



Pierpaolo Donati *Editor*

Towards a Participatory Society: New Roads to Social and Cultural Integration



The Proceedings of the 21th Plenary Session
28 April-2 May 2017

**Towards a Participatory Society:
New Roads to Social
and Cultural Integration**

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*The Proceedings
of the 21th Plenary Session*

Towards a Participatory Society: New Roads to Social and Cultural Integration

28 April-2 May 2017

Edited by
Pierpaolo Donati



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The Pontifical Academy of Social Sciences
Casina Pio IV, 00120 Vatican City
Tel: +39 0669881441 • Fax: +39 0669885218
Email: pass@pass.va • Website: www.pass.va

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

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The misuse and destruction of the environment are also accompanied by a relentless process of exclusion. In effect, a selfish and boundless thirst for power and material prosperity leads both to the misuse of available natural resources and to the exclusion of the weak and disadvantaged, either because they are differently abled (handicapped), or because they lack adequate information and technical expertise, or are incapable of decisive political action. Economic and social exclusion is a complete denial of human fraternity and a grave offense against human rights and the environment. The poorest are those who suffer most from such offenses, for three serious reasons: they are cast off by society, forced to live off what is discarded and suffer unjustly from the abuse of the environment. They are part of today's widespread and quietly growing "culture of waste".

Address of His Holiness Pope Francis to the General Assembly of the UN, New York, 25 September 2015.







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Messaggio del Santo Padre Francesco alla Presidente e agli Accademici della Pontificia Accademia delle Scienze Sociali, in occasione della Sessione Plenaria

Dal Vaticano, 24 aprile 2017

Illustre Signora
Prof.ssa Margaret Archer
Presidente della Pontificia Accademia delle Scienze Sociali

In occasione della sessione plenaria della Pontificia Accademia delle Scienze Sociali, che ha per tema *Verso una società partecipativa: nuove strade per l'integrazione sociale e culturale*, rivolgo il mio saluto riconoscente a Lei, gentile Professoressa, a S.E. Mons. Marcelo Sánchez Sorondo e a ciascuno dei partecipanti.

Con la competenza e la professionalità che vi sono proprie, avete scelto di studiare una questione che mi sta molto a cuore: quella della partecipazione sociale. Possiamo ben dire che la società è primariamente un processo di partecipazione: di beni, di ruoli, di statuti, di vantaggi e svantaggi, di benefici e di cariche, di obbligazioni e di doveri. Le persone sono *partner*, ovvero esse “prendono parte”, nella misura in cui la società distribuisce delle parti. Dal momento che la società è una realtà partecipativa per il reciproco interscambio, dobbiamo rappresentarcela, a un tempo, come un tutto irriducibile e come un sistema di interrelazione fra le persone. La giustizia allora può essere ritenuta la virtù degli individui e delle istituzioni, che, nel rispetto dei legittimi diritti, mirano alla promozione del bene di coloro che vi prendono parte.

1. Un primo punto che desidero portare alla vostra attenzione è l'*ampliamento oggi necessario della nozione tradizionale di giustizia*, la quale non può essere ristretta al giudizio sul momento distributivo della ricchezza, ma deve spingersi fino al momento della sua produzione. Non basta, cioè, reclamare la “giusta mercede all’operaio” come ci aveva raccomandato la *Rerum novarum* (1891). Occorre anche chiedersi se il processo produttivo si svolge o meno nel rispetto della dignità del lavoro umano; se accoglie o meno i

diritti umani fondamentali; se è compatibile o meno con la norma morale. Già nella *Gaudium et spes*, al n. 67, si legge: «Occorre dunque adattare tutto il processo produttivo alle esigenze della persona e alle sue forme di vita». Il lavoro non è un mero fattore della produzione che, in quanto tale, deve adeguarsi alle esigenze del processo produttivo per accrescerne l'efficienza. Al contrario, è il processo produttivo che deve essere organizzato in modo tale da consentire la crescita umana delle persone e l'armonia dei tempi di vita familiare e di lavoro.

Occorre convincersi che un tale progetto, nella stagione della società odierna, parzialmente post-industriale, è fattibile, purché lo si voglia. Ecco perché la Dottrina Sociale della Chiesa (DSC) invita con insistenza a trovare i modi per applicare nella pratica *la fraternità come principio regolatore dell'ordine economico*. Laddove altre linee di pensiero parlano solo di solidarietà, la DSC parla piuttosto di fraternità, dato che una società fraterna è anche solidale, mentre non è sempre vero il contrario, come tante esperienze ci confermano. L'appello è dunque quello di porre rimedio all'errore della cultura contemporanea, che ha fatto credere che una società democratica possa progredire tenendo tra loro disgiunti il codice dell'efficienza – che basterebbe da solo a regolare i rapporti tra gli esseri umani entro la sfera dell'economico – e il codice della solidarietà – che regolerebbe i rapporti intersoggettivi entro la sfera del sociale. È questa dicotomizzazione ad avere impoverito le nostre società.

La parola-chiave che oggi meglio di ogni altra esprime l'esigenza di superare tale dicotomia è "*fraternità*", parola evangelica, ripresa nel motto della Rivoluzione Francese, ma che l'ordine post-rivoluzionario ha poi abbandonato – per le note ragioni – fino alla sua cancellazione dal lessico politico-economico. È stata la testimonianza evangelica di San Francesco, con la sua scuola di pensiero, a dare a questo termine il significato che esso ha poi conservato nel corso dei secoli; cioè quello di costituire, ad un tempo, il complemento e l'esaltazione del principio di solidarietà. Infatti, mentre la solidarietà è il principio di pianificazione sociale che permette ai diseguali di diventare eguali, la fraternità è quello che consente agli eguali di essere persone diverse. La fraternità consente a persone che sono eguali nella loro essenza, dignità, libertà, e nei loro diritti fondamentali, di partecipare diversamente al bene comune secondo la loro capacità, il loro piano di vita, la loro vocazione, il loro lavoro o il loro carisma di servizio. Dall'inizio del mio pontificato ho voluto indicare «che nel fratello si trova il permanente prolungamento dