite clear, it needs to collaborate with other institutions in order to do so. That is, in one sense, other institutions are subsidiary to the State, because the State has to ensure that they are working properly. But on the other hand, the State is subsidiary to all the other institutions, because without them, it can achieve nothing. Since the essence of subsidiarity is the ability to use one's own resources to help others, the State depends more on other institutions (is more truly a subsidiary) than they do on it. One proof of this is that the State as an institution cannot survive without the resources generated by other social institutions. Without an educated population, created by families and, secondarily, by schools and universities, without production and service companies, and without different organizations, the State simply cannot exist. For this reason, the State traditionally used to ask other institutions for financial subsidies, which were not always forthcoming. It is paradoxical that, in an age which is supposedly characterized by freedom, the State is able to *impose* taxes in an authoritarian way, instead of asking for them.

Today, we accept that the State can do this, to the extent that some time ago it was very fashionable in the political quarters of some countries with a Catholic majority to emphasize the *moral obligation* to pay taxes. However, less emphasis was placed on the State's moral duty to ask for taxes, first of all, and secondly, to ask for them in just measure and by just means.

At the root of this attitude there may lie another confusion, that is, the confusion between the 'state' and 'politics' or the 'political sphere'. The sphere of politics includes everything that contributes to *the proper government* of the *polis*. Thus an organization may have a good, or bad, business policy or sports policy, or Church policy. Politics cannot be reduced to the sphere of an institution known as the 'state', even though it is now often understood this way.

All governments need a subsidy so that they can carry out their functions; moreover, governance as a service to the common good is essentially a *noble* activity (a person concerned with the common good is noble), and it is fair that all true nobility should receive the *honour* which it deserves. Someone who serves the common good honourably on behalf of the State is worthy of honour and should be subsidized. However, the same is true of good company directors or mothers. It is obvious that the State needs mothers more than they need the State, even though it is common today to find people who think that this is the other way round.

The Church's social teaching, which is very accurate in this respect, underlines the primacy of the family and civil society with respect to the State. The family and other organizations do not only come first because they precede the State in time, and have to exist before a State can come into being. They have primacy chiefly because the State essentially depends on them.

CIVIL SOCIETY AND ITS CONCEPTOGRAPHY

Here, in other words, we cannot apply the Aristotelian framework of act and potency, matter and form. The State *is not* the form and act which give the final unity to society, but rather is *one social institution* – albeit an important one – *among others*. This means that, as is clearly explained in the social teaching of the Church, the act and form of society – any society – and the element which gives it unity and therefore being, is a reality which transcends not only the State (which is a mere institution), but also the political sphere as such.

What makes up society lies beyond the political sphere. The political sphere therefore exists to *serve* society, not to invent it. The expression *civil society* is essentially a tautology, as it conveys the idea of *civilized society*, but there is no human society in this world unless there is at least some degree of *civilization*. Civilization is not the product of states in any fundamental or primary sense. Many states interfere unwarrantedly in the social fabric, performing activities that are profoundly uncivilized.

A civilized society is necessarily united and cohesive. If it were not, it would not exist. To put it another way, *competence* is a *means* for improving a society, while *cooperation* is its *objective*. The means are just as necessary as the ends, but confusion of the two is fatal. When competence comes first, as is usually the case today, people seek enrichment; where cooperation takes precedence, the goal is the good of the human being.

Cooperation is an act of solidarity and subsidiarity at the same time, because the purpose of cooperation is not to eliminate others, but to respect them.

Let us now analyse social justice and the common good within and between the different spheres of society in some detail. To do so, let me offer you a conceptography of this subject, in order to clarify how language should be used, and, insofar as this is possible, the real articulation of all societies.

In my view, we should distinguish between three conceptual levels:

a. Transcendental social concepts

    b. Social categories or subsystems

    c. Social institutions

By *transcendental* concepts I mean those which cover the same area as society and are inseparable from it. I consider that there are four such concepts:

    – According to human time: *history*

    – According to human space: *civilization*

    – According to human subjectivity: *education*

    – According to human objectivity: *culture*

Any act which can be regarded as social, in the widest and most essential sense, has to do with history, civilization, education and culture.

    By *categories* I mean concepts which, implicitly or explicitly, reflect elements which appear in *all societies* but which are not as broad as the concept of society. I can identify six such categories:

    1. habitat

    2. economics

    3. law

    4. politics

    5. ethics

    6. religion

The order which I follow here is not accidental, but rather reflects the *structure* of reality, which was formulated by Aristotle. I mean the distinction between what is 'chronologically first' and what is 'ontologically first'. The first thing to *appear* is a manifestation of the first thing that *constitutes*, which remains concealed. In other words: what is *explicit* presupposes what is *implicit*.

    As far as the above structure is concerned, the first thing that human beings do is live, then they intensify their life through economic activity, which requires an order that is provided by law, which cannot be applied without politics, which is the highest sphere in the 'external' social order. But politics must be ethically justified, in the 'inner' order, and this is ineffective without religion. So from the point of view of explicit, 'chronological' organization, which focuses on 'appearances', what comes first is living, but from the implicit 'ontological' or 'fundamental' viewpoint, what comes first is religion. Ever since the human being first set foot in the world, religion has been operating secretly and silently, even though its operations may also sometimes have been distorted.

    In other words, the bottom categories (starting from habitat) are *conditioning factors* of the top categories, and the top ones (starting from religion) are *directive factors* of the lower ones. It is important to respect both types of logic, that of condition, and that of direction.

To my mind, from the point of view of categories, there is no possible doubt that religion holds the key to all societies, while the political sphere does not. Politicians themselves, when they act in one way or another, necessarily presuppose the existence of ethics and religion. There is no way that they can avoid doing so. One proof of this is found in Rousseau, who understood this point well, and therefore called for a 'civil religion'. However, this cannot work, because it ends up by being understood as a 'political religion'. Another example is the supposedly 'neutral' state which turns out to need laicism, which is itself a religion. It is hard not to notice how, in some countries today, democracy itself has been raised to the level of dogma and converted into a pseudo-religion. For example, public opinion generally does not like it when a bishop condemns someone, but politicians and journalists (who are the heralds of politics) utter public condemnations with surprising frequency. Nonetheless, people die for their religion, for their family or for their country (since all of these entities participate in the sacred sphere), but they would never lay down their lives for democracy or for the State.

The problem is therefore not one of determining which is higher, religion or politics. The problem can be presented, as it has been historically, on the third level, that is, not on the 'transcendental' or 'categorical' level, but on an 'institutional' one.

INSTITUTIONS AND THE COMMON GOOD

As we know, the word 'institution' has been used in various ways over the course of history. Here, I am not using this term in the way that is usual in law, politics or the Church, but in a broad sense as any social organism that exists on its own, such as a family, a business, a club, a parish or a State.

Just as all the transcendental elements are reflected in each category, all the categorical elements are reflected in each institution. Law, for example, is historical, civilized, educational and cultural; religion is historical, civilized, educational and cultural; and the same goes for the other categories. So each institution 'contains', at least implicitly, all the categories. I mean that in this sense, there are no institutions that are only religious or political or economic. A business is not a mere economic entity, but one which has an implicit religion, ethics, policy, law, economy and habitat. The most we can say is that the category which interests it most is the economic one, but we cannot maintain that it is a strictly economic institution. The same goes for the State: it has its own implicit religion, ethics, politics, law, eco-

nomics and habitat. This is also true of a parish, for example: it cannot exist without economic means, legal regulations, a place, etc. The same goes for a club, or a University, or a family, which requires the political authority of the 'paterfamilias', as well as an ethics, some rules, an economy, a house and, of course, religion (in ancient times, for example, the Lares).

In my view, these structures reflect reality and help us to avoid linguistic confusions. For example, general education, which exists, positively and negatively, in all the categories (particularly in ethics and religion) and institutions (particularly in the family), is not the same as an educational establishment, which is an institution set up to provide education. But there is no sense in thinking that education is the responsibility only of educational establishments, not because it is morally wrong to think this, but because it is simply not true. In fact, today 'education' of a negative sort is provided much more by the media and some 'political' and 'economic' groups than by actual schools.

Regarding the categories implied in the institution, it is necessary to emphasize that every institution has some specific purpose, but that no institution can use this specific purpose to subvert the intrinsic order of categories. This must be borne in mind specifically in the case of social justice between different social spheres.

A company, for example, may be interested in making money. This is fair, but we have to distinguish between necessity and superabundance. Concerning the former, we should note that when a need is present, not only can we act legitimately until we do not want to go any further, provided the work we do is honest, but there are even extreme cases in which stealing what we need to live is not regarded as immoral, as long as we are not placing the owner of those goods at risk. However, today it is increasingly the case that businesses seek to acquire wealth, to increase their riches.

This does not seem to be right from the point of view of the common good, for the simple reason that a mere increase in wealth as an end is not an individual good for anyone. To hold this aim exclusively would be degrading, because something that is essentially a means is being turned into an end. For a business to be *worthy*, it has to be clearly oriented towards its own specific end. If it thereby also makes a large amount of money and then uses it well, through investment, job creation, distribution of wealth and aid to the needy, etc., then it is within its rights, and can be said to be doing good. But if it exalts money as its sole purpose, however well it may seem to work, and however much profit it pays out to its shareholders, it is not building the common good. This is because the key to personal and social education lies in the example and the atmosphere, and a business of this kind creates an

extremely unhealthy atmosphere – the fever for 'financial success' as a fundamental good is catching – and gives a very bad example.

It is surprising that so little attention is paid to the poor educational example set by some politicians, businesspeople and media people, not because their actions are wicked, but because of the *style* that they set for others to follow.

So each institution's contribution to the common good, that is, the way it exercises social justice, consists first and foremost not, as one famous American author says, of *making profits*, but of *fulfilling its specific aims*, while also respecting the essential condition, which is that these aims should be *honourable* ones.

It is another matter to say that if a company is not in a good economic condition, it obviously cannot achieve its goals. It therefore has to try to keep afloat and to do as well as possible. But this is not a issue specific to what are sometimes, in my view wrongly, called 'money-making businesses' – it is actually a basic consideration for any kind of institution, since no one can survive without resources.

Furthermore, institutions make a powerful contribution to the common good when they respect, both outwardly and inwardly, the internal order that exists within the different spheres and categories of society, as I describe them above. The economic category cannot be the first one, but nor can politics, for example. It is unjust to subordinate the work of those people who deposit money in the bank to certain political ends for which these banks and their resources may ultimately be used.

Again, within any organization, the person who governs cannot (in order to fulfil his/her political activity regarding this organization) act in a way contrary to ethics. This would be a disorder of a categorical nature. A person or company may like a given habitat and regard it as his/her own, but if his/her ownership is socially uneconomic, he or she can ultimately be justly expropriated since the economy (the economic sphere) is not subordinate to habitat, but rather is conditioned by it, which is different. Along the same lines, we can understand the famous Latin aphorism *summum ius, summa iniuria*. The law is as important as the other categories – all of them are important – but it is not the highest in the order of things.

This 'rivalry' in terms of importance, which many people implicitly activate when they emphasize a particular social sphere or category, is a kind of sophism which goes against the common good and against social justice. Only two things are really important: one, that everything is necessary; and two, that we have to respect the natural order that exists between the spheres or categories.

COMMON GOOD, SOLIDARITY, SUBSIDIARITY

What I would like to stress is that, in my view, we should strive to avoid an overwhelmingly imaginative and external concept of the common good as far as the different social spheres are concerned. There will not be much more respect for the common good if it is continually being redistributed (which is a way of giving power to the State) by means of laws, because *quid leges sine moribus?*, or political actions and economic regulations. All of this may be useful and even necessary, in the just measure indicated by prudence. But the key to achieving the common good *in* and *between* the different spheres of society lies chiefly not in *designs* and *models*, nor is it solved by making laws; it lies not so much in something that is objectively verifiable, since the common good, though objective, transcends any particular way of objectifying it; the key is to be found, above all, in the subject (though it is not 'subjectivist'). It lies in the different people, particularly those with responsibility for governance, having the order of society in their heads and in their hearts, and acting in accordance with this vision.

To my mind, this would make real another idea which seems to me to be basic, and which can be seen to be distorted today. This is that the common good cannot be pursued when we lack the basic organ through which we perceive its existence, which is *common sense*. A society which believes that any opinion about society, or about the human being, is in principle equally valid, and which holds that one must always be open to new intellectual 'surprises' (relativism), cannot have more common sense than the absolute minimum which God, despite society's own resistance, has endowed it with.

If, 'underneath' so many *social changes* and so many *opinions*, which may often also be legitimate, there are no *constitutive constants* concerning society or the human being which can be known and shared, then that society has no *common sense*, and we cannot realistically aspire to seeking the *common good*.

In the arrangement of categories, each category has solidarity with all the others and is subsidiary to them. It is so *by nature*. The institutions, in turn, if they do fulfil the categorical order both inwardly and outwardly, will necessarily, without realising it, build a *social network* characterized by solidarity and subsidiarity, which is free rather than imposed, because any imposition would be contradictory. This would be the result of *the ethics of those who govern* and not the consequence of laws, political decisions or economic motives. There is no valid substitute for ethics.

What is more, despite the old Habermasian quest, there is no possible *Ersatz* for religion. At bottom, without religion we cannot understand what the common good is. Christianity understand this well, as is reflected in the Church's social teaching, as it puts *genuine love* in the central position.

Just as love is both *conservative* – because it wants the loved one to go on existing – and *progressive* – because it is inventive, and only love can truly invent, love also implies *solidarity* – because it cannot be understood without an equal relationship with others – and *subsidiarity* – because love is not possible if the relationship of difference with others is not respected.

COMMENTS ON THE PAPER OF PROF. RAFAEL ALVIRA

ROCCO BUTTIGLIONE

The first issue in the excellent paper of R. Alvira that deserves to be commented upon and further investigated is the idea of person and the connection between the individual and the social dimension of the person. The person is an *ens intelligens et liberum*. Man acts on the basis of her/his own insight into the true nature of things and of her/his own free will. This is also the first basis of the image of God in man. Just like God we are intelligent and we are free. This characterization of the person is however unilateral and does not give us a full grasp of the nature of the person. The human individual does not mark an absolute beginning. We are born in a family, we have a mother and a father. Our body is the result of the intermingling of the genetic codes of two other humans. Moreover we are thoroughly dependent on their support in the first years of our life. Our moral self develops in the close interrelationship with our parents. To a certain extent they are interiorized in us and live in us. Through a social process called 'tradition' each generation consigns (Lat. *tradere,* to consign) to the following the experience of values that in their lives have been experienced as true. In our lives we work together with others and can take care of our lives and of our dear ones only in and through this community of work. We fall in love and constitute new families. We search for truth in the dialogue with other human beings. Although we carry the full responsibility for our thoughts and our acts it in true that what we are is also the result of the relations we have to other human beings, relations that have of course to pass through the critical examination of our intellect and have to be confirmed by our free will. This is the second basis for our resemblance to God. God is a Trinity: each person lives in and through the relation to the other. This is the reason why God is Love.

Both traits of the similarity between God and Man are unified in the idea of person. The person is an *ens intelligens et liberum* but at the same

time the person is a relation (*hypostasis*, that is the Greek word for person and means relation). Among the great monotheistic religions of mankind the first trait is more widely recognized than the second.

All monotheistic religions know that God is intelligent and free. Only Christianity says that God is a Trinity and the relation is constitutive of His being. Of course the resemblance between God and man and the nature of man is profoundly changed when we add this second determination to our idea of the person.

The person is at the same time individual (*persona est sui juris et altero incommunicabilis*) and social (better: community, that is intrinsically dependent upon the relation to others. Each one of us could say to God, but to a lesser degree and in a different sense also to our families and to our loved ones: if you were not, I would not be). Here there is a fruitful point of interconnection between ecclesiology and philosophy of the person. Man is created for communion with other men and with God.

One point should not, however, be obliterated. I am created for communion, but I become communion through an act of my free will. This act cannot be coerced.

All these considerations confirm the central tenet of Alvira's paper: there is an intrinsic relation between person and common good. The good of the person cannot be defined out of connection with the common good of the community to which she/he belongs.

This seems to respond to the libertarian criticism of the idea of social justice. This idea needs to be grounded in the idea of common good and in the perception of the person both as an individual and a (member of a) a community. But perhaps at least some of the libertarians (es. Von Hayek) visualized a different opponent in their criticisms of the idea of social justice and could come to terms with this idea of social justice.

A second issue that ought to be debated is the characterization and purpose of the enterprise. Perhaps we could agree in saying that the telos (purpose) of the enterprise is the creation of value. A certain input of raw materials, human labour, goods and services has to be transformed into an output of finished goods. If the output value is not larger than the input value the enterprise is a failure and does not perform its social function. The specific contribution of the enterprise as such to the common good is the creation of value.

Of course this specific contribution must be situated in the context of the totality of social life. Value has to be created for the shareholders of course. But value has to be created for other stakeholders too. Value has to be cre-

ated for the workers, who earn their wages and spend their lives in the firm. Value has to be created for the consumers who will make use of the goods and services delivered by the firm and value has to be created for society at large (for example through the taxes paid by the firm). On the other hand the firm needs a favorable environment to grow. The proper insertion of the firm in the social environment and the proper interrelation between the good of the firm and the good of the community of which the firm is a part is the result of a social dialogue in which different social institutions (city councils, trade unions, consumers associations etc.) must have a role. Each institution will represent the particular interests of their members and the task of politics is to regulate this dialogue preserving the sphere of specific decision and responsibility of each subject and at the same time avoiding that any particular subject shuts the doors to any possible communication pursuing a private interest opposed to the common good. The common good is always the result of dialogue and often of compromise.

The third issue I propose for further discussion is the social role of religion. Here the ideas of Alvira remind me of the great theological work of H.U. von Balthazar and especially of the introductory pages to *Die Apokalypse der deutschen Seele.*

The stand a person (or a human community or a civilization) takes in front of the *novissimi* (the ultimate mysteries of human life) determines the whole structure of the personality, the capacity to work and support a family, the attitude towards sexual love, the amount of energy and creativity she/he will develop in disentangling the intricacies of social life.

Christianity does not coincide with any specific civilization, it is not more western than eastern or northern or southern. Encountering different human environments Christianity has nevertheless generated different civilizations. There are some elements that unite these civilizations among themselves and differentiate them from all others. None of them exhausts the genius of Christendom and each of them expresses one of its possible developments. A civilization may keep living on the basis of social/religious archetypes long after the faith that has given birth to them has disappeared. But sooner or later these archetypes will be challenged and if the civilization has become intrinsically void it will expire. Or perhaps the original faith will be renewed.

I must stop here, although the paper of R. Alvira has given food for thought also on many other sensible points and I hope that these remarks of mine may help to start a fruitful discussion.

Round Table

SOLIDARITY AND SUBSIDIARITY
IN INTERNATIONAL RELATIONS
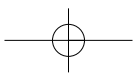
LUMIÈRES ET OMBRES DANS LES RAPPORTS ENTRE ONG ET ORGANISATIONS INTERNATIONALES

OMBRETTA FUMAGALLI CARULLI

Du vaste sujet de notre table ronde j'ai choisi de traiter les rapports entre ONG et Organisations Internationales (OI).

Permettez-moi de commencer mon intervention avec une pièce célèbre: le don Giovanni de Molière. Je me réfère à la scène dans laquelle un mendiant implore au protagoniste: "pour amour de Dieu, faite-moi la charité". Don Giovanni lui lance un Louis d'or, et lui précise: "Pas pour amour de Dieu. Pour amour de l'humanité". Nous sommes au XVII siècle, en plein confessionisme d'État. Bossuet écrit "La politique tirée des propres paroles de l'Écriture Sainte". La sécularization commence avoir ses germes. Estimer l'amour de l'humanité conflictuel avec l'amour de Dieu est le premier annonce de la nette séparation entre charité chrétienne et philanthropie laïque, que l'illuminisme du XVIII siècle renforcera.

La modernité est fille de cette dicotomie. Aussi la solidarité dans la coopération internationale réfléchit la distinction entre charité liée à la Révélation (*Deus caritas est*) et charité a-religieuse ou anti-religieuse.

Un terrain sensible est justement le rapport entre OI et ONG, sur lequel je me limite à trois remarques.

I. LES ONG AUJOURD'HUI

Si dans les siècles passés la solidarité s'exprimait grâce à l'œuvre des ordres missionaires ou du laïcat chrétien, aux XX siècle le scenario change. C'est le moment des OI et, en dialogue avec elles, des ONG: une réponse active et concrète aux horreurs du IIe conflit mondial. Tous les deux poursuivent des idéals de solidarité, justice et liberté dans l'édification du bien commun, mais l'inspiration religieuse n'est plus la prédominante.

Aujourd'hui on est en présence d'une galaxie. Millier et millier d'associations très différentes entre eux pour anthropologie, forme d'organisation, dimension, but, activité d'intervention sont devenues la conscience critique de la coopération internationale. Leur activisme est bien connu: une présence capillaire, une proximité à la population permets de saisir avec une meilleure précision les problèmes émergents. Très souvent sont elles à maintenir haute l'attention de la communauté internationale sur les situations les plus délicates. L'accroissement de leur importance politique et de leur visibilité est parfois liée à la crise des OI, tombées dans le piège de la lenteur et des gaspillages bureaucratiques ou brouillées par les scandales.

II. L'ACCREDITATION

Les ONG répondent à deux systèmes juridiques: national et international.

Dans les États, elles peuvent avoir différents titres (associations, fondations, comités etc.), être ou non personnes juridiques. En tout cas elles ne doivent pas avoir aucun but lucratif (*non profit*). Pour celles engagées dans la coopération internationale au développement un système d'accréditation conditionne le financement déjà au niveau national. Il est nécessaire pour accéder aux projets ministériels. En Italie, par exemple (la même situation caractérise beaucoup d'États), la ONG peut avoir l'approbation du Ministère à précises formalités: constitution légale, pas de but de lucre, objectif de coopération au développement, garanties de compétence et de capacité, fournir une documentation et accepter d'être périodiquement contrôlé par le Gouvernement.

Aussi dans les OI est prévue une analogue accréditation avec des modalités qui produisent des conséquences sur lesquelles il faut réfléchir.

Examinons, a titre d'exemple, trois OI au point de vue des critères d'accréditation des ONG.

Dans l'ECOSOC (Conseil Économique et Social de l'ONU: art. 71 Charte N.U.) le *consultative status* peut être reconnu aux organisations de volontariat sans but de lucre a caractère universel ou régional ou national, qui existent depuis 2 ans, ont un siège stable, la comptabilité, un statut adopté avec méthode démocratique. L'accréditation permet de participer aux conférences, réunions, travaux préparatoires. Surtout elle permet (sans toutefois le garantir) d'avoir attribué la gestion de particuliers projets avec le relatif financiement.

Analogue *participatory status* est prévu par le Conseil d'Europe. Il est limité aux ONG qui fédéralisent d'autres ONG nationales d'un certain

nombre d'États-membres et qui sont actives dans les matières de compétence du Conseil. Aussi dans ce cas l'accréditation permet de présenter des documents, de participer à conférences et réunions, offrir des experts. Il faut souligner à ce propos que le Conseil d'Europe a adopté des documents internationaux pour faciliter la présence et participation dans les différents contextes, tel que la Convention sur la reconnaisance légale de la personnalité juridique des ONG Internationales (laquelle, il faut le remarquer n'a pas eu bonne chance pour l'adhésion) et les principes fondamentaux sur le *status* de ONG en Europe.

Le dernier exemple d'accréditation caractérise l'Organisation pour la Sécurité et Coopération en Europe (OSCE). Les ONG participent au processus de vérification de l'actuation des engagements assumés par les États Participants à propos de la dimension humaine (un cercle bien plus large des droits humains). Elle participent en manière plus souple et libre que dans les autres OI. Pour l'accréditation ne sont pas nécessaires des spécifiques conditions. Une fois accréditée la ONG participe aux conférences et réunions avec un rôle presque égal aux délégations des Etats.

III. LUMIÈRES ET OMBRES

Si nous passons maintenant du niveau descriptif au niveau d'évaluation, nous trouvons des lumières et des ombres.

Nous venons juste d'avoir souligné que les procédures d'accréditation changent selon les OI. La méthode OSCE, avec peu de filtre d'accréditation, produit le risque d'inflation des ONG et de contribution de mauvaise qualité. D'autre part, les procédures plus sévères de l'ECOSOC ou du Conseil d'Europe découragent jusqu'à barrer la participation des petites associations, qui toutefois pourraient apporter une contribution valable par exemple au niveau d'élaboration théorique. Il n'est pas facile un équilibre entre ces deux extrêmes. Mais il est souhaitable le trouver pour le future.

Si, grâce à l'accréditation des OI, les ONG ont eu des avantages particuliers – économiques et de visibilité – leur prolifération pose quelque problème pour gouverner leur presence.

Il suffit rappeler des chiffres de l'ONU. Aujourd'hui nous avons à l'ECOSOC: 139 ONG du type "général" (les plus grandes, répandues universellement, sur toutes les compétences de l'OI), 1956 du type "spécial" (ONG plus récentes, actives en spécifiques domaines), 955 du type "roster" (ONG accrédité dans autres agences ONU et qui n'a pas les qualités pour être

reconnue comme général ou spécial). La somme fait 3052 ONG à front des 40 ONG du 1948.

D'autres problèmes dérivent de la compétition jalouse entre ONG pour conquérir prestige et réputation internationale.

À cause de ces facteurs les ONG risquent les mêmes fautes des OI: structures pyramidales, lenteur de bureaucratie. Le problème le plus aigu concerne le fait que le financement (d'ailleurs nécessaire pour l'activité de solidarité) dépend du pouvoir discrétionnaire politique. Quelque État a nommé des Autorités ou Agences, comme sujets indépendants du pouvoir politique. Mais rien de pareil il y a au niveau international. Les autorités compétentes ont pourtant droit de vie et de mort, pouvant choisir quelles favoriser et quelles non.

Pour quelque exemple, il suffit rappeler ce que nous avons souligné dans la Session de l'année dernière à propos des *Millennium Goals*: derrière l'objectif des N.U. de réduire la mortalité des mères en grossesse se cache très souvent la diffusion des pratiques d'avortement. Une réflexion analogue peut être conduite pour les questions liées au développement ou à la justice sociale.

CONCLUSION

Comme l'activité de solidarité des ONG est liée à l'anthropologie de référence, sur le scenario international la présence de la "charité pour amour de Dieu" est très importante, d'autant plus aujourd'hui. Le monde catholique va répondre à ce défi avec ses ONG. Il a le mérite d'avoir déjà créé un organisme de coordination, qui toutefois reste au niveau international une initiative privée et n'a pas encore l'autorité morale pour composer les jalousies entre ONG. Il pourrait devenir un interlocuteur des OI. Mais il faut qu'il augment en compétence et coordination sans tomber dans les risques de la bureaucratie.

D'autre part il faudrait aborder le problème d'une ou plusieurs Autorités Internationales (au niveau de Continent, ou, comme on dit en langage tecnique, des Régions), sur le modèles des Autorités nationales.

THE IDEA OF THE GOOD SAMARITAN
IN INTERNATIONAL HUMAN RIGHTS LAW

ANGELIKA NUßBERGER

I. INTRODUCTION

'So many treaties have been concluded with the aim of killing people. We would greet with deep gratitude treaties with the aim of making people live'.

Thus wrote the national economist Jérome Blanqui in 1839. International law has undergone fundamental changes since. It is still used to decide on questions of war and peace and to justify violence against people, for instance in the case of self-defence or in the case of so-called humanitarian interventions. But it also serves as an instrument to guarantee basic freedoms and a minimum subsistence level to everyone; as envisaged by Blanqui in the 19th century the international law of the 21st century is used 'to make people live'. It was the elaboration of international human rights treaties after World War II that brought about a shift in the perspective. Whereas in classical international law the human being was something like an 'object' in the relations between the States – it was dealt with, but condemned to be passive –, in modern international law the human being has moved to the centre. The individual destiny matters. But does that mean that international law also reflects values similar to those of the social doctrine of the Catholic Church? Is the idea of the Good Samaritan also part of the conception of international human rights?

The present paper deals with this question on the basis of an analysis of the idea of 'solidarity' within different 'generations' of human rights[1] – civil and political rights or first generation rights (II), economic, social and cultural rights or second generation rights (III) and so-called solidarity rights or third generation rights (IV). The European Convention on Human Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights serve as examples. (It is

understood that the values underlying international human rights codifications serve as points of reference in international relations, although the complexity of this interaction is not explored in the present paper).

II. 'Solidarity' as Part of Civil and Political Rights

The first – maybe surprising – finding is that the term 'solidarity' does not appear in the most prominent genuine human rights codifications of the first generation such as the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the American Convention on Human Rights.[2] The abstract 'everyone' the legal texts are talking about has concrete rights such as an 'inherent right to life, to liberty, to security, to freedom of thought, conscience and religion', but only vague duties. The Preamble to the International Covenant on Civil and

---

[1] The terminology of 'human rights generations' is widely used, though not uncontroversial. It is criticised for leading to misunderstandings, as generations in human life succeed one another with the later generation eventually replacing the earlier one. On the contrary, the different generations of human rights co-exist, although they have been developed in different times. During the Age of Enlightenment as well as in the constitution-making process in the 19th century civil and political rights were dominant. Social, economic and cultural rights can also be traced back to the writings of Locke, Condorcet and Paine, but started to play a role in constitutional law only in the early 20th century. Since they were propagated predominantly in the Soviet tradition their recognition led to an ideological split in human rights policy that could be overcome only after the end of the Cold War. Solidarity rights such as the right to development, the right to peace, the right to a healthy environment and the right to humanitarian assistance were developed only in the process of de-colonisation in the late 20th century. Whereas civil and political rights were first developed on the national level, the definition and elaboration of economic, social and cultural rights went on simultaneously on the national and the international level. Third generation rights were primarily important in the international context.

[2] Generally, the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the American Convention on Human Rights can be seen as examples for human rights treaties of the first generation, whereas the International Covenant on Economic, Social and Cultural Rights, the European Social Charter and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights are considered as examples for human rights treaties of the second generation. Later documents such as the Charter of Fundamental Rights of the European Union do not uphold the separation. The Universal Declaration of Human Rights elaborated before the ideological split is comprehensive as well. The African Charter on Human and Peoples' Rights as well as the Arab Charter of Human Rights contains rights of all three generations.

Political Rights that the overwhelming majority of States worldwide have ratified[3] realizes 'that the individual, having duties to other individuals and to the Community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant'.[4] What does that mean? Does it also include the obligation to look after the others, to support and help the needy ones? The European Convention for the Protection of Human Rights and Fundamental Freedoms goes even one step further. In the Preamble the Governments reaffirm 'their profound belief in those fundamental freedoms which are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend'.[5] The individual and his or her responsibility are left out completely. The abstract concept of 'political democracy' replaces the individual. Even in the context of family life duties are not mentioned. The European Convention stresses only the 'right to respect for private and family life'.[6] The American Convention on Human Rights mentions 'social justice', but the Good Samaritan is not present either.[7] The main idea running through all those texts is freedom, not solidarity.

This can be explained by the specific role international codifications of civil and political rights are expected to play. They have been developed in order to protect the individual against arbitrary interferences of the State. The approach is rights-based; the primary addressee of the duties fixed in human rights treaties is the State. The human rights doctrine discerns three levels of obligations of the State that are summarised in the famous formula 'respect – protect – fulfil'.[8] The State has the duty to respect the rights of the individuals, i.e. not to interfere with their rights, to protect them against the interference of third persons and, if necessary, to support the individuals so that they can fully enjoy their rights. For the realisation of civil and political rights and freedoms the first level, respect and non-interference, is the most important one.

---

[3] Up to now (March 2008) the Covenant has been ratified by 160 countries.

[4] Preamble to the Covenant on Civil and Political Rights (1966), para. 5.

[5] Preamble to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (1950), para. 4.

[6] Article 8 ECHR.

[7] Preamble to the American Convention on Human Rights (1969), para. 1.

[8] See Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, Princeton 1980.

This shows the fundamentally different approach of the social doctrine and codifications of civil and political rights. Human rights law focuses on the relationship between the individual and the State, whereas the value of solidarity is relevant for the relationship between the individual and the Community. The obligations of the State are predominantly 'negative'. The concept of solidarity, on the contrary, demands individuals and communities to be actively involved in social affairs in order to promote the Common Good. But despite all those differences the social doctrine of the Church and international human rights regimes can be said to be part of the same system of coordinates. Both aim at building a 'foundation of freedom, justice and peace in the world'.[9] Both are centred on the 'dignity and worth of the human person'.[10]

In any case, the role of the Good Samaritan may be discussed on the basis of those legal texts. He has to be seen as an element of a triangular relationship. On the one hand there is the State, on the other hand the needy one. And the Good Samaritan is between those two. As the 'behaviour' of the State is regulated by the human rights conventions, we can analyse the relationship between the State and the Good Samaritan under two constellations: either the State wants the Good Samaritan to act, or to put it more generally, the State wants an individual to engage for the well-being of others, or the State wants the Good Samaritan to stop acting and interferes with good deeds. In both constellations the human rights conventions give answers, set limits. They cannot be easily read out of the texts themselves. But they can be illustrated by decisions taken on the basis of the texts.

The first question is in how far the individual can be expected or even forced to look after the others, to act for the others without any self-interest. In the European Convention on Human Rights the borderline can be found in an article that does not seem to be connected to the problem, in the article on forced labour. 'Forced labour'[11] is generally forbidden. But it is not considered to be 'forced labour' if individuals are required to help in cases of 'emergency or calamity threatening the life or well-being of the

---

[9] Preamble of the Universal Declaration of Human Rights (1948), para. 1.

[10] Preamble of the Universal Declaration of Human Rights, para. 5.

[11] The only definition of forced labour in international law is given in Convention No. 29 of the ILO. 'Forced labour' is understood as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. The expression 'penalty' is interpreted very widely and comprises all disadvantages a person has to face.

community' or in the case of 'normal civic obligations'.[12] The European Court of Human Rights interprets those restrictions to be 'grounded on the governing ideas of general interest, social solidarity and what is in the normal or ordinary course of affairs'.[13] But the questions remain: In how far social solidarity can be required, what is the ordinary course of affairs?

One example of the jurisprudence of the Court can give an answer. In the case van der Mussele v. Belgium[14] a young lawyer claims that the obligation to defend indigent litigants without receiving any recompensation or reimbursement of expenses is to be considered as 'forced labour'. He interprets the freedom guaranteed by the Convention in absolute terms; in his eyes it cannot be restricted for the sake of the wellbeing of other people.

In its decision the European Court of Human Rights is reluctant to generally acknowledge duties of the individual based on solidarity. It argues that in the member states of the Convention there is a clear tendency towards the assumption of similar burdens by the State; those supporting others would have to be adequately paid. But it accepts exceptions to this rule and therefore scrutinizes if there is a 'fair balance' between the public interest and the interests of the individual being forced to help others without remuneration.[15] In the concrete case the Court finds that there is no 'unreasonable imbalance' between the aim of the individual – to qualify for a certain profession – and the services required for the Community. However, the case shows that, as a rule, duties for the common good of the community are shifted from the individual to the State as a whole; individual obligations based on solidarity are seen as rare exceptions justified only if there is a fair balance of interests.

Such a finding might be specific to the European approach to human rights. At least, it contradicts the already quoted Preamble to the International Covenant on Civil and Political Rights which emphasizes the individual's duties towards other individuals and towards the Community.

The second question is in how far the State can stop citizens acting on the basis of charity. Here, too, the provision applicable – the prohibition of inhuman treatment – seems not to have any connection to the problem.

---

[12] Cf. Article 4 ECHR.
[13] Van der Mussele, decision of 23 November 1983, Serie A No. 70.
[14] Van der Mussele, decision of 23 November 1983, Serie A No. 70.
[15] Van der Mussele, decision of 23 November 1983, Serie A No. 70, para. 38.

The case D. v. Great Britain[16] can illustrate the point. A drug dealer is caught entering Great Britain with some kilograms of heroine and is sentenced to prison. While in prison an HIV infection breaks out. A British charity organisation looks after him and continues to support him after the end of his prison term. The British authorities decide to send him back to his home country St. Kitts although it is evident that he would not get any medical aid or family support there. In this case the Court is confronted with the question of whether the State can interfere with 'good deeds' on the basis of general policy considerations. The European Court of Human Rights decides that such an interference amounts to a human rights violation. It turns the negative obligation 'prohibition of inhuman treatment' around and requests 'human treatment'. The Court is very careful not to generalise such a duty. It stresses the 'exceptional circumstances of the case' and 'the compelling humanitarian considerations at stake'.[17] Nevertheless, the case shows that solidarity can matter. But it is not the rule, it is the exception.

It is thus evident that civil and political rights, even if they are an essential precondition for building up a strong civil society, convey an idea of freedom that is difficult to combine with the request for solidarity. Only in exceptional cases solidarity can be considered to be a legal duty of the individual; generally it remains a moral duty outside the scope of legal regulations.

III. 'Solidarity' as Part of Economic, Social and Cultural Rights

Contrary to civil and political rights economic, social and cultural rights are built on the idea of solidarity. The weaker groups of society such as children, handicapped people, older people, and women are guaranteed special rights. Rights such as the right to social security, the right to social and medical assistance, the right to benefit from social welfare services are meant to promote social cohesion in society. Nevertheless, in the relevant legal codifications of social rights such as the International Covenant on Economic, Social and Cultural Rights or the European Social Charter solidarity is not explicitly mentioned either. According to the rights-based approach only the beneficiary is visible. Addressee of the duties is the State, not the individuals and not the Community. The standard formulation is: 'The States Parties to

---

[16] D. v. the United Kingdom, decision of 2 May 1997, No. 30240/96, RJD 1997 III.

[17] D. v. the United Kingdom, decision of 2 May 1997, No. 30240/96, RJD 1997 III, para. 54.

the present Covenant recognize the right of everyone to ...'. The obligations are clearly and one-sidedly fixed: 'Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures'.[18]

Solidarity is thus anonymous. The State is abstract; the individual can hide behind it. As a rule the individual is the one who takes, not the one who gives. The guarantee of a minimum existence level, for example, is not linked to charity or to the position of the individual within the Community. Once again it is the State which is responsible for everything: The 'State Parties...recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions'.[19] According to the text of the Covenant solidarity among the members of the Community is not required.

Only in hidden places, duties of individuals based on solidarity can be found. In the context of the right of the children to social, legal and economic protection 'the rights and duties of their parents' are taken into account.[20] With a view to ensuring the effective exercise of the right of elderly persons to social protection, 'the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organizations, appropriate measures...'.[21] Even those examples show that the solidarity required tends to be an institutionalised, not an individual form of solidarity.

In the social security conventions of the International Labour Organisation the employers are identified as a group responsible for the well-being of the employees.[22] This approach mirrors the social security conceptions of industrialised countries prevalent at the time when the conventions were elaborated. But it cannot be seen as sufficient for a comprehensive social policy including all members of society.

[18] Article 2 para. 1 of the International Covenant on Economic, Social and Cultural Rights (1966).
[19] Article 11 of the International Covenant on Economic, Social and Cultural Rights (1966).
[20] Article 17 of the European Social Charter (Revised) 1996.
[21] Article 23 of the European Social Charter (Revised) 1996.
[22] Cf. Article 71 of the Convention on Social Security (Minimum Standards) 1952 of the International Labour Organisation.

Whereas the purpose of civil and political rights is predominantly to restrict State power, social rights are meant to define the responsibility of the State towards the material well-being of the citizen. Within the already mentioned trias 'respect-protect-fulfil' the focus is on the aspect of fulfilling. Solidarity within the Community is presupposed, but not integrated in the State-oriented concept. The individuals are visible only as beneficiaries. Even their role as tax-payers and financial contributors to the State social system is not emphasized.

The one-sidedness of the international conception of social rights reduces their practical importance. The burning question both in developing and in industrialised and post-industrialised societies is the redistribution of burdens and responsibilities. Social cohesion is not created by rights only. It is also necessary to achieve a compromise about the input of the various societal groups and individuals. A legal definition of 'subsidiarity' might be helpful. On the other hand it is questionable in how far international law can fulfil this task. The mechanisms of social cohesion have to be defined for each society individually; they are dependent on a multitude of factors such as culture, religion and historical experience.

IV. 'SOLIDARITY' AS PART OF THE RIGHTS OF THE THIRD GENERATION

The third generation of human rights can be summarised under the heading 'solidarity rights'. They include such rights as the right to development, the right to peace, and the right to a healthy environment. There is no international comprehensive treaty comprising them all. They are enshrined in various resolutions and declarations of the United Nations as well as of the Commission on Human Rights.

On the regional international level solidarity rights are explicitly fixed in human rights documents. The African Charter on Human and Peoples Rights, 1981, might serve as an example. Already in the Preamble the link between rights and duties is emphasized: 'Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone...'.[23] The duties of the individual 'towards his family and society, the State and other legally recognised communities and the international Community'[24] are enumerated in a special sec-

---

[23] Preamble to the African Charter on Human and Peoples Rights (1981), para. 6.
[24] Article 27 para. 1 African Charter on Human and Peoples Rights (1981).

tion of the text. Some of them are linked to the idea of solidarity, such as the duty 'to preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need'[25] or the duty 'to work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of society'.[26]

In the African Charter on Human and Peoples Rights the word 'solidarity' is a recurring element. It is used with very different connotations. On the one hand it is seen as universally accepted principle governing the relations between States.[27] On the other hand it is linked to Africa or to the African nation States. Thus the text enunciates a specific 'African solidarity'.[28] Last but not least solidarity is also used as a human rights restriction. The right not to join an association is subject to the obligation of solidarity.[29]

These examples show that the understanding of solidarity in the African Charter on Human and Peoples Rights is different from the idea in the biblical story about the Good Samaritan. Solidarity is seen as something like a glue holding people in Africa or in the African nation States together. Cohesion of society is deemed necessary in order to stand up against past and present injustices. Thus the Preamble explicitly stresses the liberation aspect: 'Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, Zionism and to dismantle aggressive foreign military bases and all forms of discrimination, language, religion or political opinions...'.

[25] Article 29 para. 1 African Charter on Human and Peoples Rights (1981).
[26] Article 29 para. 6 African Charter on Human and Peoples Rights (1981).
[27] Cf. Article 23 para. 1 African Charter on Human and Peoples Rights: 'The principle of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States'.
[28] Article 29 African Charter on Human and Peoples Rights: 'The individual shall also have the duty: ...To preserve and strengthen social and national solidarity, particularly when the latter is threatened'; Article 21 para. 4 African Charter on Human and Peoples Rights: 'States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity'.
[29] Article 10 para. 2. African Charter on Human and Peoples Rights (1981).

V. Conclusions

The differences between the various international human rights codifi-
cations are remarkable. The European Convention on Human Rights, which
can be taken as an example for a codification of human rights of the first
generation, is an effective instrument of individual human rights protection
following a very pragmatic purely rights-based approach. On the contrary,
the African Charter on Human and Peoples Rights, an example of a compre-
hensive codification of human rights of the first, second and third genera-
tion stresses distinct African values and traditions and is meant to enhance
a certain 'African identity'. Moral values are clearly set out; the individual
cannot hide behind the State, but is explicitly declared responsible for the
well-being of the others. Classical codifications of social rights such as the
International Covenant on Economic, Social and Cultural Rights focus only
on the perspective of the beneficiary. The State is seen as an abstract actor;
duties of the individual and the Community, though relevant for the realisa-
tion of the rights guaranteed, are not explicitly put forward.

As international human rights documents regulate primarily the duties of
the State it is not surprising that there is not much room for dealing with the
aspect of solidarity. If mentioned, the understanding of solidarity remains
vague and unequivocal: it is seen alternatively as a factor of cohesion, as a
burden and duty that must not limit rights and freedoms disproportionally,
and as a basic human quality linked to the dignity of the human being.

It is probably the understanding of 'brotherhood' in the Universal Dec-
laration of Human Rights that comes closest to what is meant by solidari-
ty in the social doctrine of the Catholic Church: 'All human beings are born
free and equal in dignity and rights. They are endowed with reason and
conscience and should act towards one another in a spirit of brotherhood'.[30]
But although the Universal Declaration of Human Rights was the basis of
the international human rights movement, this idea was not taken up in
subsequent legally binding documents.

---

[30] Article 1 Universal Declaration of Human Rights (1948).

SOLIDARITY AND SUBSIDIARITY
IN INTERNATIONAL RELATIONS

VITTORIO POSSENTI

1. Nella attuale plenaria è sinora risuonata una notevole varietà di linguaggi culturali, sociologici, economici, psicologici, tesi a mostrare come far interagire solidarietà e sussidiarietà nei loro molteplici aspetti, compreso quello delle relazioni internazionali. A mio avviso per ottenere l'esito, oltre al riferimento indubbio a principi cardinali quali la dignità della persona, il bene comune, la solidarietà e la sussidiarietà, occorre guardare verso la realtà dell'autorità, questa sconosciuta. In sostanza per mettere in moto i quattro principi anzidetti e in specie solidarietà e sussidiarietà, bisogna convocare il tema dell'autorità. Questa è sempre presente per motivi intrinseci ad ogni rapporto sociale, ed è bene prenderne coscienza. Sosterrò dunque che, pur avendo talvolta i mezzi concreti per raggiungere il bene comune, la solidarietà e la sussidiarietà, non vi riusciamo poiché non mettiamo in opera fondamentali "strumenti" concettuali che seguano più da vicino la dinamica reale dell'azione. L'osservazione assume un particolare rilievo nelle relazioni internazionali per la loro delicatezza e complessità.

Solo due elementi possono essere segnalati in un breve intervento: a) un cenno di risposta alla domanda "che cos'è l'autorità?"; b) alcuni spunti sulla sorprendente scarsità di elaborazione sull'autorità. Iniziamo dalla questione sulla natura dell'autorità: basilarmente essa consiste nella capacità di dare inizio all'azione altrui e, avendole dato inizio, farla crescere. Nell'elaborare l'idea che l'autorità fa crescere troviamo un prezioso appiglio nella radice latina (e prima greca) del termine *auctoritas*, la cui radice "auct" è la stessa del verbo latino *augeo* (*auxi*, *auctum*) o del greco αὐξάνω, che entrambi trasmettono l'idea della crescita. Anche l'autore di un libro è un'autorità, nel senso che ha dato origine e fatto crescere quello che prima non c'era. Per i Romani il compito fondamentale dell'autorità *politica* era il *condere urbem*, dare origine ad una società politica nuova e poi consolidarla, farla crescere

e fiorire. In un senso radicale, che concerne lo scaturire dell'azione, l'autorità è un fenomeno assolutamente universale, transculturale, diacronico e sincronico, coestensivo ad ogni attività umana. E' dunque una presenza immanente in ogni istante e in qualsiasi rapporto sociale, per molecolare che sia. Se viceversa pretendiamo di ignorare l'autorità, non comprendiamo gran che della situazione sociale e introduciamo sin dall'inizio un difetto difficilmente rimediabile nelle nostre teorie, che finiranno per essere eccessivamente astratte in quanto non si chinano con sufficiente realismo sulla genesi dell'azione e preferiscono operare con schemi formali.

L'autorità è sempre di tipo personale entro i gruppi umani, ossia nasce ed agisce entro aggregazioni composte da persone e aventi specifici beni comuni. Tali gruppi sociali in genere non sono riducibili ad associazioni o *partnerships* di tipo più o meno contrattuale che operano basandosi sul criterio del contratto.

2. Un aspetto frequente con cui la questione dell'autorità viene equivocata e parte col piede sbagliato è che *autorità* e *potere* sono realtà diverse e per nulla identificabili. I movimenti del 1968 e dintorni, ma già prima numerose scienze sociali, non sono stati più in grado di differenziare autorità e potere, di cogliere le funzioni specifiche e fondamentali della prima, finendo per ricondurre l'autorità a mero potere, e talvolta perfino favorendo l'identificazione tra autorità e violenza. Non è difficile valutare gli esiti di tale grave semplificazione in specie sul processo educativo di qualsiasi livello e sul processo politico. In effetti solidarietà e sussidiarietà possono interagire positivamente entro rapporti sociali in cui non il potere ma l'autorità iniziante è presente.

3. Dire che l'autorità è presente ovunque, nei rapporti economici, politici, morali e religiosi, rinverga con l'idea che non possiamo fare quasi esclusivo ricorso allo schema dell'uomo economico retto esclusivamente dalla ricerca del suo interesse. Occorre poi prestare attenzione al fatto secondo cui, essendo l'autorità presente dovunque in forma esplicita o implicita, le forme dell'autorità sono molteplici: autorità familiare, civile, politica, pedagogica, epistemica.

In ogni società bene ordinata si riscontra infatti una grande varietà di autorità a diversi livelli, all'interno dei più vari gruppi. Se consideriamo l'autorità politica essa non solo distribuisce beni o fissa il quadro costituzionale, ma favorisce l'apporto dei singoli al bene comune, promuovendo comportamenti cooperativi e virtuosi e sanzionando quelli disgreganti. Per raggiungere questi scopi siamo aiutati da una concezione non soltanto relazionale ma sostantiva dei beni sociali e del bene comune. Il discorso sareb-

be da approfondire molto per chiarire se il bene comune sia da comprendere in senso esclusivamente relazionale. Indubbiamente il bene comune è qualcosa di relazionale nel senso che i soci entrano tra loro in relazione e partecipano ad esso. Non è invece relazionale (nel senso di riducibile alla sola relazione), se teniamo presente il suo esser composto di beni (inclusivi ed esclusivi) che sono beni sostantivi e non risolubili nella relazione.

4. Nei grandi dibattiti del XX secolo è stata preminente la questione su come allocare o distribuire i beni sociali, assai meno su *chi alloca*. Nella dottrina della giustizia di Rawls e successivamente in *Liberalismo politico* e *Il diritto dei popoli* la domanda sull'autorità e su "chi alloca?" sembra assente. La situazione va considerata senza eccessivo scandalo, poiché la questione dell'autorità è uscita dalla filosofia politica da lungo tempo e nessuno sa quando vi rientrerà. Il tema interessa la Dottrina sociale della Chiesa a doppio titolo, perché essa ha tenuto desta la questione dell'autorità come criterio immanente e necessario in ogni rapporto sociale, grande o piccolo che sia; e perché tale felice attenzione si è un poco infiacchita negli ultimi decenni, quasi che il compito della giustizia possa essere adempiuto seguendo schemi molto sofisticati e astratti abbondantemente presenti nel dibattito internazionale e lasciando da parte la funzione dell'autorità. In tal modo si è nell'opinione di molti attenuata la relazione intrinseca tra autorità e bene comune, nel senso che lo scopo e il compito dell'autorità è il bene comune.

5. Come appena accennato, un concetto flessibile di autorità si palesa di grande aiuto nel far giocare e interagire positivamente solidarietà, sussidiarietà e bene comune che altrimenti rimangono nozioni certo centrali ma vuote. In realtà ciascuna di esse fa implicitamente riferimento a rapporti sociali multipli intercorrenti tra persone umane, dal livello micro a quello macro, in cui costantemente chi mette in moto e favorisce è appunto l'autorità volta a volta emergente dall'interno del rapporto sociale. In tal senso l'idea di società autopoietica può risultare equivoca, facendo pensare che essa possa prodursi automaticamente, mentre ogni rapporto sociale per esserci e progredire ha necessariamente bisogno di un'*auctoritas* iniziante. Spinta al limite, dietro l'idea di società autopoietica sta l'assunto che non vi è bisogno di alcuna autorità di qualsiasi genere, e che al più bastano regole procedurali: un'idea che affascina non pochi, forse in specie i giovani. Si presenta così un problema delicato: facendo leva sulla naturale repulsione verso il potere, artatamente confuso con l'autorità, il potente schieramento dei media di fatto indica quello che dobbiamo fare, lasciandoci credere che siamo noi che decidiamo.

6. Il principio di autorità è necessario al retto intendimento del criterio di sussidiarietà e viceversa almeno per due motivi: ogni azione umana anche sussidiaria richiede un'autorità iniziante; la realizzazione della sussidiarietà richiede che l'autorità sia disposta in modo multilivello, a partire dai livelli più basilari e micro. In altri termini la sussidiarietà si realizza se si dà una pluralità di gruppi ciascuno dei quali presuppone un'autorità all'opera. L'attenzione all'autorità aiuta ad evitare la *sussidiarietà al contrario*, cioè l'intervento dall'alto di grandi organizzazioni internazionali e mondiali. Questo intervento può in vari casi risultare indispensabile per sopperire a gravi situazioni di carenza sociale e politica (si pensi al problema della fame, alle gravi disuguaglianze economiche, o alla profonda disparità di fruizione dei diritti umani), ma dal canto suo comporta il rischio di trascurare il compito altrettanto indispensabile di favorire la nascita di iniziativa e intrapresa ai livelli sociali micro, quelli da cui parte la dinamica sociale. La sussidiarietà al contrario accade quando l'intervento internazionale prende il passo su quello locale in tutto.

Ma vi è anche "un'autorità al contrario", per così dire, che accade quando nei rapporti internazionali e infine cosmopolitici non si riesce a superare la vecchia sovranità dello Stato, intesa nel senso del *superiorem non recognoscens*, per cui le esigenze della solidarietà, della sussidiarietà e del bene comune richiederebbero la formazione di un'autorità politica planetaria, capace di prendere in carico la gestione del concreto bene comune della famiglia umana e della pace, che viceversa manca. Per far operare insieme solidarietà e sussidiarietà nei rapporti internazionali la mancanza di una governance globale multilivello è attualmente la sfida più grave da sormontare.

ROUND TABLE CONTRIBUTION

HERBERT SCHAMBECK

Ms. Chairperson, dear colleagues, permit me, after Prof. Possenti's presentation, and after the charming introduction by Ms. Hanna Suchocka, to speak about solidarity and subsidiarity. In this context, I shall be referring to politics, law, and international relations.

Politics and law are fundamental aspects of the social doctrine and decisive for international relations. I would like to point out that – while the state, perceived as a social state (and Prof. Zacher has written a lot about this) is able to prescribe, through its social legislation, at least a minimum of solidarity – international law – based on its specific character which, in contrast to national law, does not have a subordinative but a coordinative function – it has no comparable means to prescribe international solidarity, regardless of whether the United Nations or its specialized agencies have the competence to adopt binding rules, like the United Nations Conference on Trade and Development. Therefore, attempts at enhancing social development in an effective way do not always meet expectations.

Due to the lack of centralized legislation and also due to the lack of a central body for the adoption of such legislation, the international community in its organized form, and especially the UN, makes possible certain violations committed by states, and does not allow to intervene in their internal affairs because of the violation of human rights or of the compliance or non-compliance by a state with its international obligations or for the protection of the international community.

Finally, solidarity and subsidiarity also emerge from the international recognition of fundamental rights. The right to freedom and peace requires a certain amount of collective protection, and collective action is based on solidarity. It is the right of a state to have access to the goods of this world and to participate in these goods. On the other hand, every nation is free to define its own internal order without intervention or interference from

outside, as long as it realizes the common good and safeguards human rights. This shows that subsidiarity exists also in the international sphere but is, here as elsewhere, a concept that works in both directions; and since the international sphere is a sphere of freedom this requires compliance by the state, a fact that we cannot conceal all the less as we have the honour of Prof. Skubiszewski being with us. According to Article 38 of the Statute of the International Court of Justice, international law is the decisive legal basis for the conduct of a state, and article 6 of the Treaty on European Union refers to the recognition of fundamental rights, a principle which is of paramount importance.

Ladies and gentlemen, because of the purpose for which we have convened here, and in reference to the previous speakers and in particular to Angelika Nußberger whom I would like to congratulate on her first presentation given in our meeting today, I intend to refer to the integration of Europe. We recently began with the process of ratifying the Lisbon Treaty; and the European Union gives us an excellent example of both subsidiarity and solidarity; and when looking at solidarity, I am thinking of the transfer rates of richer countries to poorer countries. I know that, with the Maastricht Treaty, much attention has come to be paid to subsidiarity, and we are presently in a trial run of subsidiarity because subsidiarity is complied with in numerous EU countries. I was a Member of Parliament, and I know that through the Lisbon Treaty we now have the possibility that national parliaments scrutinize all legislative acts from the point of view of subsidiarity. In my own Chamber of Parliament we once had a meeting, held in Linz, where we discussed precisely this issue. Subsidiarity and solidarity are also referred to in the preamble to the Lisbon Treaty. I will not quote from there in order not to consume too much time but I would like to point out that, in the social order of Europe, we have multiple examples where subsidiarity and solidarity are linked to different social models; and these different models, if we analyse them, refer to certain groups of states, the Anglo-Saxon group, the Scandinavian group, the European continental group and the Southern European group, and they especially refer to the situation in the post-communist countries, just mentioned by our colleague Ms. Hanna Suchocka.

When we talk about subsidiarity and solidarity we should not overlook the fact that the Lisbon Treaty contains a clause which states that by framing and implementing its legislation it is combating social discrimination and is fostering vocational training. In international relations we should be reminded of the fact that the Lisbon Treaty safeguards social policy and economic policy. If Prof. Spieker says that the Christian influence in politics is

there even though it is not explicitly mentioned, I know that, besides economic policy and employment policy, we also have a monetary committee and we should not even ignore the fact that the Roman Declaration of 2003 speaks of the Fundamental Rights Charter; and a series of fundamental rights are listed in my lecture. In 1996 in Innsbruck, the European Union also referred to solidarity and subsidiarity and the necessary dialogue with the civil society to have an open, transparent and regular dialogue and the participation of the people, because the Lisbon Treaty provides in article 8B that you can have a plebiscite if you have a certain number of signatures in support, and the parliamentary system needs to be completed but not replaced because this would not be a democratization but a Jacobinization. Responsible democratic procedures are therefore very important.

In order to stick to the time allotted to me I should like to say that solidarity is a contribution to the acknowledgment and protection of human dignity and freedom. We know that human dignity finds its metaphysical roots in the *Imago Dei*. One way to find this subsidiarity is solidarity; and solidarity and subsidiarity can both contribute to the main issue of our meeting, namely, greater humanity in the social field, so that states and human communities may interact. I am very pleased to say this in this room, after our Holy Father Benedict XVI has taken on board this responsibility in his address to the UN.

Thank you very much for your attention.

LA SOLIDARITÉ ET LA SUBSIDIARITÉ
DANS LES RELATIONS INTERNATIONALES

LOUIS SABOURIN

Je voudrais d'abord remercier les coordonnateurs du programme de notre assemblée pour avoir décidé d'organiser la présente table ronde sur la thématique de la solidarité et de la subsidiarité dans les relations internationales. Il s'agit d'une question fort importante mais combien complexe, à la fois sur les plans théorique et pratique, surtout en ce qui a trait à la subsidiarité.

En effet, la notion de solidarité a été analysée depuis très longtemps. Déjà Hérodote en avait fait une des idées maîtresses de sa théorie des relations entre les nations, à savoir qu'il leur était indispensable de développer des alliances pour faire valoir et maintenir leur pouvoir à l'étranger.

Mon collègue le Professeur Skubiszewski étudiera les dimensions de la solidarité, ses caractéristiques et sa concrétisation autant dans les chartes internationales que dans la Doctrine sociale de l'Église, notamment dans l'aide au développement, le commerce, la quête de la sécurité collective.

Cependant, au chapitre de la subsidiarité, la situation est fort différente. Il s'agit d'un concept beaucoup plus récent, très cher à l'Église, qui suscite de nombreuses discussions en Europe depuis que le Père Luigi Taparelli l'a énoncé à la fin du XIXe siècle. Monseigneur Minnerath et le Professeur Warren en ont très clairement montré le sens et la portée. On a l'habitude dans plusieurs milieux de souligner que la subsidiarité serait généralement un transfert de pouvoirs vers une instance inférieure alors que, comme l'a signalé le Professeur Warren, le Père Luigi Taparelli a bien parlé de transfert à une "instance appropriée". Se pourrait-il qu'il s'agisse aussi d'un transfert vers le haut, à savoir vers la sphère internationale?

Je voudrais soumettre à votre réflexion que la subsidiarité prend ici un sens particulier lorsqu'on tente de l'appliquer à la sphère internationale, c'est-à-dire à celle du système interétatique, tel qu'il existe aujourd'hui et cela depuis qu'il a été mis en place, au lendemain des traités de Westphalie en 1648.

Notre collègue Margaret Archer soulignait, au début de l'assemblée, que trop d'étatisme nuit à la mise en œuvre de la subsidiarité. En fait, cette remarque est exacte au plan interne et il est intéressant de voir quelle est la situation au plan international où l'on assiste à des transferts de plus en plus nombreux et importants de responsabilités pour des motifs que je vais tenter d'expliquer. Il s'agit en fait d'une "subsidiarité à rebours" qui résulte le plus souvent non pas d'un vouloir spontané d'un État à une instance internationale mais plutôt de la constatation que les États ne peuvent plus régler seuls ou par eux-mêmes une multitude de problèmes dont la solution exige une action impliquant plusieurs ou l'ensemble des États.

Le système étatique souffre de nombreux problèmes à la fois à caractère "normatif" et d'ordre pratique. Je vais donc mettre en lumière cette double problématique.

I. LES CONCEPTIONS NORMATIVES DIFFÉRENTES

D'abord, l'État n'est pas perçu de la même façon par les différentes disciplines.

Pour les *économistes*, l'État est un *ensemble de services* offerts aux citoyens et gérés principalement par des argentiers qui collectent des fonds et, compte tenu de leur rareté, les répartissent pour le plus grand bien de la société, avec un marché libre ou contrôlé qui s'occupe des échanges nationaux et internationaux.

Pour les spécialistes en *gestion*, l'État est une *véritable organisation* qui comme toutes les autres doit, pour bien fonctionner, avoir des volets liés à la structuration, la prévision, la direction, l'évaluation et le contrôle.

Pour les *politicologues*, l'État est associé à l'existence du *pouvoir*: pour les institutionnalistes, il s'agit de la *forme du pouvoir* alors que pour les behavioristes, c'est l'*exercice du pouvoir* qui les intéresse au premier chef.

Pour les *sociologues*, l'État est associé à la *société*. Les premiers sociologues comme Weber et Durkheim accordaient une place centrale au rôle de la bureaucratie mais aujourd'hui, l'État est devenu presqu'un embarras. C'est la "relation" qui existe entre les individus et les institutions qui est devenue la matière fondamentale des études.

Pour les *psychologues*, l'État est avant tout une *source de comportements* des sujets: une source de rêves ou le plus souvent une source de problèmes pour les individus et les groupes dont il faut analyser les attitudes et les jugements.

Pour les *historiens*, l'État est rapidement devenu le *moteur* de l'Histoire, de la montée et du déclin des sociétés, le point central de l'action collective. Il a fallu attendre le XXe siècle pour voir les historiens, depuis Broedel, se pencher sur l'histoire des groupes d'individus.

Pour les *philosophes* et les moralistes, l'État est le *grand ordonnateur* autour duquel s'organise la vie publique et qui définit l'évolution des individus, selon les lieux et les circonstances.

Enfin, pour les *juristes*, l'État est la rencontre de cinq notions fondamentales: celle d'un territoire, d'une population, d'un gouvernement, d'une souveraineté et de la reconnaissance par d'autres États. En fait, les juristes ont constaté et défini chacun de ces attributs, dont jouissent encore aujourd'hui les 192 États qui sont représentés aux Nations Unies et qui demeurent, malgré tous les changements qui les affectent et les autres formes d'instances qui les entourent maintenant dans la sphère internationale, les acteurs primordiaux. Les États sont encore, aux yeux de certains internationalistes, les seules véritables "personnes" du droit international, alors que les organismes internationaux ne sont que des "acteurs secondaires".

Malgré toutes les perceptions différentes que l'on a de l'État, malgré toutes les défaillances du système interétatique, il n'en reste pas moins vrai que l'État occupe toujours la place centrale dans la communauté internationale contemporaine. Il en est de même du système interétatique. Toutefois, l'État et le système interétatique de 2008 sont fort différents de ceux de 1648!

II. LES DIFFÉRENCES AU PLAN DE LA PRATIQUE

Je me limiterai ici à quatre raisons qui agissent comme des handicaps à une mise en œuvre d'une subsidiarité authentique dans la sphère internationale: l'attachement au principe de la souveraineté, la promotion persistante des intérêts nationaux, la croissance des nouveaux acteurs internationaux, l'absence d'un véritable gouvernement mondial.

S'il est un principe qui a fait couler beaucoup d'encre au cours du dernier siècle, c'est bien celui de la souveraineté: son exercice absolu ou limité, ses formes, ses applications par les petites, moyennes et grandes puissances. Si aujourd'hui on assiste à une tendance qui prône un partage de la souveraineté des États – notamment dans l'Union européenne –, on constate que des États considèrent toujours "leur souveraineté" comme un attribut essentiel. On songe aux grandes puissances qui, comme les États-Unis ou l'URSS à une autre époque, décident d'exercer leur pouvoir à l'étranger

ainsi qu'à de plus petits États, comme la Corée du Nord, le Myanmar ou Cuba qui font la démonstration continue de leur souveraineté totale sur le plan interne. C'est parce que l'exercice de la souveraineté demeure au centre des relations internationales que ces rapports deviennent souvent conflictuels. Tenter d'en nier l'existence ou d'en minimiser le rôle est une attitude illusoire, irréaliste et dangereuse. En réalité, la souveraineté est un phénomène qui est là pour longtemps mais qui subira de nombreux changements au fur et à mesure que la coopération et la solidarité se développeront à l'ère de la mondialisation. Elle demeurera néanmoins un frein à la mise en œuvre de la subsidiarité dans la sphère internationale.

La croissance de nombreuses entités internationales est un phénomène bien évident autant au plan interétatique qu'au plan privé. Il existerait près de 500 organismes interétatiques, aujourd'hui. On en compte environ 225 en Afrique seulement. Ces institutions jouent un rôle de plus en plus décisif et se voient confier des tâches de plus en plus nombreuses, étant donné que les États, j'insiste là-dessus, ne peuvent pas les remplir eux-mêmes. C'est une "subsidiarité à rebours" qui joue ici.

D'autre part, les organismes non gouvernementaux, émanant de la société civile, occupent une place grandissante dans presque tous les domaines de la vie internationale. Il en est de même des églises et d'autres entités ainsi que de nombreux réseaux qui, grâce aux nouvelles technologies de communication, s'affirment de plus en plus. On n'hésite plus à parler d'une opinion publique internationale. En fait, la communauté internationale devient de plus en plus complexe. Les acteurs ne sont plus uniquement des États traditionnels: songeons au Saint-Siège, à la Palestine, à Taiwan. Des régions, des provinces, des cités et des villes agissent davantage au plan mondial, de même que des groupes et des individus et font apparaître de nouvelles formes de transferts qui à la fois encouragent et freinent la subsidiarité.

La recherche, la promotion et la défense des intérêts nationaux demeurent au cœur des relations internationales et représentent autant de freins à la progression du principe de la subsidiarité sur une très grande échelle. Je ne m'étendrai pas sur cette question étant donné qu'elle est trop évidente mais il ne faut pas pour autant négliger les nombreuses actions positives, en particulier dans le domaine caritatif, d'une idéologie qui ne cesse de grandir et de se développer. On a la nette impression d'assister à des prises de conscience internationale à la lumière des changements climatiques, des crises énergétiques, des séismes de toutes sortes, des conflits et des abus contre les droits de la personne. Dans de nombreux cas, des "droits natio-

naux" deviennent des droits internationaux. On parle de plus en plus de "droits des générations futures".

Il ne fait aucun doute que l'un des phénomènes les plus saillants aujour-d'hui est ce que j'appellerais l'inadéquation entre *la croissance de la globalisation et le déficit de gouvernance mondiale*. La montée exponentielle de la globalisation au cours des dernières décennies n'a pas été suivie par un développement parallèle d'un "gouvernement mondial". C'est la raison pour laquelle, suite à l'incapacité de réformer, de transformer les grandes organisations interétatiques, à commencer par l'ONU, le FMI et la Banque mondiale, on a commencé à parler d'une nécessaire "gouvernance mondiale", un concept clair-obscur qui aurait pour but de combler l'absence d'une véritable autorité mondiale, concept qui pendant longtemps a été cher à l'Église et dont on parle moins maintenant, face à l'évident cul-de-sac où l'on se trouve à ce chapitre. Après les échecs des réformes souhaitées, notamment pour marquer l'entrée dans le XXIième siècle, on s'est rendu compte que ce n'est pas demain la veille que les grandes puissances vont renoncer à leur souveraineté et accepter un authentique "gouvernement mondial", lequel pourrait, hypothétiquement, s'il existait, favoriser une subsidiarité réelle en leur faveur. Nous n'en sommes pas là.

On peut en conclure que si la solidarité est une notion de plus en plus répandue et reconnue, celle de la subsidiarité, bien qu'on en parle beaucoup en Europe, demeure toujours en veilleuse dans la pratique des relations internationales.

SOLIDARITY, COOPERATION, DEVELOPMENT
AND SUBSIDIARITY – AN OUTLINE

KRZYSZTOF SKUBISZEWSKI

GENERAL

Pope John Paul II emphasizes that today 'peace is the fruit of solidarity' ('opus solidaritatis pax', 102 and 203).[1] Thus one of the 'primary' obligations of nations is to adopt the 'posture of (...) solidarity' (157).

Solidarity is one of 'the basic concepts of the Church's social doctrine' (77) and one of the 'permanent principles' of that doctrine. Together with the principle of the dignity of the human person, the principle of the common good and the principle of subsidiarity it 'constitute[s] the very heart of Catholic social teaching' (160).[2]

The social doctrine of the Church states that '[s]olidarity highlights in a particular way the intrinsic social nature of the human person, the equality of all in dignity and rights and the common path of individuals and peoples towards an ever more committed unity' (192).

The application of solidarity is both national and international. In the present contribution the latter aspect is central.

The Church generally points to 'different human societies' as co-creative of solidarity. In my opinion they comprise governments, States, nations, peoples and international organizations. In the opinion of the Church, they

---

[1] The figures in parentheses refer to the paragraphs of Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church* (hereinafter *Compendium*), Libreria Editrice Vaticana 2004.

[2] It was so from the very beginning of the Church's modern social doctrine. Pope Leo XIII used the term 'friendship'. Pope Pius XI referred to 'social charity'. Pope Paul VI spoke of a 'civilization of love' (103). All these terms, depending on their context, are synonymous with 'solidarity'.

'must establish among themselves relationships of solidarity, communication and cooperation, in the service of man and common good'.

The 'structures of solidarity' find their expression, though not exclusively,[3] in law and legal systems. International law is of primary importance here; it 'becomes the guarantor of the international order' (434) also in respect of solidarity. One should be aware of the morality of law. In the Message for the Celebration of the World Day of Peace on 1 January 2008 Pope Benedict XVI again draws our attention to 'the nature and function of law' (paragraph 12): 'the *juridic norm* [...] has as its criterion the *moral norm* grounded in nature itself. [...]. The moral norm must be the rule for decisions of conscience and the guide for all human behaviour'. To ensure that legal norms 'are truly operative *it is necessary to go back to the natural moral norm as the basis of the juridic norm* [...]'.

THE PRINCIPLE OF COOPERATION

In the Encyclical Letter *Populorum Progressio* Pope Paul VI declares: 'The spirit of international cooperation requires that, beyond the strict market mentality, there should be an awareness of the duty to solidarity, justice and universal charity' (448).

An essential ingredient of solidarity seen through the prism of cooperation is *'the bond of interdependence between individuals and peoples,* which is found at every level'; 'the classical theme of socialization' can be associated to interdependence.[4]

Finally, it should be recalled that the Church teaches that the relationships among States, nations, peoples and governments 'must be purified and transformed into *structures of solidarity* through the creation of appropriate modification of laws, market regulations and juridical systems'. Solidarity 'places itself in the sphere of justice' and 'is a virtue directed *par excellence* to the common good' (193). The Church emphasizes that members of a society or community, including States, are, in this respect, debtors towards one another.

---

[3] In referring to solidarity the *Compendium* uses interchangeably such terms as 'concept' *(77)* 'principle' (e.g., 160), 'moral value' or 'social value' (193).

[4] This association has been repeatedly examined by the Church's social doctrine starting with the Encyclical Letter *Mater et Magistra* by Pope John XXIII, *Compendium,* p. 109, note 413.

Globalization increased the intensity of interdependence of States and nations, though the very phenomenon of interdependence is chronologically much earlier than the contemporary processes of globalization. New technology and free trade contributed to a rapid and systematic growth of interdependence of States already in the 19th century. This was also the beginning of a great expansion of the scope and contents of international law. Interdependence is the main factor favouring cooperation, yet State sovereignty remains in constant competition with or even antagonism to it. As one writer has noted, '[f]or more than a century this antagonism has retarded the development of international law towards greater social responsibility'.[5] In fact, that problem is still with us and 'the gap between interdependence and normative response [and, I would add, executive action] is constantly widening, rather than narrowing'.[6]

In 1970 the General Assembly of the United Nations numbered the 'duty of States to co-operate with one another' among the principles of international law which it set forth in a Declaration:[7]

'States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences'.

What is striking in the foregoing formulation is its extreme generality which also characterizes the spelling out of ends States shall pursue to accomplish their duty to cooperate.[8] That duty may therefore be described as highly imperfect (*lex imperfecta*). For in practice its implementation is left to the will of States and one knows only too well that State attitudes are formed and governed first of all by policies which more often than not reflect their egoism.

At the same time the persistence and the impact of State sovereignty have their limits. In any event, sovereignty did not prevent the birth, evolution and subsequent strengthening of international solidarity. That evolu-

---

[5] K. Zemanek, *Interdependence*, in: R. Bernhardt (ed.), 'Encyclopedia of Public International Law', Instalment 7 (1984), p. 276.

[6] *Ibid.,* p. 277.

[7] *The Declaration* is contained in the Annex to Resolution 2625 (XXV) of the General Assembly.

[8] See the paragraph in *The Declaration* which follows the quoted one.

tion of international relations has also had its *Realpolitik* aspect – States need each other and have to help each other. The deep transformation of international society in the second half of the 20th century created and continues to create *common interests* that led to the appearance of international solidarity.[9] Cooperation is its main tool, in particular in the field of international economic relations, including economic law and 'the new international economic order'.[10]

RIGHT TO DEVELOPMENT

The Church links the right to development to solidarity. As such it finds a high position in the social doctrine of the Church. That doctrine insists that there is an 'urgent need for action in solidarity' to achieve development which is 'the transition from less humane conditions to those which are more humane'. 'This *transition* is not limited to merely economic and technological dimensions, but implies for each person the acquisition of culture, the respect of the dignity of others, the acknowledgement of the "highest good, the recognition of God Himself, the author and end of these blessings"'. In the words of Pope Paul VI, 'development is the new name for peace' (98). The right to development flows from various 'principles', one of them being 'the centrality of the human person and solidarity' (446).

A 'world of fairness and solidarity' is a purpose that is brought about by the 'principle of the universal destination of goods'. That principle 'is an invitation to develop an economic vision inspired by moral values that permit people not to lose sight of the origin or purpose of these goods' (174); that purpose is that 'all created things would be shared fairly by all mankind under the guidance of justice tempered by charity'.[11]

An 'authentically global development' has to take place '*in solidarity that is capable of involving every region of the world including those less advan-*

---

[9] Nguyen Quoc Dinh, P. Daillier and A. Pellet, *Droit international public*, 7th ed., L.G.D.I., Paris 2002, pp. 59-60.

[10] See *Charter of Economic Rights and Duties*, 1974, UN General Assembly Resolution 3281 (XXIX). See also *The Declaration on the Progressive Development of Principles of Public International Law Relating to a New International Economic Order* adopted by the International Law Association, ILA Reports 1986.

[11] Pastoral Constitution *Gaudium et Spes, Compendium*, paragraph 171.

taged' (321). In the Church's doctrine there is strong emphasis on the word 'authentic': either all the nations of the world participate, or it will not be true development (342).

The social doctrine of the Church observes that 'development is not only an aspiration but a right that, like every right, implies a duty' (446). This remark leads one to say a few words on the legal aspect of the matter.

In international law, like in the Church's doctrine, the right to development can also be linked to solidarity.[12] But then we revisit the issue of solidarity's place in that law; it is evolving. Can it be said that there is already an international legal principle of solidarity,[13] with the right to development as one of its basic ingredients? These notions still lack precision. Today the right to development can be said to exist (as a *legal* one) only insofar as it is anchored in treaties or binding resolutions of international organizations.

Solidarity, including consensus on the need to help the less developed countries, especially those whose populations live in poverty, is the cause and reason of many rights and obligations under international law.[14] That fact should, however, be distinguished from their legal source: it cannot be found in an all embracing principle from which the relevant rights and obligations related to development could be deduced. The matter remains too complex and too controversial. States still differ on the flow of finance to developing countries, on how to fight poverty, hunger and illiteracy and on how to stop the decline in living standards. A principle or a general right does not suffice. The relevant tasks require long-term and specific regulation and performance. The fact is that for the last forty years the gap between the developing and developed countries continued to grow.

---

[12] See, e.g., M. Bedjaoui, The Right to Development, in: M. Bedjaoui (ed.), *International Law: Achievements and Prospects*, UNESCO *&* Nijhoff, Paris & Dordrecht/Boston/London 1991, pp. 1184-1185.

[13] For a positive answer to this question *see,* R.St.J. Macdonald, The Principle of Solidarity in Public International Law, in: C. Dominicé, R. Patry et C. Reymond (eds.), *Études de Droit International en l'Honneur de Pierre Lalive*, Helbing & Lichtenhahn, Bâle/Francfort-sur-le-Main. p. 275.

[14] This has been amply shown by Macdonald, *op. cit.* in note 13. However, that is one thing. Another is that the legal content of inter-State solidarity remains in many respects ambiguous. That is the view of many Governments and writers.

SUBSIDIARITY

In international relations subsidiarity involves, on the one hand, States acting together and international organizations and, on the other, the individual State and its agencies, also those non-governmental organizations which pursue international aims.

On the international plane subsidiarity does not mirror subsidiarity within the State where one can distinguish communities of various orders, higher and lower. The society of States ('the international community') is still different. An international organization is not supranational; nor does it constitute a superstate (certain features of the European Union do not change this picture). It is only in some rare instances that the organization's relation to its members becomes one of hierarchy.

CONCLUSION

Pope Benedict XVI has put before this Academy the basic question: 'How can solidarity and subsidiarity work together in the pursuit of the common good in a way that not only respects human dignity, but allows it to flourish?'[15]

The Holy Father speaks of 'the living contact between the Gospel and concrete social circumstances'. That contact creates a framework for the solution of such problems as 'reducing inequalities in the distribution of goods, expanding opportunities for education, fostering sustainable growth and development, and protecting environment'.[16] This is a huge agenda.

All these issues await resolution, also with the participation of the Church. There can be little doubt that in the 21st century the world needs more solidarity than ever.

---

[15] *L'Osservatore Romano*, 4 May 2008, p. 1
[16] *Loc. cit*.

SOLIDARITY AND SUBSIDIARITY
IN INTERNATIONAL RELATIONSHIPS

MINA RAMIREZ

Solidarity and subsidiarity relationships aim at a social order that respects the dignity of the human person.

A social order on an international level is a system of relationships that is premised on the philosophy of part and whole. No part is a part unless it is inserted into the whole.

People who are not recognized as parts of the whole become marginalized. The poor are people who cannot take part in society because they are excluded from the whole.

Each person is a related being. S/he is independence and dependence and thus possesses a capacity both to give and to receive. S/he is related to his or her Creator, the Source and End of all creation. To his/her *Creator*, s/he is absolutely dependent. S/he is related to *humankind* on whom s/he is primarily dependent and secondarily independent. S/he is related to the *State* and to other higher bodies, to society/institutions with which s/he is primarily independent and secondarily dependent. This means that the state, institution or society is there for the good of the person, family and community and not the other way around. S/he is related to *nature* of which s/he, the most conscious of all, is a part. S/he is to live in harmony with other elements of nature. As the peak of God's creation on planet earth, s/he has to be respected in his/her dignity, in his/her inner gifts, as s/he in turn protects, preserves and enhances the integrity of all creation to be cared for and nurtured for the good of the person, family and community.[1]

---

[1] 'Philosophy of Part and Whole – Foundation of the Socio-Political Order' by the late Francis Senden, CICM – Founder of the Asian Social Institute (ASI) Manila, Philippines – unpublished material. This philosophy served as a basis in ASI for expounding on the principles of Christian Social Teachings. The philosophy, however, over the years is continually being reinterpreted in the context of the changing times by Mina Ramirez.

When a person lives his/her relationships in the right proportions of independence and dependence, s/he grows to be a personality.

Society, a social order which includes political, economic, ecological, social and cultural systems, and all institutions, is supposed to create conditions for the person to become a personality. These conditions are premised on love which in an ontological sense means persons relating in independence and dependence as personalities. Law could be the objectivation of this love. Law is humankind's way to facilitate the quality of relationships to create the social order (political, economic, and communication order) on various levels of society – local, national, regional and international.

In an increasingly globalizing world, every human person as a partial whole realizes his/her dignity when s/he, aware that s/he is a part of the whole, contributes to it in solidarity with other partial wholes. S/he relates in a beneficial mutuality with peers to bring about the appropriate social order conducive to the promotion of *life* of persons and all life-forms in a sustainable way for the present generation and for future generations as well.

Each related human being needs to be conscious that s/he is called to be in *solidarity* with peers. Solidarity is expressed in movements of families, of people within a sector, ecological movements, youth movements, etc. They move towards personal and collective becoming inviting higher social bodies to support their cause for organizing care, instituting law for the welfare and well-being of all, including all life forms so that the cycle of life and life support systems will flourish. When higher forms respect the initiatives of lower bodies or lower bodies appeal to higher bodies to assist them when necessary, this process, is what I understand by *subsidiarity*.

In our roles as educators, researchers and advocacy groups we promote the basic right of humans to love and be loved, to make them think for themselves which is the beginning of self-reliance, although not necessarily self-sufficiency. The process is first an education of the heart. The science of the heart animated by Faith enlightens the mind, enlightens reason which makes meaningful training in skills and competencies and in technology – a total human capability building. In effect, we educate and form people in the notion of the common good and social justice, how to be part in a total process of organizing care so that the basic universal aspiration of the person is fulfilled towards enhancement of personal, and family and/or community welfare.

I would like to present to you a case by which fisherfolk have been educated towards solidarity and subsidiarity on local, national and international levels through the Asian Social Institute (ASI) in Manila – a social grad-

uate school of transformative praxis established in 1962 to implement the Christian social teachings of the Church. The graduate school facilitated the self-empowerment of a great part of the fisheries sector in the Philippines by way of accompanying them in participatory action research, organizing and mobilizing resources for resolving human rights issues. We trained them in research, in vision-mission-goal setting, in communication for development using their own cultural symbols, also in family enhancement and in resource management. ASI as partner institution of the movement of fisherfolk owes largely its dynamism to such accompaniment while the movement of fisherfolk owes its stability as a movement through ASI's practice of subsidiarity.

ASI accompanied the fisherfolk in sectoral organizing on local and national level, in drafting a bill that will enable them to take part in coastal resource management, supported them in lobbying for the bill. After years of struggle (1986-1998) the fisherfolk sector was able to have the Republic of the Philippines (RP) Fisheries Code 8550 approved. At present the national federation of fisherfolk is independent from but still related to ASI. In 1992 a fisherman was appointed by the President of the Philippines to represent the fisherfolk in the implementation of the Social Reform Agenda of the government. The fisherfolk are also represented in an international organization – International Collective of Fisherfolk and their Supporters (ICSF). In fact in 1997 one of the fisherfolk, who did not even finish college but was formed in the philosophy of part and whole and trained in leadership by ASI, represented the fisherfolk of the Philippines in a U.N. body – FAO (Food and Agricultural Organization) meeting to take part in drafting the International Code of Ethics for Fisherfolk. Today, fisherfolk are participating in implementing the Fisheries Code by helping the Philippine Government's Bureau of Fisheries and Aquatic Resources (BFAR) in organizing Fisheries and Aquatic Resource Management Councils (FARM-Cs) to protect the municipal waters fifteen kilometers from shore from being encroached upon by commercialized fishing vessels that could destroy marine resources. Fisherfolk leaders have also realized that their lives are interconnected with the lives of other sectors, with upland farmers (mostly indigenous groups) and lowland farmers – for all of them each has a role to play in preserving the forests and preventing soil erosion that could stifle the development of algae in the lakes, the rivers and the seas; the same is true with farmers who have to see to it that chemicals from fertilizers will not pollute the waters and the air. The fisherfolk are also aware of their interconnectedness with the academy, with business, and with gov-

ernment. They have imbibed the philosophy of part and whole and see themselves as part of the whole creative life cycle.

In March, 2008, ASI was visited by fisherfolk from South Africa accompanied by representatives from some of their South African government units. They were given a lecture on how fisherfolk have been formed and trained in ASI to take active part in initiatives towards their well-being in coordination with the Philippine government's pertinent bureaus like the Bureau of Fisheries and Aquatic Resources (BFAR) and the Anti-Poverty Commission Office of the government. Representatives from Filipino fisherfolk in collaboration with BFAR arranged the exposure program of South Africans to immerse them in fisherfolk communities where social initiatives were on-going in relation to socio-economic projects in line with a development paradigm on the mezzo level, titled, 'Co-Creating Sustainable Bio-Regional Community (CSBcom)'.[2] South Africans had a dialogue with a Regional Director of BFAR. There they learned how the fisherfolk leaders assist the government in implementing the law on fisheries. Due to the fisherfolk's initiatives, selected fisherfolk leaders are appointed to be the Directors of regions of BFAR every month of May while the directors go to the field.

It is to be noted that fisherfolk leaders would communicate to others that ASI formed first their hearts prior to forming their minds.[3] This leads to the realization that solidarity and subsidiarity principles are best understood by a process of cultivating compassion – a 'formation of the heart' as necessary to or integral complement of 'practical reason', a theme expounded by our Holiness Pope Benedict XVI in his encyclicals *Deus Caritas Est* (n. 28 & 29, 31, 2005) and *Spe Salvi* (n. 26-29, 39 2007).

---

[2] The ASI Option, January to April 2007, C-Creating Sustainable Bio-Regional Communities [CSBcom] for Integral Development and Wellbeing by Dr. Gina A. Yap, PhD.

[3] The ASI Option, May – December 2007, CSBcom Diary: October 2007 by the Social Development Department, pp. 32-33.

PROSPECTS

DISCOVERING THE RELATIONAL CHARACTER OF THE COMMON GOOD

PIERPAOLO DONATI

1. The common good as a relational good

1.1. In ordinary language, as well as in most empirical sciences, the common good generally refers to a 'something', an entity belonging to everyone by virtue of their being part of a community. The community can be big or small, from a family, a local or national community, to the whole of humankind. In any case, the common good is seen and treated as an *asset* or an opportunity to be preserved and enhanced, if possible, for the benefit of the individuals involved.

That 'something', which the common good consists of, generally refers to a tangible reality, but it may also be an intangible good. Tangible goods are, for instance, the natural resources that must be at everyone's disposal (such as air and water), spaces usable by everyone (such as streets and squares, though today we would include the web and internet as well), and artistic monuments that must be maintained without being commercialized. Examples of intangible goods include peace, social cohesion, international solidarity along with the appropriate institutions for safeguarding and promoting them.

Modern thought has increasingly identified the common good with a collective, materialistic and utilitarian good, which must be available to all members of the community. The notions of affluence, development and progress conform to the above when they are considered 'common goods'. Thus, modern thought is always in danger of reducing the sense and value of the common good to a possession (literally, a property), whose holders are conceived of as shareholders or stakeholders.

Hence, the supremacy and prevalence today of economic and/or political conceptions, which reduce the common good to a sum of individual goods.

Most current economic theories define the common good as *'the greatest possible good for the greatest possible number of individuals'*. In the best case scenario, the 'greatest possible number of individuals' would include *all* sentient beings (animals as well as humans). This definition of the common good presents it as an entity that is convertible or reducible to the sum total of all the private interests of the individual members of a given society and interchangeable with them.

In the prevailing definitions given by the social, economic and political sciences, the common good is *an allocation of resources such that everyone derives advantage from it*. Of course, this means that such an allocation can be also unequal and even unfair. Hence, the common good is cut off from justice. Instead, what is relevant is that everyone may derive some benefit from the allocation of the resources.

Difficulties are not considered to relate so much to the definition of common good as to the rules for its implementation. Such implementation may take place on the basis of one of four criteria, ranging from consent to the use of force: a) the first criterion is 'familiarity' (within the family, allocation of resources consists in giving something to each member and the distribution is accepted by *consent*); b) the second is *merit* or *credit*, as dictated by individual moral conscience (each accepts the allocation received because he/she believes himself or herself to deserve it); c) the third is mutual benefit (the allocation is accepted because it is based on the expectation of *cooperation that leaves everyone better off*; if some do not cooperate in creating a common good, they will be punished by exclusion from future cooperation because the principle of reciprocity is invoked); d) in case any of the former criteria do not work, the common good is produced by a fourth criterion, namely *enforcement* (the use of force by a third party, generally the State). Economists hold that the common good is produced only if there are sanctions against those who shirk their responsibilities. Such sanctions are different in the above four cases: a) the family takes one's consent for granted; b) individuals who did not deserve the benefits they received from the common good will experience inner guilt; c) in the third case, the possibility of future cooperation is forfeited (someone can no longer draw upon common goods); d) in the fourth case, sanctions take the form of external penalties (fines, sanctions of different kind, as in the case of tax evasion).

From the point of view of political studies, the common good is defined as the central and essential aim of the State. It consists in granting fundamental rights to those entering society, especially the rights of all to have

the opportunity to freely shape their own lives through acting responsibly and in accordance with the moral law. In that case, the common good is defined as the sum total of the conditions of social life that enable people more easily and readily to act in this manner. The object of State sovereignty is to provide the means for creating these conditions. Others, in particular John Rawls, make the distinction between the Good, which actively creates a better world (however that may be defined) and the Just, which creates a fair, liberal social infrastructure - one that allows the pursuit of virtue, without prescribing what the common good actually is.

1.2. Such ideas of the common good are institutionalized in contemporary *lib-lab* political structures, i.e. in those social, economic and political systems based on two complementary principles: on the one hand, the individuals' freedom in the market (the *lib* side), on the other hand, the equality of individual opportunities brought about by the political power (the *lab* side).

Such structures appear to be limited and misleading as regards a deeper and more inclusive notion of the common good because, from the moral point of view, they obscure both the social conditions transforming an object into something common and also into a good. If the good is a *common* object, it is because the individuals who share it also have certain relations among them. If it is a *good* (in a moral sense), this is because people relate *in a certain way* to such an object and also to one another.

In short: a good is a common good because *only together* can it be recognized and acted upon (generated and regenerated) as such, by all those who have a *concern* about it. At the same time, it must be produced and enjoyed together by all those who have a stake in it. For this reason, *the good resides within the relations that connect the subjects*. Ultimately, it is from such relations that the common good is generated. The single fruits that every single subject may obtain derive from each being in such a relationship.

The relational definition of the common good highlights those fundamental qualities that are obscured by proprietary definitions, previously mentioned.

To understand such qualities, let us start from a basic consideration. If we state that the common good is an asset belonging to the whole community, we must also admit that the good we are talking about is such because those belonging to that community recognize it as something both preceding and outlasting them. It is a good of which they cannot freely dispose. They can and must use it, but only under particular conditions, ones

excluding its divisibility and commodification. Should they divide or alienate it, they themselves would not be able to enjoy its fruits.

What makes the common good indivisible and non-commodificable? Is it perhaps an inner quality or power of that object (be it tangible as is water or intangible as are social cohesion and peace)?

In general, the answer is negative. The object in itself is always *potentially* divisible and marketable. For instance, both water and social peace, although common goods, are susceptible of being divided and marketed.[1] The reason why the common good cannot and must not be divided and marketed lies in the fact that, if it is divided or commodified, the relations among the members of that community would become estranged or even broken. The common good is, before and above anything else, the guarantee of their social link.

The quality making an entity a common good lies neither in that thing as an indivisible and inalienable 'whole' in itself, nor in the will of the members of a community. It does not depend on their opinions, tastes, preferences, individual and aggregate choices. People generate and regenerate it, but the good has its own (emergent) reality that does not depend on people desiring or benefitting from it. They contribute towards generating it, but they do not create it by themselves. Rather, they can destroy it by themselves. If they do so, they break the social links connecting them to the other people in question.

We realize that the common good has its own inalienable nature, resting upon the relations existing among those sharing it, because it preserves the foundations of the social bond. But the *sharing* must be, and is, indeed, voluntary. It has not, and cannot have, a character reliant upon force. Precisely because the common good has a relational character, it resides in the mutual actions of those who contribute to generating and regenerating it.

Should the social link break, there would be a collapse of the qualities of the people sharing it, since human qualities depend on the link itself. Only if we see the common good as a relational good, can we understand its inner connection with the human person.

That is exactly what is stated by the Catholic social doctrine.

---

[1] It may seem strange to think of 'marketing peace', but this is precisely what occurs when 'good industrial relations' are advanced as a reason for the location of a factory or a 'safe and secure environment' is given as the reason for higher house prices.

1.3. As a matter of fact, the social doctrine of the Church proposes a concept of the common good that is quite different from economic and political versions of it. In the *Catechism of the Catholic Church* (CCC n. 1905-1912) and in the *Compendium of the Social Doctrine of the Church* (CDS n. 164-170) a vision of the common good is outlined, according to which:

(a) the common good is the social link joining people together, on which both the material and non-material goods of individuals depend (as the CDS n. 165 states: *'The human person cannot find fulfilment in himself, that is, apart from the fact that he exists "with"others and "for" others.* This truth does not simply require that he live with others at various levels of social life, but that he seek unceasingly – in actual practice and not merely at the level of ideas – the good, that is, the meaning and truth, found in existing forms of social life. No expression of social life – from the family to intermediate social groups, associations, enterprises of an economic nature, cities, regions, States, up to the community of peoples and nations – can escape the issue of its own common good, in that this is a constitutive element of its significance and the authentic reason for its very existence'.

(b) the common good does not consist either in a state of things, or in a sum of single goods, or in a prearranged reality, but it is 'the whole *conditions* of social life that allow groups, as well as the single members, to completely and quickly reach their own perfection' (*Gaudium et Spes*, 26); in particular, it consists in the conditions and exercise of natural liberties, which are essential for the full development of the human potential of people (e.g. the right to act according to the promptings of one's conscience, the right to the freedom of religion, etc.);

(c) in brief: the common good represents the social and community dimension of the moral good; the common good is the moral good of any social or community relations (*'The common good does not consist in the simple sum of the particular goods of each subject of a social entity. Belonging to everyone and to each person, it is and remains "common", because it is indivisible and because only together is it possible to attain it, increase it and safeguard its effectiveness, with regard to the future.* Just as the moral actions of an individual are accomplished in doing what is good, so too the actions of a society attain their full stature when they bring about the common good. The common good, in fact, can be understood as the social and community dimension of the moral good', CDS n. 164).

Therefore, the social doctrine of the Church is critical towards materialist, positivist and utilitarian objectifications (reifications) of the common good. Its picture of the common good openly clashes with the 'proprietary and utilitarian' picture given by the ideas prevailing today. It appeals to reasons based on the fundamental sociability of human beings.

From this sociability, it draws conclusions that mean the common good cannot be confused with concepts whose similarity is only apparent, such as concepts of the *collective* good, of *aggregate* good, the good of the totality, vested interests, *general interest* and so forth. With that, the social doctrine preserves a potential for critique and for the advancement of human emancipation that modern and postmodern thought seem to have lost or relegated to the fringe of society.

Nonetheless, the concrete application of the Catholic social doctrine does not yet appear yet to be living up to its potential.

In fact, the concept of the common good – rather than being developed in a relational way – is often, in practice, traced back to an organic and vertically stratified picture of the society. This image is based on two mainstays: (a) the assertion of the primacy of politics as 'synthesis' of the common good ('Each human community possesses a common good which permits it to be recognized as such; it is in the *political community* that its most complete realization is found', CCC n. 1910), and (b) the consequent granting to the State of the privileged role of being the apex of society, which protects, rules and creates its civil society ('It is the role of the state to defend and promote the common good of civil society, its citizens and intermediate bodies', CCC n. 1910).

In presenting these 'Prospects' to the XIV Plenary of the Pontifical Academy of Social Sciences, I wish to push the social doctrine forward by claiming that, today, it can and must enlarge its horizons on the common good through an adequate *widening of its relational vision*. That is, it can develop its potential for illuminating and supporting new politics and social practices, only in so far as it widens the relational basis of the common good and derives the necessary consequences from it in terms of applications and operative principles in the new context of globalization.

In fact, this context underlines certain problems that can no longer be bound by the political configuration to which the social doctrine still refers when it claims: *'The responsibility for attaining the common good, besides falling to individual persons, belongs also to the State, since the common good is the reason that political authority exists*. The State, in fact, must guarantee the coherency, unity and organization of the civil society of which it is

its expression, in order that the common good may be attained with the contribution of every citizen. The individual person, the family or intermediate groups are not able to achieve their full development by themselves for living a truly human life. Hence the necessity of political institutions, the purpose of which is to make available to persons the necessary material, cultural, moral and spiritual goods' (CDS n. 168). Certainly, 'The goal of life in society is in fact the historically attainable common good' (CDS n. 168), but the State is not the exclusive bearer of such a task. The task of ensuring participation, social inclusion, security and justice is certainly what justifies the existence and the action of the State, but the State must accomplish those tasks in a subsidiary way as regards the civil society, local, national and international, and in any case it is not the one and only and supremely responsible body involved.

A development of the social doctrine is required that takes into account globalized society's great differentiation into spheres, which are more and more distinct and articulated among themselves, both at an infra-state and at a supra-state level. The common good becomes a responsibility not only of individuals and of the State, but also – in a completely new way – of the intermediate social bodies (*civil societarian* networks')[2] now playing a fun-

---

[2] M.S. Archer (personal communication March 20, 2008) has rightly pointed out that a network, *per se*, is not necessarily relational, as in the case of a distribution list. She suggests that 'perhaps, the key is the distinction between relational and non-relational networks (say, the difference between kinship and genealogy)'. I agree with that. I must point out, however, that, in my language (see my *Relational Theory of Society*: P. Donati, *Teoria relazionale della società*, FrancoAngeli, Milano, 1991), networks are always intended to be networks of relations (and not networks of material objects or simply 'nodes') and, therefore, since a social relation implies a reciprocal action, what I call networks are to be understood as 'relational networks' (for instance, from the sociological point of view, 'a gift' must be understood not as 'a (material or non-material) thing' freely given to somebody which links two or more persons, but as a social relation inscribed within a network of free giving-receiving-reciprocating actions which relate a complex chain of actors to each other). That's what distinguishes my critical (and relational) realism from others, viz. Dave Elder-Vass', to whom social relations are understood as 'real' structures (as in the relation between two atoms of hydrogen and one of oxygen in a molecule of water). Social reality is ontologically different from material (physical, chemical, biological) reality. And therefore relations are made up of a different stuff (which implies a different concept of 'structure'). The term 'civil societarian' can be explained in the following way. A *Civil Societarian* strongly supports the institutions of civil society. These include families, corporations, religious groups, private schools, charities, trade associations, and the other peaceful, voluntary collective organizations

damental role in mediating the processes by which the common good is created. These are no longer solely *bottom-up* (realization of the common good though movements that come from below) and *top-down* (the creation of the common good by the State and then spreading downwards to the grassroots), but are also horizontal and lateral processes that depend neither upon the State nor upon the Market.

1.4. Summing up what has been said so far, the common good is not the result or the sum of the individuals' actions, because it is a reality exceeding individuals and their products. On the other hand, it is not an 'already given whole', possessing inner properties and powers, making it indivisible and not commodifiable. It has an ontological status by virtue of its fruits because, without the common good, those fruits could not exist. But people can always make it divisible and commodifiable. When they do so, they destroy the common good and consequently the community ceases to exist.

The common good belongs to that reality which is relational in character ('Life in its true sense … is a relationship', affirms Benedict XVI in the encyclical *Spe Salvi*, n. 27).

Social dynamics continuously both create and destroy common goods. Within modernity, those processes which have become detached from social relations have made the destructive forces more powerful than the creative ones. But, at the end of Western modernity, in what I call an *after*-modern society (or 'relational society',[3] which M.S. Archer would prefer to call 'morphogenetic society'[4]), the opposite may occur: society can make inalienable what was actually divisible and marketable, namely it can generate a new and novel common good.

---

that promote our individual and collective well-being in so far as they are relational networks. These are the civil societarian networks to which I am referring. The stereotypical libertarian might cite Ayn Rand and exalt the independent individual. Instead, a civil societarian would cite Alexis de Tocqueville, and his observation that democracy is based upon people who, whatever their age, social conditions, and personal beliefs, constantly form associations. These voluntary associations are what a civil societarian sees as the key to civilization. Government may contribute to civil society, but it also intrudes on it. The means of avoiding colonization is precisely to appeal to the principle of subsidiarity. Jean-Jacques Rousseau's theory of the General Will serves as a good contrast to the civil societarian's view.

[3] I have introduced the term 'relational society' since 1986: see P. Donati, *La famiglia nella società relazionale. Nuove reti e nuove regole*, FrancoAngeli, Milano, 1986.

[4] See M.S. Archer, *The Reflexive Imperative*, CUP (forthcoming).

Empirical processes are always reversible, at least in principle if not as a matter of fact (this is what sociology means when it says that society is becoming more and more complex along with higher-order cybernetic processes). In any case and in concrete terms (i.e. ones not restricted to a metaphysical notion of common good), it can be seen that in human society there are a variety of common goods: there are non-negotiable common goods and others that, under some circumstances, may be subject to considerations of utility or convenience.

How is it possible to trace these distinctions?

To trace the distinction between the common goods which can be made negotiable (e.g. some natural resources) and those which are not negotiable in any way (e.g. human dignity and peace) is the task of a relational vision of the common good.

Let us make this claim clearer by introducing a basic argument. The first common good is the dignity of the human person, which is – at the same time – also the basis of any further common good. In this apparent circularity lies the solution of self-paradoxes of the postmodern thought (for instance, J. Derrida, N. Luhmann), according to which the common good is a paradox based on unsolvable paradoxes. It is a fact that the human dignity of a single person cannot be violated without all the surrounding community suffering because of this. To violate human dignity means to wound the possibility of pursuing the common good from the start.

But what is human dignity? What can be or cannot be negotiated within it?

Human dignity is not a quality that individuals may individually own and upon which they can individually decide. On the other hand, neither is it the sum (the aggregate) of a quality pertaining to all members of a community. It is something coming before them and going beyond them. It is something that they enjoy without being able either to divide or to alienate it.

From the Catholic point of view, human dignity is rooted in the filial relation with God. Such a relation is therefore the first, originary (*fontalis*) and decisive common good of and among human persons. It is so for all the great world religions. If we deny the existence of such a relation, as do non-believers, atheists or agnostics, human dignity is hardly justifiable as a common good: in fact, from where else can it spring?

From the above, we can define that which can be negotiated in the common good. It is that which does not touch its vital root, namely the divine filiation of the human person and its implications for interpersonal relations. The remainder can be discussed, modified, made the object of agreements or circumstances, with the purpose of achieving further good.

Without its religious basis, human dignity, being the first among common goods, must find some source of justification, yet those proffered are always seemingly insufficient. All the criteria advanced by the contemporary social sciences are insufficient. They appeal to human reason, but scientific reason is not enough. They appeal to the individual's abilities, but such a criterion results in discrimination between those who are able to perform functionally and those who are not. They appeal to an abstract concept of humanity, but this appears to be a purely artificial and contingent construction.

That is why a certain 'secularized reason' of our time appeals to 'a religion without God' (as claimed, for instance, by G. Teubner). Postmodern thought needs religion to solve its paradoxes, but it does not accept the divine filiation, where the solution to those paradoxes lies.

Nonetheless, Catholic thought also needs to take some steps forward. In fact, in the field of Catholic thinking, the 'metaphysics of the common good', as formulated in past centuries, needs considerable revision. Such a metaphysics has defined the common good of humankind as consisting in God, and – as a consequence – the relation of each individual with Him. Such a perspective is certainly not wrong, it is undoubtedly right, but not completely adequate. To take it in a simplistic way is to obscure the common good existing *among* human persons (if this is not viewed as a reflex of their fundamental individual filiation and as an expression of the Mystical Body). Today, such metaphysics should be considered necessary but not sufficient, they require revision starting from the premise that the dignity of the human person is neither an individualistic (inherent to the individual *qua talis*) nor an holistic property (emanating from the Mystical Body). This is because human dignity is both inherent in each human person but also in their connections with other persons. It is supplied both by the relation of filiation with God, but also by the inter-personal relations that constitute it. The dignity of the human person, if considered as a common good, shows us that such a quality is not an individual one, but it is connected and inherent in the relations of the person with the whole creation, with God and with other human persons.

Prior to all else, the good is common thanks to its dignity. And dignity is a quality that cannot be circumscribed and limited to a single individual (qua isolated monad), but spreads to the relations in which the individual expresses him/herself, where it is preserved and where it flourishes. The family, for instance, is a common good if and because it is seen as a specific relation realizing the dignity of the human person.

So we come to see the moral dimensions of the common good, ones which trespass beyond its concretely expressible dimensions (material and non-material).

The moral dimensions signal that the common good is a relational good, which is legitimated by the foundational criterion of human dignity.

In brief: the common good is neither a 'collective heritage' that may be expressed concretely in an entity separate from the human person, nor an aggregate of individual goods (in that case, we call it the collective good or the good of the totality). It is something that belongs, at the same time, *to all the members of a community and to each of them, as it resides in the quality of relations amongst them.*

As regards the social sciences, it is here that the principles of subsidiarity and solidarity come into their own. In fact, only a relational theory can represent the common good as an emergent consequence of the combined actions of subsidiarity and solidarity, on the part of subjects (individuals or social groups) as conceived of from within the framework of a relational anthropology. From such a relational vision it is possible to differentiate the negotiable from the non-negotiable common goods. The task of discovering and understanding the relational character of the common good has just started and must be further and more thoroughly analyzed in the future.

2. CONSEQUENCES FOR THE DEFINITION OF SUBSIDIARITY AND SOLIDARITY

2.1. There is a variety of definitions of subsidiarity, as well as of solidarity. The list is very long and there is no need to itemise it fully now.

For example, subsidiarity has been defined as follows: as entailing proximity to the subjects concerned or, according to the organizational dimension, as devolution, privatization, articulation of citizenship rights, multi-level governance, and so forth. Many different types of subsidiarity have also been delineated: vertical and horizontal subsidiarity, defensive and promotional subsidiarity, reflexive subsidiarity, strengthened subsidiarity, and so on. Solidarity, in its turn, has been conceived of as: redistribution, beneficence, charity, social welfare benefits, interdependency etc.

What we want to point out here is that to conceptualize these two terms (subsidiarity and solidarity) properly, we need not only to employ them together, but also to *define them in relation to one another*. That is exactly what the relational approach does. It claims that, considered in their social phenomenology, *common goods are the products of those action systems that have*

human dignity as their value model (referring not only to the individual as such, but also to his or her social relations) *and which operate through social forms that are both solidary and subsidiary among the subjects concerned.*

The relational definition of the common good leads to a relational vision of the principles of subsidiarity and solidarity, meaning that subsidiarity and solidarity are seen as two ways of relating to others, both of which acknowledge the dignity of the Other.

Solidarity is a relation of Ego with Alter, in which both do what they can in relation to the responsibility that everyone has towards the common good. Solidarity means that all play their own part, according to their capabilities. Subsidiarity means to relate to the Other in a manner that assists the Other to do what he or she should, according to a relational guidance system of action.[5]

These two principles should generally operate *together* (co-operate) because, if they do not, no common good will be generated. At the same time, it is clear how one is defined in terms of its relationship with the other. If Ego wants to help Alter without oppressing him or her, then *subsidiary and solidary* must co-exist between them. Subsidiarity (the very fact that Ego wishes to help Alter to do what Alter has to do) requires an act of solidarity. In this case, solidarity is neither (unilateral) beneficence nor charity,

---

[5] A relational guidance system of action is needed in order to avoid the fallacy that subsidiarity presupposes a 'normative approach' governing the giving of assistance. When I say that subsidiarity means that Ego helps the Other to do what s/he has to (or must) do as a *suum munus*, I do not imply that Ego dictates the norms of conduct to Alter, by providing him or her with a sort of Decalogue. In that case Alter's internal and external reflexivity would be impeded. On the contrary, relational guidance means that Ego acts as a stimulus to the internal and external reflexivity of the Alter, since all the needs, desires, and projects of Alter should be met by supporting him or her to develop their own capabilities, aspirations, concerns, etc. through an evolving relational setting in which Ego is charged with the task of ensuring that the goals selected are ethically good and that the means chosen are adequate to the pursuit of these goals. The goals themselves are primarily defined by Alter, or, when Alter is a child or an handicapped person, jointly by Alter and her/his in/formal helper (see the 'relational guidance scheme' discussed in P. Donati, *Teoria relazionale della società, op. cit.*, ch. 5). In parent-child situations, relational guidance is not a directive command or impulse (it is not directly normative), but is a prompt to activate those relationships which lead the child towards the good things he desires. Ego is helping in so far as s/he assesses the goodness of the goals adopted by the child and makes sure that appropriate reflexive relations are activated and established in order for those goals to be attained.

but the assumption and practice of the joint responsibility that both Ego and Alter must have towards the common good (this is also the meaning of solidarity as interdependence, which is still valid when one party cannot give anything material to the other party).

The common good is therefore the fruit (the emergent effect) of *reciprocity between solidarity and subsidiarity*, as implemented by Ego and Alter in their mutual interaction.

At this point, one can now appreciate the importance of the claim that the common good is the fruit of reciprocity understood as the rule of action, which stems from the spirit of free giving. Reciprocity exists in society as an irreducible phenomenon, since it is neither a sharing of utilities (*do ut des*: such a form is appropriate to contracts and the sharing of equivalents, as Alvin Gouldner maintains), nor a sharing for sharing's sake (as Mark Anspach argues), namely reciprocal giving, serving to underline the sense of belonging to a common tribal entity (the *Hau* as interpreted by Marcel Mauss). *Instead, reciprocity is a mutual helping, performed in a certain way. In other words, reciprocity is help concretely given by Ego to Alter in a context of solidarity (that is, one of common responsibility and recognized interdependency), i.e. such that Ego is aware (recognizes) that Alter would do the same when required (namely, Alter would assume his/her responsibility within the limits he or she can afford) when Ego needs it.*

Reciprocity is upheld and is effective as long as it is firmly grounded upon a recognition of the dignity of the Other. The common good takes root in the human person precisely because it exists and derives its meaning from serving the other person in his/her dignity.

Upon these premises, we can understand the specific configuration of the action system generating a common good (fig. 1). The relation between the human person and the common good is the referential axis, which is needed to link that which has an inalienable dignity in itself with the situated (i.e. particular) relational good in a given context (the axis L-G). To become operative, an action system oriented towards the common good also needs means and rules (the adaptive axis A-I), which must complement the value of human dignity. Only such an action system can avoid both holism and individualism. What enables the action system for the *situated* common good (namely a concrete common good that must be produced here and now, context after context, situation after situation) to work in this way are the two principles of subsidiarity and solidarity. They have the task of specifying the means and rules of the acting 'system'. Without them, the common good could not actually be generated.
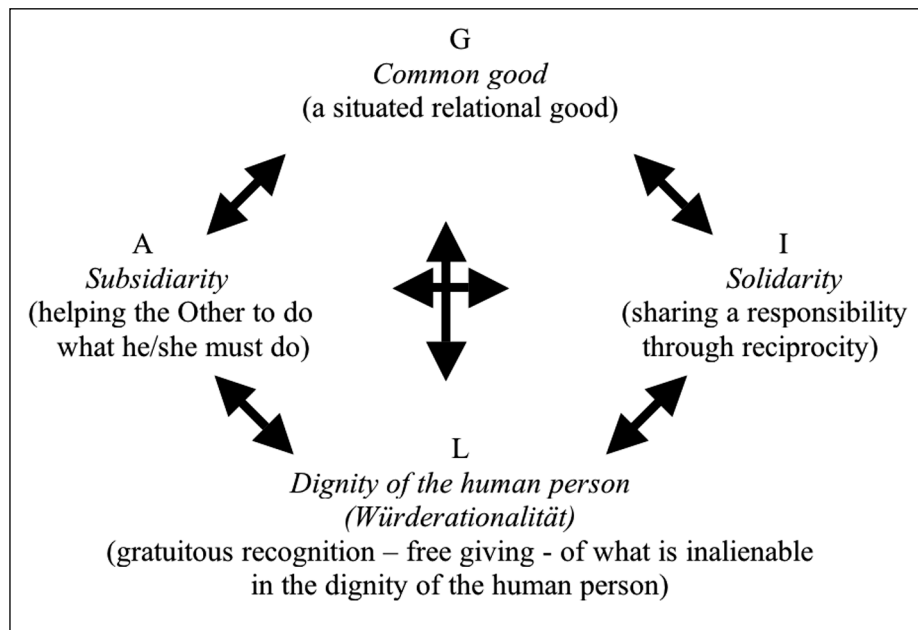
Fig. 1. The configuration of an action system for the common good.

Thus, it may be stated that *the common good is the emergent effect of an action system operating under the 'combined provisions' of subsidiarity and solidarity to increase the value of the dignity of the human person* (fig. 1).

The principle of subsidiarity is an operating instrument. It is not to be confused with the principle of competence attribution (the distribution of *munera* – as is clearly stated by Russell Hittinger). The distribution of tasks lies on the axis that connects the dignity of the human person to the common good.

Subsidiarity is a way to supply the means, it is a way to move resources to support and help the Other without making him/her passive. Subsidiarity allows the Other to accomplish his/her tasks, namely to do what he/she should do, what is up to him/her and not to others (*munus proprium*). Instead, solidarity is a sharing of responsibility, operating according to the rule of reciprocity.

In fact, providing means, resources, aid and benefits to Alter could have the consequence of making him dependent on Ego, or of exploiting him for

some other purpose. That is why subsidiarity cannot work without the principle of solidarity. Through it, Ego recognizes that, when helping Alter, there is a responsibility (shared with Alter), that is, Ego and Alter are linked by their interdependence on one another – and interdependency is viewed as a moral category according to the encyclical *Centesimus Annus*.

2.2. The above framework serves to explain why the common good does not coincide with justice.

Certainly, the common good is a 'just' good. Justice is a means to reach the common good (being its aim). However, by itself, justice runs the risk of being purely legal. What makes it 'substantial' (or rather 'fully adequate') is that its constitutive criterion (*suum cuique tribuere*) works through the connection between subsidiarity and solidarity. For instance, the person committing a crime must be sanctioned because he/she has violated the common responsibility (solidarity), but the sanction must not have a merely punitive or revengeful aim. Its objective should be to assist the guilty person to do what he/she has to, namely, to re-establish the circuit of reciprocity.

If an act of solidarity towards those who commit a crime is not subsidiary to them (in order to have them re-enter the circuits of social reciprocity) it would not be a right action. Solidarity by itself does not produce the common good: quite often, it becomes pure charity or the kind of egalitarianism that does not take real differences and diversities into account, not to speak of cases where solidarity can lead to real 'bads' or evils.

On the other hand, neither does subsidiarity alone produce the common good. In itself, subsidiarity may easily be interpreted in a reductive way as *devolution*, as a system of balancing powers (*check-power-check*) or, at worst, as *laissez-faire*.

Justice generates the common good only if it works through an active complementarity between solidarity and subsidiarity (fig. 2). We must remember that, according to the CCC (n. 1905), 'In keeping with the social nature of man, the good of each individual is necessarily related to the common good, which in turn can be defined only in reference to the human person: Do not live entirely isolated, having retreated into yourselves, as if you were already justified, but gather instead to seek the common good together'.
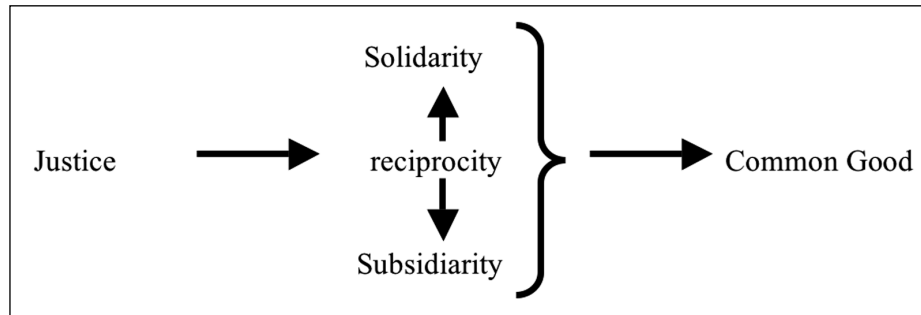
Fig. 2. Justice produces common good only if it passes through the combined work of solidarity and subsidiarity.

In short: the common good is that relational good stemming from the fact that Ego freely recognizes the dignity of what is human in Alter and he/she moves through actions which jointly invoke solidarity and subsidiarity towards Alter. The common good of a plurality of subjects is generated on the assumption of the equal moral dignity of persons as an emergent effect of actions combining reciprocity (incident to the principle of solidarity) with the empowerment of the Other (incident to the principle of subsidiarity).

Important consequences follow from all that for the configuration of society.

3. IMPLICATIONS FOR THE RELATIONSHIPS BETWEEN STATE AND CIVIL SOCIETY

3.1. The relational understanding of common good leads to various implications for society's organization, beyond the *lib-lab* configuration typical of the 20th century.

(I) Firstly we see that *the common good coincides neither with the State*, nor with the State-Market compromise, but is the product of a system of social action, involving a plurality of subjects orientating themselves one another on the basis of reciprocal solidarity and subsidiarity.

(II) Secondly we see that *subsidiarity does not concern only the vertical relations* existing in a society, conceived of as a pyramid sloping downwards from the supranational to the national level (State, regions,

municipalities), to the family and to the human person. Such a version of subsidiarity is quite limited and is fit only for the internal hierarchic relations of the political-administrative system (that is why it is called '*vertical* subsidiarity').

When we affirm that subsidiarity means that responsibility is taken closer to the citizens (*subsidiarity means having responsibility at the actual level of actions*), generally we refer to that kind of subsidiarity defined by Pius XI in *Quadragesimo Anno* n. 80. All instances are not of this kind because the idea of closeness to citizens implies other ways in which subsidiarity may operate: (a) there is a principle of subsidiarity between State and organizations of civil society (for instance municipalities and voluntary organizations) termed '*horizontal* subsidiarity'; and (b) there is a principle of subsidiarity among the subjects of civil society (for instance, family and school; between an enterprise and the employees' and clients' families, etc.) which may be called '*lateral* subsidiarity'.

Only by having a generalized idea of subsidiarity is it possible to differentiate its different modalities (vertical, horizontal and lateral). This general concept is that of *relational* subsidiarity, which consists in helping the Other to do what he/she should. Such a generalized concept is then developed vertically, horizontally and laterally, according to the nature of problems and subjects at issue.

(III) Thirdly, as was the case with subsidiarity, solidarity too can take various shapes. There is solidarity that is generated through redistribution, but also through free giving, through solidarity contracts or through reciprocity. Solidarity as a sharing of responsibility within interdependency is its more generalized meaning, namely, one always effective as a value model, but defined in different ways according to subjects and circumstances.

In brief, the relational approach leads to an understanding of what is meant by saying that global society can and must *extend* and *enlarge* the concepts of subsidiarity and solidarity.

To extend those two principles of social action means to be able to generalize and differentiate them at the same time, though always treating them in combination.

Hence, for instance, to extend subsidiarity means having a generalized concept (relational subsidiarity) structured in its different modalities (vertical, horizontal and lateral) and applied at different times and places, according to the performative exigencies of the various social spheres involved and of their actors. Exactly the same goes for solidarity. Thus, we

can conceptualize a generalized system for the creation of common good through the extension of the solidary-subsidiary relationship (fig. 3).[6]

The norm of reciprocity nourishes recourse to the subsidiary-solidary relation (complementarity between subsidiarity and solidarity) among distinct, varied and differentiated spheres, such as an enterprise and the employees' families, or the local political-administrative institutions, a volunteers' organization and the beneficiaries of the voluntary work.

Nonetheless, reciprocity needs a reason to be activated (who gives first?). In fact, the 'structural coupling' of the various spheres being distant and different from one another, and probably scarcely disposed to create subsidiary-solidary relations with each other (i.e. a local government and an organization for mutual aid, an enterprise and the employees' families, etc.), means that there is a need for a free act of recognition (a 'gift') to kickstart the mobilization of solidarity and to direct it towards subsidiarity. A symbolic, though rare, case is that of an enterprise not only activating *family friendly* services for employees, but conceiving more widely of professional work as being subsidiary to the family rather than the contrary (it is called 'corporate family responsibility').

A society that, because of its organization, is inspired by the common good must extend its subsidiary-solidary relations throughout all spheres of life – inside them and between them.

---

[6] One might query if this is a typology of subsidiarity rather than an action system. From a theoretical point of view this question goes back to the meaning of the Parsonian AGIL scheme, whose formulation was intended to be both in a very ambiguous and misleading way. In the relational version, the AGIL scheme is never a pure typology, but is a compass to orient observations of the structure and dynamic of an action which is supposed to be reciprocal (in the sense of being an action in response to another action). This is where reflexivity comes in. The paper by M.S. Archer on 'Education, Subsidiarity and Solidarity; Past, Present and Future' (pp. 377-415 in this volume) is a fine example of how the scheme can work when applied to the field of education. The four dimensions of subsidiarity must, and in fact do interact and work together if we want to get out of the Modern System which is now producing a deficit, instead of an increase, of common goods (as relational goods) in education (for an empirical investigation see: P. Donati, I. Colozzi (a cura di), *Capitale sociale delle famiglie e processi di socializzazione. Un confronto fra scuole statali e di privato sociale*, FrancoAngeli, Milano, 2006). The same holds true of health care and many kinds of social services (particularly family services: P. Donati, R. Prandini eds., *Buone pratiche e servizi innovativi per la famiglia,* FrancoAngeli, Milano, 2006).
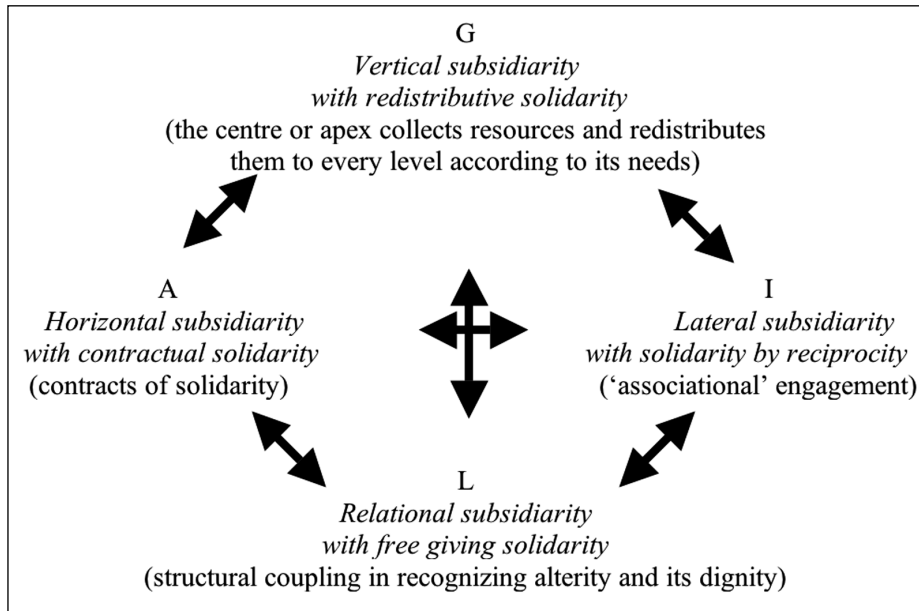
G
Vertical subsidiarity
with redistributive solidarity
(the centre or apex collects resources and redistributes
them to every level according to its needs)

A
Horizontal subsidiarity
with contractual solidarity
(contracts of solidarity)

I
Lateral subsidiarity
with solidarity by reciprocity
('associational' engagement)

L
Relational subsidiarity
with free giving solidarity
(structural coupling in recognizing alterity and its dignity)

Fig. 3. The extension of the solidary-subsidiary relation in its various articulations.

It is clear how such a configuration differs from all those theorized in the modern age, starting from T. Hobbes to F. Hegel, K. Marx and the great theorists of the welfare state of the twentieth-century, to the current *lib-lab* structures. The *lib-lab* welfare systems do not take their inspiration from the model of systems oriented towards the production of common good through the principle of subsidiarity combined with that of solidarity. Instead, they are based on the compromise between Market and State (profit & political power), i.e. they stand on two legs: the one, individual liberties to compete in the market, the other, state interventions to ensure equality of opportunities for all.

It should be underlined that the relational model of common good is necessary today not only to solve the failures of the combination 'State + Market'. It is not a model simply understandable in terms of better evolutionary adaptation. It stems from a new 'relational anthropology of civil society', that is from a new way to practise human reflexivity in civil relations (those which are not 'political' because they *do not* refer to the political-administrative system, though not excluding it, but even less are they reacting against it).

3.2. After these considerations, we may be in a better position to point out the implications of the relational theory of the common good for configuring the relations between State and civil society in a new way.

The discontinuity with the past does not imply any need to revise the key-concepts (person, subsidiarity, solidarity, and the common good). Instead, the discontinuity affects the interpretation and implementation of such concepts, which is *no longer functionalist in kind.*

In the context of the functionalist approach, the common good is a state of affairs that, other things being equal, improves the position of at least one participant. It does not require solidarity, not to mention reciprocity. It says nothing about human dignity. Subsidiarity is used to refer to a kind of *smooth functioning*. Solidarity is understood as resulting from social compensation (redistribution, charity), necessary in order to make the system work.

In the context of the relational interpretation, everything is very different. The common good is *a quality of relations* on which the concrete *goods* (in the plural) of the participants in a given situation depend, that is, the goods of everyone and of all those belonging to a community, according to their different needs.

In short: the State (or the political-administrative system, from the supranational to the local one) has four ways to relate to the civil society (fig. 3):

G) a vertical modality, maintaining solidarity through re-distributional measures;

A) an horizontal modality, supporting the organizations of civil society through a type of relational contract, called 'contracts of social solidarity', not dependent upon political command and not oriented to mere profit, but operating on the basis of mutual subsidiarity;

I) a lateral modality, generating subsidiarity among subjects of civil society, without any intervention (or only a residual one) by the state, so that the basic social norm followed by actors is reciprocity (reciprocal subsidiarity) instead of (political, legal) command or monetary equivalence (for profit);

L) a generalized relational modality simply recognizing the dignity of the Other and giving him/her the gift of such recognition, thus establishing the free credit that sets reciprocity in motion.

Such a configuration seems to be able to produce common goods far beyond that of current configurations, where the State relates to civil society as an absolute power (Hobbes' Leviathan), or as an ethical State (F. Hegel), or as an expression of the hegemonic forces of civil society (A. Gramsci), or as the political representation of the Market (R. Dahl).

In such a 'relational' configuration, the Third sector and the Fourth sector (constituted by informal networks and families) play a central role, precisely because they are moved by free giving and reciprocity. These two sectors are put in a position from which to express their potentialities (namely to develop their own *munera*) precisely because they are not treated as residual subjects, as if they needed only aid, rules and control by the complex of the State + Market.

Third sector organizations and family associations become social actors with their own powers, independent from State and Market. Concrete instances are: the *community foundations* widespread in many Countries, the *charter schools* in the USA, the Forums of family associations in Italy, Spain and other countries.

4. A NEW SOCIOCULTURAL ORDER SUITED TO GLOBALIZED SOCIETY

Is it possible that these new actors, generating common good through the conjoint work of subsidiarity and solidarity, can indicate a generalized model of action for the governance of globalizing society?

On the whole, this seems to be the case. In fact, in the 21st century, society is no longer pyramidal or hierarchical, but reticular and self-poietic in its structures and in its morphogenetic processes. Given such structures and processes, common goods are produced more effectively, efficiently and fairly through modalities based on subsidiarity and solidarity, rather than all outcomes depending upon the primacy of command and/or profit (as in *lib-lab* systems). Concrete instances are: fair trade, NGOs for health assistance in developing countries, and the novel 'epistemic communities', transferring knowledge and learning outside commercial circuits.

The main problem is represented by the political system, which is now incapable of representing and governing civil society. The latter enhances its developmental potentials far beyond the ruling and controlling abilities of political systems, be they local, national or supranational ones. In some cases, in fact, political systems are seen to be perverting civil society, because they introduce ideological and interest divisions characteristic of the political parties, rather than directing civil actors towards the promotion of the common good.

The principles of Catholic social doctrine – as regards the common good, subsidiarity and solidarity – were expressed in the context of the *political constitutions* of nation States, with supranational political systems – such as

the E.U. – on the horizon. But the age dominated by the political constitutions of nation States is disappearing (it survives only in those areas which have yet to pass through it, such as the former Yugoslavia, the Balkans, and some geopolitical areas of Africa and Asia). Nation States cannot govern the global social context. Nor we can think of the UNO as a supranational State. To cope with globalization, new political configurations are necessary on a supranational and infra-national level, and it can be useful to draw on the principles of subsidiarity and solidarity in order to envisage them. These principles must be interpreted from a new perspective – no longer that of nation States, but rather of an emergent global civil society, which is not limited or bound to the frontiers of the nation States any longer.

The idea is growing that these principles can form the basis of action systems able to generate common goods and elaborate and promote the rights/duties of persons through the networks of civil society, which are now emerging from the processes summarized as globalization. This it is the theme of *civil constitutions*. It has to do with *charters* or *statutes* drawn up by civil bodies, rather than by the political apparatuses of nation States, ones which regulate the actions of the civil subjects who operate in a certain sector of activity. These activities may be economic, social, and cultural ones including the mass media. Some examples are found in the statutes of the ILO and WTO, internationally proscribing child labour, or in the Charters of international organizations approved by journalists, forbidding the exploitation of children in TV advertising.

Civil constitutions are normatively binding and have the following features. i) They are 'constitutional' because they concern the fundamental rights of the human person (e.g. bioethics, labour and consumption). ii) They are civil because the social subjects, to whom these constitutions are addressed in order to define a complex of rights and duties, have a civil, rather than a political character (they are not the expression of political parties or political coalitions, but of the associational world in the economy and in the non-profit sectors, e.g. WTO, NGOs, etc.). iii) They give shape to deliberative, rather than representative, forms of democracy, since the social subjects to whom civil constitutions are addressed (and applied) are, at the same time, the subjects that have to promote them through forms of societary governance, rather than political government. In other words, the subjects of such constitutions are at the same time the bearers (*träger*) of rights and duties and the actors responsible for their implementation.

These civil constitutions are quite independent from territorial boundaries because they are elaborated and implemented by global networks,

often international ones, made up of civil subjects. Thus, they place themselves alongside (not against) the classical political relation of citizenship (namely the relation between the individual citizen and the nation State), by assuming certain functions, particularly those concerning the advocacy and empowerment of the rights/duties of persons and of social bodies.

This is the new scenario that renders obsolete the old *lib-lab* configuration of society. Social sciences have coined several terms to capture this new reality. They talk of 'connectivity', of a 'society of networks' or 'network society' (Manuel Castells), of 'project-cities' (Luc Boltansky and Eve Chiapello), of 'atopia' (that which does exist anywhere geo-locally), instead of utopia (that which exists nowhere) (Helmut Willke). We talk of a 'relational society'.

All those expressions point to the advent of a society that is a plural whole made up of different spheres, which are all now de-territorialized, where different criteria of justice (and ultimately of justification) are valid.

The 'pluralization of spheres of justice' spreads without solving the problem of how to put the more and more differentiated spheres of justice in relation with one another (a problem actually left unsolved by Michael Walzer).[7] To confront that problem requires a 'relational reasoning' (Pierpaolo Donati)[8] that is capable of exercising 'meta-reflexivity' (Margaret S. Archer).[9]

From that point of view, the principles of the social doctrine that would configure a social system, capable of generating the common good, appear to be exactly what is needed in order to meet the new demands of a society that is 'relational' in new ways.

The mix of subsidiarity and solidarity (the axis A-I of fig. 1) may lead to building up social practices that, on the one hand, are sensitive to basic human rights and, on the other, are able to generate those common goods that neither political command, nor the economic profit motive can realize.

There are many examples of social practices reflecting, or acting as pointers to such a new spirit of the new millennium: the *économie solidaire*, the economy of communion, the local Alliances for the family (*Lokale Bündnisse für die Familie*), the Food Bank, electronic giving and sharing,

---

[7] See M. Walzer, *Spheres of Justice: A Defence of Pluralism and Equality*, Basic Books, New York, 1983.

[8] On the concept of 'relational reason' see P. Donati, *Oltre il multiculturalismo. La ragione relazionale per un mondo comune* (*Beyond Multiculturalism. The Relational Reason for a Common World*), Laterza, Roma-Bari, 2008.

[9] On the concept of 'meta-reflexivity' see M.S. Archer, *Making Our Way Through the World: Human Reflexivity and Social Mobility*, Cambridge University Press, Cambridge, 2007.

NGOs like Médecins sans frontières, microcredit run by non-profit entre-
preneurs, ethical banks, and so forth.

It is essential to initiate a new process of reflection to examine whether,
how far and in what ways those initiatives are sensitive to human rights
and foster the emergence of new common goods through the conjoint oper-
ation of solidarity and subsidiarity – each of these operating within its
proper 'sphere of justice'.

The task remains of analyzing the concrete examples, mentioned above,
in the light of the theory summarized here (fig. 1, 2, 3). Such an analysis
should show under which conditions these instances of seemingly 'good
practice' actually do produce new common goods or not. At the moment, it
seems that good practices need a more precise and shared theoretical-prac-
tical framework that underlines how subsidiarity and solidarity cannot cur-
rently produce common goods if they do not operate as forms of recogni-
tion of the dignity and rights-duties (*munera*) of the human person, in the
respective social spheres in which they work.

To pursue the common good in a generalized way, we need to widen the
scope of reason, namely human thinking has to be able to embrace and to
handle the properties of those action systems generating the common good.

In such systems, the subsidiarity-solidarity relation certainly has to play a
central role. Nonetheless, there is no doubt that the most delicate and critical
dimension concerns the recognition of the human rights, because there is the
ever-present risk of ideological or reductive distortions of human dignity.

Contemporary Western culture urgently needs to elaborate a theory of
the recognition of human rights, one that does not lose, forfeit or sacrifice
the peculiar quality of the human being. Certainly, modernity expressed
strong ethical tensions when elaborating the different forms of recognition
based on love (friendship), rights (legal relations) and solidarity (communi-
ty normativity). Nevertheless, current exemplifications of de-humanization
go far beyond the expectations of modernity. There is talk of the coming of
a post-human, trans-human, in-human, cyber-human era. There is also talk
of the hybridization and metamorphosis of humankind. Those phenomena
present such radical challenges as to need a new vision: we have to re-con-
figure human rights from the point of view of the common good, that is, to
conceive of human rights as common goods.

A society wanting to pursue the common good in a progressive rather
than a regressive (not to say ideological) way must reformulate the criteria
of what is human through good practices, i.e. practices which can be called
'good' insofar as they combine four elements: *the gift of dignity conferred*

upon the human person, interdependency among people, acting so as to empower the Other, and caring for the relations among persons as goods in themselves (the common good as a relational good). These elements are relational in themselves and relational to one another.

Each element is a relation endowed with its own 'value'[10] and, at the same time, has to realize itself in relations with others. Each has value in relation to the others, not according to a sequence of 'dialectic overcoming' between a thesis and an antithesis that should 'unite them while preserving their inner truth without any contradiction with each other' in a utopian 'synthesis' (*Aufhebung*). The common good is not like this. Rather, it is constituted by and constitutes relations (reciprocal actions!) combining to generate the common good in the various social spheres – which now endorse more and more differentiated and plural criteria of justice and worth.

---

[10] Value here means its own criterion of assessment according to its own directive distinction, which is contained in the latency (L) dimension of the social relation (in my relational version of AGIL).

COMMENT TO H.E. MSGR. MINNERATH
AND H.E. MSGR. SÁNCHEZ[*]

HERBERT SCHAMBECK

Die katholische Soziallehre mit den päpstlichen Lehräußerungen enthält Sozialgestaltungsempfehlungen von Tradition, welche an alle Staaten, Parteien und Interessenverbände gerichtet sind. Je nach ihrer jeweiligen Akzeptanz steht der eine oder andere Staat, die eine oder andere Partei oder der jeweilige Interessenverband dieser Soziallehre der Kirche mehr oder weniger nahe.

Wie schon das II. Vatikanische Konzil in der Pastoralkonstitution *Gaudium et spes* erklärte, hat keiner das Recht, die Bezeichnung des Christlichen alleine für sich gleichsam monopolisierend zu beanspruchen.

In gleicher Weise dient es nicht der Glaubwürdigkeit, die Lehre der Kirche zur Rechtfertigung politischer Aktivitäten oder gar imperialer Interessen einseitig zu verwenden.

Dies war in letzter Zeit betreffend des Irakkrieges der USA der Fall, zu dessen Rechtfertigung die Lehre des bellum iustum des Heiligen Augustinus herangezogen wurde.

Papst Johannes Paul II. und Papst Benedikt XVI. selbst haben diesen Krieg verurteilt.

So erklärte Papst Johannes Paul II. schon am 13. Januar 2003: „Und was soll man über einen drohenden Krieg sagen, der über die Bevölkerung des


Irak, des Landes der Propheten, hereinbrechen könnte, eine Bevölkerung, die schon von einem zwölf Jahre andauernden Embargo entkräftet ist? Der Krieg ist nie ein Mittel wie andere, das man zur Beilegung von Auseinandersetzungen zwischen Nationen einsetzen kann. Die Charta der Vereinten Nationen und das Völkerrecht erinnern daran, dass der Krieg, auch wenn es um die Sicherung des Gemeinwohls geht, nur im äußersten Fall und unter sehr strengen Bedingungen gewählt werden darf, ohne dabei die Auswirkungen auf die Zivilbevölkerung während und nach den Kampfhandlungen zu vergessen".

Benedikt XVI. hat schon 2003 als Kardinal vor der Invasion des Iraks die Auffassung zurückgewiesen, dass ein Präventivschlag gegen den Irak nach katholischer Lehre gerechtfertigt werden könne. Und am Palmsonntag 2008 hat Benedikt XVI. einen dramatischen Friedensappell für das irakische Volk erlassen, das seit fünf Jahren unter den Folgen eines Krieges zu leiden hat, der das zivile und soziale Leben durcheinander gebracht hat.

Beachtenswert ist auch die Feststellung, die am 14. März 2008 der auch für unsere Akademie zuständige Präsident des Päpstlichen Rates „Justitia et pax" Renato Kardinal Martino in der Tageszeitung „Corriere della Sera" getroffen hat: „Ohne den Krieg gegen Saddam Hussein würden wir nicht alle diese Toten betrauern". Er erklärte, der Krieg, der die „antiwestliche Angriffslust" des Diktators Saddam Hussein habe abwenden sollen, habe zu einer noch größeren Aggression geführt. Christen im Irak würden trotz ihrer Staatszugehörigkeit als „fünfte Kolonne des Invasoren" betrachtet. Der Kardinal widersprach der Auffassung, Saddam Hussein habe keine Alternative zu einem militärischen Eingreifen gelassen. Der Vatikan habe „sichere Informationen" besessen, nach denen der Irak zu einem Einlenken an die UNO-Forderungen bereit gewesen sei. „Die Inspektionen griffen, und es hätte ausgereicht, einen Monat zu warten, aber man wollte nicht warten", sagte Martino.

Am Rande einer Tagung zum 45-Jahrjubiläum der Enzyklika *Pacem in terris* bemerkt Kardinal Martino, auch das Treffen Papst Benedikts XVI. mit Präsident Georg W. Bush bedeutete kein Ja zum Irak-Krieg. Es ist auch sehr bedauerlich, dass es heute allgemein anerkannt den Christen allgemein und den Katholiken im Besonderen nach der USA-Invasion viel schlechter als früher geht.

Bei aller Kritik am Irakkrieg der USA sei aber nicht vergessen, was die USA in vielen Fällen auch außerhalb ihres Landes in der Welt zur Herstellung und Sicherung von Freiheit und Demokratie unter eigenen großen Opfern geleistet hat.
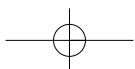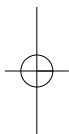
HOMILIES
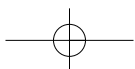
OMELIA

SUA ECCELLENZA MONSIGNOR GIANFRANCO RAVASI, PRESIDENTE DEL PONTIFICIO CONSIGLIO PER LA CULTURA

Atti 18, 9-18
Giovanni 16, 20-23a

Dalla duplice lettura dell'odierna Liturgia della Parola estraiamo due immagini che vorremmo accostare a dittico come emblema per la nostra riflessione. Ecco innanzitutto la scena che ha come fondale la città di Corinto e che vede come protagonista il proconsole Gallione, fratello di Seneca, ma ben lontano da lui per rigore morale. Nel ritratto che Luca abbozza di questo personaggio negli *Atti degli Apostoli* (siamo attorno all'anno 52, verso la fine del soggiorno di Paolo in questa città greca) c'è una frase significativa che acquista un valore simbolico. Sotto gli occhi di questo alto funzionario romano si sta consumando una palese ingiustizia: un cittadino inerme, il capo della sinagoga Sostene, è sottoposto a una sorta di linciaggio proprio davanti alla sede del tribunale imperiale, ma – annota san Luca – "Gallione non si curava affatto di tutto questo" (18,17).

Già la sentenza precedente che egli aveva formulato rifletteva questo atteggiamento di fastidio e di indifferenza per ciò che pure era sottoposto al suo giudizio: "Se sono questioni di parole o di nomi o della vostra legge, vedetevela voi; io non voglio essere giudice di queste faccende" (18,15). Gallione, dunque, incarna un modello tipico anche (e forse soprattutto) della nostra società, quello della superficialità, del distacco freddo e annoiato, del disimpegno, del ricorso al privato come rifugio egoistico. È chi – come il sacerdote o il levita della celebre parabola del Buon Samaritano – 'passa oltre, dall'altra parte' della strada ove giace il povero, la vittima, l'emarginato (*Luca* 10,31-32). La porta blindata è un po' il simbolo della nostra società: essa rinchiude la famiglia o la persona nel suo egoismo e, alla fine, nel suo isolamento. È per questo che, al di là del muro, ci può essere anche chi muore o è disperato, ma il Gallione di tutti i tempi "non si cura affatto di tutto questo".

È l'attuale insensibilità generale che non si interessa dei valori più alti, accontentandosi delle mode e dei modi di vita imposti dalla comunicazione di massa. Nessun fremito percorre più la coscienza divenuta ormai impermeabile alle domande che artigliano il cuore e lo interpellano sul bene e sul male. Ormai la stessa non credenza o incredulità è ben lontana dall'ateismo forte e tormentato alla Nietzsche o Camus, riducendosi solo all'indifferenza per la quale è del tutto irrilevante che Dio esista o no. Un'atmosfera che è simile alla nebbia in cui si vive ovattati, senza squarci di luce e senza neppure il sussulto o il brivido per la tenebra. Il cristianesimo deve, allora, ritornare ad essere la "spada" che penetra oltre la pelle e la carne di questa superficialità e, con le sue parole forti pronunciate e testimoniate, deve cercare di farsi strada "fino al punto di divisione dell'anima e dello spirito, delle giunture e delle midolla" (*Ebrei* 4,12).

La seconda tavola del nostro dittico ideale ha, invece, al centro una dolce e dolente figura che Cristo delinea nei discorsi di quell'ultima sera della sua vita terrena, quando al piano superiore di una casa di Gerusalemme aveva affidato ai suoi discepoli una sorta di testamento. "La donna, quando partorisce – ricorda Gesù – è afflitta, perché è giunta la sua ora; ma quando ha dato alla luce il bambino, non si ricorda più della sua afflizione per la gioia che è venuto al mondo un uomo" (*Giovanni* 16,21). Sta, dunque, davanti a noi il dolore umano in tutta la sua gamma oscura: i dolori del parto nell'antichità erano considerati come la sofferenza più atroce, la sintesi e il vertice di ogni patire. Cristo assume questo segno così tipicamente umano. Lo assume non solo come simbolo nel testo citato, ma anche come esperienza personale: la narrazione della passione è la descrizione di tutte le tipologie del dolore, dalla paura della morte ("Padre, se è possibile, passi da me questo calice!") alla solitudine degli amici incapaci di essere accanto nel tempo della prova, dal tradimento alla sofferenza fisica più aspra nelle torture e nella crocifissione, dal silenzio-assenza di Dio ("Dio mio, Dio mio, perché mi hai abbandonato?") alla morte violenta ("lanciato un forte urlo, spirò").

Eppure Gesù ci ricorda in quella sua frase la misteriosa fecondità del dolore, capace di generare vita, come accade alla madre. Il patire di Cristo diventa principio di salvezza per l'umanità proprio perché egli rimane sempre il Figlio di Dio e, quindi, depone nel soffrire e nel morire dell'uomo e della donna un seme di redenzione, un germe di eternità, una scintilla di vita divina. Lo scrittore americano Saul Bellow ricordava che "la sofferenza rompe il sonno della ragione". Chi ha avuto una prova, da superficiale diventa più maturo e profondo. Già l'antico Esopo ammoniva che *pathéma-*

ta mathémata, cioè che "i dolori sono insegnamenti". Il cristianesimo va oltre e ci esorta a partecipare alle sofferenze di Cristo, versandovi il nostro cumulo di amarezze, perché brilli la luce della redenzione e della risurrezione. È questa la via che viene aperta al nostro mondo rinchiuso in se stesso e raggomitolato sui suoi mali; è una voce di speranza e di fiducia per una società rassegnata alla violenza e alla disperazione. Come scriveva il grande teologo card. Henri de Lubac nei suoi *Paradoxes,* "il dolore è il filo con cui la stoffa della gioia è tessuta".

HOMILY

HIS EMINENCE CARDINAL ANGELO SODANO,
DEAN OF THE COLLEGE OF CARDINALS

Dear Friends,

I greet all of you fraternally in the Lord. This morning, I wish to share with you just three brief reflections, based on today's liturgy.

1) The first is prompted by the beginning of today's Gospel. These words were handed down to us by St John, who took part in the Last Supper of the Lord and who then recounted the entire long private conversation during which Jesus bade farewell to the Apostles.

Jesus reminded them of his deepest identity, which he synthesised in this way: 'I am the way and the truth and the life' (*Jn* 14:6).

Over the past two thousand years of history, the Church has never stopped reminding the world of these marvelous words.

Today, I would like to reflect briefly with you on the first of the three metaphors: Jesus is the way! In particular, he is the way to knowledge of the truth in its fullness!

Reason itself is a way for discovering the truth but it encounters obstacles which at a certain stage block the path. Hence, in order to know the whole truth, one must embark upon another path, namely, the path of faith. This is the path which Jesus indicated to us; he identified himself with it and added: I am the truth!

In your research, you are able to travel far under the guidance of the light of reason. You are witnesses to the fact that although great optimism can be placed in the possibilities of reason, at a certain stage, this path is interrupted and that it is the light of faith which enables us to work out how best to pursue the journey.

I am well aware of your commitment to seeking out the principles which should guide people today in bringing about a society which is more just and marked by greater solidarity.

Reason guides you in the study of the social phenomena of today and in determining suitable principles to direct these towards the common good of our society. But it is also true that Christians can be helped to know reality better, if they examine it in the light of the Gospel of Christ. In this way Christ enables us to discover the most important aspects of life and the secret of an orderly human coexistence.

Yes, if we are to succeed in truly knowing the reality of man and society, Christ is the way.

In this regard, how could we fail to recall the teaching of the Servant of God John Paul II in his Encyclical *Fides et Ratio?*

The body of this great Pope of modern times rests in the Vatican Grottoes, here near us. At this moment, it seems that we hear his powerful voice once again, saying to scientists and researchers: 'Scientists are well aware that the search for truth...is never-ending, but always points beyond to something higher than the immediate object of study, to the questions which give access to Mystery' (*Fides et Ratio,* 106).

For us believers, Christ is *the way* to reach this deeper knowledge of the mystery of man!

2) The second reflection arises from the final words of today's Gospel. St John relates another phrase of Jesus at the Last Supper, before his Passion, when he comforted the Apostles with these words: 'If you ask anything of me in my name, I will do it' (*Jn* 14:14).

The Master reminds his disciples that they would have difficulties in the world but that they could always trust in his help, if they asked for it with faith.

This message remains valid for all time. Today, in the face of the great social problems of the present time, we too sometimes feel disoriented. As believers, however, we know that God will not abandon us. If we invoke him with humility, he will give us the gift of wisdom, which enables us to see how to pursue our journey and contribute to the material and spiritual progress of our society.

Faced with the problems of human life, we all feel the limitations of reason and the weakness of our ability to follow the path which God has traced out for us. It is then that Christ's promise comes to our aid: 'Whatever you ask for in my name, I will do' (*Jn* 14:13).

3) The third and final reflection which strikes us all today is prompted by the Feast of the Apostles Philip and James. In honour of these two Apostles, from the fifth century onwards, a great Basilica was constructed in the centre of Rome. These Apostles were martyrs for spreading the Good News

of Christ in the pagan world of two thousand years ago. This was the fate of all of the Apostles. This was the fate of countless Christians during the three centuries of Roman persecution. This too was the fate of many believers during the tragic twentieth century.

Today we are at the very heart of St Peter's Basilica, where the first of the Apostles underwent martyrdom during the persecution of Nero in the year 67 of the Christian era.

In this hour of prayer, let us ask the Father who is in heaven, in the name of his Son Jesus Christ, to grant also to us the necessary fortitude to carry out our mission in the world. Amen!

HOMILY

HIS EMINENCE CARDINAL GIOVANNI BATTISTA RE,
PREFECT OF THE CONGREGATION FOR BISHOPS

While mediating on the readings from this Easter season Mass which prepares us for Pentecost, and looking for an idea that might help us live out our Christian commitment in today's society, I would like to call your attention to the last words of the Gospel we have just heard: 'In the world you will have trouble, but take courage, I have conquered the world'.

The first part of the phrase does not have to be developed, for we all have experienced it: difficulties, trials, the sufferings that are part and parcel of everyone's life.

Time and again the negative elements seem to get the upper hand. Evil appears to prevail over good. In fact, today we have arrived to such a point that the very idea of good is falsified.

The first to falsify the idea of good were the totalitarian systems who considered good all that fitted with their own ideology, including crimes such as the elimination of handicapped people, that weak, the inferior...such is the ideology that also led to the *Shoah*. The Nazi and communist ideologies have failed, and have away leaving behind untold suffering.

However, falsifying what is good continues to this day. In fact the spread of relativism, that equates all ethical systems, creates a basic disorientation which, in the end, leaves us with no more moral categories while opinion polls become the criterion for judgment. It is opinions and not truth which underpins what is good. Consequently, the forces of evil grow and at times burst forth into storms that cause havoc, fear and anguish.

Trusting in people and in the institutions of our day and of our society, has sadly waned in the common perception.

It is the duty of every upright person to resist resigning to this fact. The driving force of history, one that points toward a growth of civilization, does not lie in a conflict of interests or even in the clash of ideologies. The driving force of history lies in the guidance that comes from a conscience

enlightened by faith, one who trusts in God and trusts in the wealth of good that is found in every man and every woman.

The words of Jesus: 'Take courage' are a dash of light. And more so for what follows; the reason why we should take courage is because Jesus has conquered the world. The fact is that he is risen, truly risen.

Faith is the fountain of courage and hope. Faith leads us to never lose trust in God, to never lose hope in the good.

Despite the many signs that would have us lose confidence, we can be sure that we have a solid ground on which to set our daily activity and our entire life: faith in Christ.

Our confidence and trust is not based on people, on their projects, on their promises. It is not even based on technical resources, economists, social workers or politicians.

The profound reason for our courage and the wellspring of the serenity of our spirit is Christ himself, who came to this earth 'not to judge, but to save' (*John* 3,17). Our destination and our salvation are tied to Christ who has conquered the world. The source of courage, hope, peace and joy for every disciple of Christ is Christ himself who has conquered death and the world. All of us have a dramatic need for him, for Christ, and for the energy that comes from him, because our civilization id collapsing.

One who believes in Christ, even in the most dramatic moments of life, does not lose the meaning of life or fall into despair.

The invitation to take courage, precisely from today's gospel, is, at the same time an invitation to make Christ the center of our life and of our Christian endeavor in the world today. Having Christ in our heart is the wellspring of courage, hope and commitment.

At the beginning of his pontificate, Pope Benedict the sixteenth told us: 'do not be afraid of Christ'! he takes nothing away and He gives you everything.

In this Mass we want to tell Christ about our desire to belong to Him, to follow him wherever he wants each one of us, to follow him in both the joyful and sad moments of life, to follow him wherever he in his love might want to lead us.

HOMILY

HIS EXCELLENCY MONSIGNOR FERNANDO FILONI,
SUBSTITUTE OF THE SECRETARIAT OF STATE

Dear Brothers and Sisters,

I am pleased to preside today at this eucharistic celebration and to extend to you my heartfelt greetings in the Lord. In the Gospel passage, taken today from John, we contemplate Jesus who celebrates the last supper with his disciples in the upper room and opens his heart to them. His human existence has been centred on the task of entrusting to his disciples all that he has received from the Father. As the only-begotten Son who has completed the work of salvation, Jesus offers us the fullness of revelation. In him, in his words and deeds, we see the mystery of God, the true face of the Father and we perceive the meaning and destiny of our own existence.

In the first reading, Saint Paul sums up his own life in a very realistic way as bearing witness to the Gospel of God's grace. Finding himself in a situation similar to that of Jesus, Paul reflects on his mission to communicate the wonderful event of the victory of God's love over evil. The Apostle sees himself as an instrument of God's revelation, and the message he has preached is? in his own words? 'repentance before God and faith in our Lord Jesus Christ'.

Not different is the task of the Church today. She continues to bear witness to the Gospel of God's love which, because of our sinfulness, is above all a revelation of mercy and grace, and a call to conversion. Her mission is to invite all people to recognise and trust in the love of God, manifested fully in the death and resurrection of Jesus. The light that comes from the mystery of Christ illuminates the search for truth and integrity. It gives meaning and hope to the realities of toil, suffering, evil, death and the afterlife.

As members of the Pontifical Academy of Social Sciences, you occupy a privileged place in a dialogue which will always be of great interest to the Church: the dialogue between man's knowledge and God's revelation,

between social science and faith. Scientific knowledge and the truths of faith are complementary. The Social Sciences study the multiple aspects of human behaviour, its causes and conditions, and come to legitimate conclusions. They give support to all who work to better mankind's existence and offer a precious contribution to the Pastors of the Church in their mission. By their very nature, they are descriptive, deriving knowledge from observations on the reality of man's life on earth.

Unlike scientific knowledge, our access to the living God is through the act of faith by which we accept God who reveals himself to us. Faith is not a conclusion derived from our human knowledge, but neither is it a blind leap in the dark, without rationality. It is an act performed in the 'light of faith', a special grace that enables us, in Saint John's terminology, to 'see and believe'. We perceive God in the signs of his presence; we are convinced by the logic of God's love, and confidently abandon ourselves fully to his guidance. With this conviction we enter the path of redemption through love. The Holy Father sums it up nicely in his most recent Encyclical Letter commenting on what it means to say: Jesus Christ has 'redeemed' us. It means? he says? that 'through him we have become certain of God' (*Spe Salvi*, 26).

Finally, Jesus states that by doing the work entrusted to him, he has given glory to the Father. We too are called to glorify God on earth and to share in his glory in Heaven. If our heart is well disposed we can see some reflection of this glory in nature: If we have a living faith we are led to glorify God in praise and love, in contemplation and action.

My dear Brothers and Sisters, thank you for your dedication to the advancement of our knowledge of humanity. Thank you for your service to the Church. In spite of human failings and weakness, divine glory shines out in the Church. We perceive it in the dignified celebration of the liturgy, in the communion of love, and especially in the lives of the saints. This is a faint yet real anticipation of that glory which awaits us as believers. May the Lord bless you and your families. May he grant us all to live in such a way that we may be made worthy to participate in his divine glory. Amen!

BIOGRAPHIES OF THE PARTICIPANTS*

RAFAEL ALVIRA, Professor of Philosophy and Director of the Institute 'Empresa y Humanismo' at the University of Navarra. He is professor at Mendoza University (Argentina) and Montevideo (Uruguay). He was visiting professor and lecturer at diverse academic institutions in USA, Europe and Latin America. He is author of nine books and more than a hundred articles.

Address: *University of Navarra*
Dept. of Philosophy
31080 Pamplona (Spain)
Tel.: +34 948 425600 ext. 2481/5691 • Fax: +34 948 425636
Email: ralvira@unav.es

MICHEL BAUWENS was born on 21 March 1958. A Belgian integral philosopher and Peer-to-Peer theorist, he worked as an internet consultant, information analyst for the United States Information Agency, and information manager for British petroleum, (where he created one of the first virtual information centers), and is former editor-in-chief of the first European digital convergence magazine, Wave. With Frank Theys, Bauwens was the co-creator of the three hour documentary TechnoCalyps, an examination of the 'metaphysics of technology'. He is the author of a number of on-line essays, including a seminal thesis *Peer to Peer and Human Evolution*, and is also the editor of *Pluralities-Integration\Pluralities/Integration* Newsletter. He now lives in Chiang Mai, Thailand, where he has created the Foundation for P2P Alternatives. He has taught courses on the anthropology of digital society to

postgraduate students at ICHEC/St. Louis in Brussels, Belgium, and similar courses at Payap University and Chiang Mai University in Thailand.

Address: *7/5 Moo 3, Soi Anusavarising, Chotana Rd.*
Chiang Mai, TH50300 (Thailand)
Email: michelsub2004@gmail.com

LUIGINO BRUNI, Associate Professor of Political Economy at the University of Milan-Bicocca and Vice-Director of the CISEPS in the same university. Bruni has published a number of essays on Italian economists, in particular Genovesi, Pareto, and Pantaleoni. He is interested in social themes in economics and was the editor of *Economia di Comunione: per una cultura economica a più dimensioni* (1999). He has also published works on philosophy and ethics in economics and his current areas of research include economic rationality and the interpersonal dimension in economics.

Address: *Università degli Studi di Milano-Bicocca*
Dipartimento di Economia Politica
P.zza dell'Ateneo Nuovo, 1
I-20126 Milano (Italy)
Email: luigino.bruni@focolare.org

ALAIN CAILLÉ, Professor of Economics and Sociology at the University of Paris 10 (Nanterre). Founder of *La Revue du Mauss* of which he has been the editor since 1981. His principal publications include: *Critique de la raison utilitaire* (La Découverte, 1989); *Don, intérêt et désintéressement* (La Découverte, 1994); *Anthropologie du don* (Desclée de Brouwer, 2000).

Address: *MAUSS, 3 avenue du Maine*
F-75015 Paris (France)
Tel.: +33 1 42841703 • Fax: +33 1 42842417
Email: Mauss1981@aol.com.

LUIS ERNESTO DERBEZ BAUTISTA (born April 1, 1947 in Mexico City) is a Mexican politician and current president of the Universidad de Las Américas in Cholula, Puebla. Upon assuming power in December 2000, President Vicente Fox chose him to serve as his Secretary of the Economy. In January 2003, following the resignation of Jorge Castañeda, Derbez took over as Secretary for

Foreign Affairs, a position that he held until President Vicente Fox's term ended on December 1, 2006. Since January 2007, Luis Ernesto Derbez has been the General Director of the Centre for Globalization, Competitiveness and Democracy at the Instituto Tecnológico de Monterrey, Campus Santa Fe, and Secretary for International Affairs of the Partido Acción Nacional (PAN). Between January 2003 and December 2006 he was the Minister of Foreign Affairs of Mexico; and between December 2000 and December 2002, he was the Minister of the Economy. From July to November 2000, he chaired President-elect Vicente Fox's transition team which defined Mexico's 2000-2006 economic and social programs. Mr. Derbez had a distinguished professional and academic career working for the World Bank Group, the Inter-American Development Bank, Johns Hopkins University's School of Advanced International Studies and the Instituto Tecnológico de Monterrey. He also did consulting work for some of Mexico's leading private sector companies such as Alfa, Vitro, Visa, and FEMSA. As head of Mexico's Ministries of the Economy and Foreign Affairs, Mr. Derbez vigorously increased the country's presence in world business and political affairs. Prof. Derbez was appointed an Academician of the PASS by the Holy Father on 24 July 2007.

Address: *Presidente*
Centro de Globalización y Democracia
Centro para la Globalización, Competitividad
y Democracia Tecnológico de Monterrey
Av. Carlos Lazo No. 100
Col. Santa Fe Deleg. Alvaro Obregón
01389 México (DF México)
Tel.: +52 91778000
Email: luis.derbez@itesm.mx; mayra.ortiz@itesm.mx;
mayra.ortiz@udlap.mx

JACQUES T. GODBOUT, Emeritus Professor at the National Institute of Scientific Research (University of Quebec). His principal field of research has been the relationship between organisations and their customers and he is the author of *La participation contre la démocratie* (Montréal, Saint-Martin) and *La démocratie des usagers* (Montréal, Boréal). He has also studied the subject of gifts and in 1992 published, together with Alain Caillé, *L'Esprit du don* (Paris and Montréal, La Découverte and Boréal), which was translated into five languages. He is also the author of *Le don, la dette et l'identité* (2000).

Address: *INRS*
385 rue Sherbrooke Est
Montréal, Québec (Canada) H2X 1E3
Email: Jacques_Godbout@UCS.INRS.Ca

RUSSELL HITTINGER was born on 27 July 1949 in Quantico, Virginia. Russell Hittinger is an internationally recognized contributor to major contemporary debates in jurisprudence, law, and ethics and has held professorships at the Catholic University of America, Princeton University, Fordham University, and New York University. He has served on the Virginia Governor's Council for Self-Determination and State Sovereignty and is currently a member of the Ethics Task Force of the St. Francis Health Care System in Tulsa. He also serves on the editorial boards of the *American Journal of Jurisprudence* and *First Things*. His many honours include the Josephine Yalch Zekan Award for the best scholarly article in faith and law and a National Endowment for the Humanities fellowship for university teachers.

Address: *University of Tulsa*
Dept. of Philosophy and Religion
600 South College Ave.
Tulsa, OK 74104-3189 (USA)
Tel.: +1 918 6313081 • Fax: +1 918 6312057
Email: francis-hittinger@utulsa.edu

ANGELIKA NUßBERGER is a law professor at the University of Cologne and Director of the Institute for Eastern European Law. She teaches public international law, comparative constitutional law, and international social law. Her research focuses, on the one hand, on the co-existence and interaction of different legal cultures, especially in Eastern Europe, and, on the other hand, on regulatory approaches to social problems in the globalised world. In one of her recent research works she has analysed the effects of standard-setting activities of the International Labour Organisation, the Council of Europe and the United Nations in the field of social protection. Since 2004 she has been a member of the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation and since 2006 a substitute member of

the European Commission for Democracy through Law (Venice Commission). Prof. Nußberger was appointed an Academician of the PASS by the Holy Father on 4 March 2008.

Address: *Institut für Ostrecht der Universität zu Köln*
Klosterstr. 79d
D-50931 Köln (Germany)
Tel.: +49 221 4705583 • Fax: +49 221 4705582
Email: angelika.nussberger@uni-koeln.de

ALBERTO PIATTI has been since 1995 the Managing Director of the AVSI Foundation, an NGO involved in 40 countries with 100 long-term development projects. He is a member of the Pontifical Council 'Cor Unum', committed to Vatican charity and solidarity initiatives, and has attended several international conferences as a member of the Holy See delegation. From 1992 to 1998 he was a member of the Board of Directors of 'Famiglie per l'Accoglienza', a non-profit association for abandoned children. Since 1999 he has been the Vice President of the non-profit association 'Compa-gnia delle opere'.

Address: *Secretary General*
AVSI Foundation
Via M. Gioia, 181
I-20125 Milano (Italy)
Tel.: +39 02674988359 • Email: alberto.piatti@avsi.org

ALFONSO PRAT-GAY, a 37-year-old economist, was the president of Argentinas Central Bank from 2002 to 2004. Prior to this he co-founded APL Economa, an economic consulting firm in Buenos Aires, advising leading local and foreign companies doing business in Argentina. From 1994 until 2001 he worked at JP Morgan where he headed the Global FX Research team out of London, providing regular advise on how to trade around 40 currencies across the globe. He gained kudos for the design of several insightful trading models that continue to outperform more traditional alternatives in the FX world. Prior to his London assignment, he was the Head of Research of the Emerging Markets Proprietary Trading Group, a team investing JPMorgans own capital across all EM asset class-

es. He joined JPMorgan in 1994 and spent the first two years as the country economist for Argentina and Chile based in New York. Earlier in his career (1989-1992) he also served Director of research at Alpha S.A., a leading macroeconomic consulting firm in Buenos Aires. Since 2004 he is representative in Argentina of Planet Finance, which is dedicated to promote the micro-credit. Prat-Gay is a Ph.D. candidate from the University of Pennsylvania where he obtained his Masters of Arts in Economics (1994). He holds a Bachelor of Arts degree in Economics from the Universidad Católica Argentina (1989) (summa cum laude) where he also taught several undergraduate courses (1989-92). He is a member of the faculty of Universidad Torcuato Di Tella and a member of the academic board of the Universidad Católica Argentina, both in Buenos Aires.

JAN SCHRÖDER was born in 1963. He took his PhD in high-energy physics and currently engages in research and management consultancy in the policy field of demographic change, civil society and childhood, youth and families. His specialisation is outcome-oriented management and organisation in the fields of common welfare. He is also director of the JSB Dr. Jan Schröder Beratungsgeselolschaft & Co. GmbH and has been head of the service bureau of Local Alliances for the Family in Germany since 2004.

Address: *JSB Dr. Jan Schröder Beratungsgesellschaft mbH & Co. KG*
Argelanderstraße 1
D-53115 Bonn (Germany)
Tel.: +49 228 908720 • Fax: +49 228 90872-72
Email: jan.schroeder@jsbgmbh.de

MANFRED SPIEKER is Professor of Christian Social Sciences at the Institute of Catholic Theology at the University of Osnabrück, where he has taught since 1983. He is the author of numerous books and articles on Catholic social teaching and is widely regarded as one of Germany's leading thinkers and commentators on Catholic social thought. He has served as a visiting professor at the University of Valparaiso in Chile (1988), the Faculty of Catholic Theology in Erfurt (1991), and Vilnius University (1998). He is also President of the Association Internationale pour l'Enseignement Social Chrétien and has served as an advisor to the Catholic Bishops Conference of Germany.

Address*: Universität Osnabrück*
Schloßstraße 4
D-49069 Osnabrück (Germany)
Tel.: +49 5419694286 • Fax: +49 5419694376
Email: mspieker@uni-osnabruek.de

FRÉDÉRIC VANDENBERGHE, senior researcher at the University for Humanist Studies, Utrecht and Professor of sociology at IUPERJ, Rio de Janeiro. He was visiting professor at various universities in Europe, the United States and Brazil. He works mainly in the field of social and political theory. He has published various books and inumerous articles.

Address: *Inst. Universitario de Pesquisas*
Rio de Janeiro (IUPERJ)
Rua de Matriz, 82 Botafogo
Rio de Janeiro, RJ-22260-100 (Brazil)
Tel.: +55 212860996 • Fax: +55 212867146
Email: frederic@iuperj.br

GIORGIO VITTADINI is the Founder and President of the Fondazione per la Sussidiarietà (Foundation for Subsidiarity) which promotes cultural initiatives with social, economic, political and scientific themes, providing educational and training programmes, research projects, editorial and publishing activities. He is a Professor of Methodological Statistics at the School of Statistical Sciences at the University of Milan-Bicocca. He founded and was the President until 2003 of Compagnia delle Opere (Companion in Works), an international association of 30,000 businesses inspired by the social doctrine of the Catholic Church. Since 1981 he has been a member of the Fraternity of Comunione e Liberazione (Communion and Liberation). He is a member of the board of the Meeting per l'Amicizia fra i Popoli (Meeting for friendship among Peoples) which, with an average attendance of over 700,000, is among the most significant cultural events in Europe. Since 2003 he has been a member of the Steering Committee of the Giorgio Cini Foundation in Venice. He has been part of the advisory board of the Crossroads Cultural Center in New York and Washington, DC. Giorgio Vittadini is the editor of the cultural quarterly *Atlantide* and of the journal Rivista *Non Profit*. He is the author of numerous publications on social and economic subjects,

particularly regarding subsidiarity, human capital, welfare, and non- profit. The principal fields of his statistical work are: multivariate analysis, structural and latent variables models, evaluation problems in the field of public utility services (with particular reference to education and health) and human capital estimation. He is the Scientific Director of the University Consortium Nova Universitas, School for Graduate and Post-Graduate Training and Education. In 2005 Giorgio Vittadini was awarded the Gold Medal of the National Commission for the Promotion of Italian Culture Abroad, the Italian Ministry of Foreign Affairs. Giorgio Vittadini was born in Milan, Italy on 20 February 1956. In 1979 he graduated with honours in economics at the Catholic University of the Sacred Heart in Milan.

Address: *Fondazione per la Sussidiarietà*
Via Torino, 68
I-20123 Milano (Italy)
Tel.: +39 0286467235 • Fax: +39 0289093228
Email: presidenza@sussidiarieta.net

STEFANO ZAMAGNI, Full Professor of Political Economy at the University of Bologna and Adjunct Professor of International Political Economy, Johns Hopkins University, Bologna Center. He took his first degree in economics and trade at the Catholic University of the Sacred Heart, Milan and later studied at Linacre College, the University of Oxford (1969-1973).

Address: *Università degli Studi di Bologna*
Dipartimento di Scienze Economiche
Piazza Scaravilli, 2
I-40126 Bologna (Italy)
Tel.: +39 0512098665 • Fax: +39 0512098040
Email: stefano.zamagni@unibo.it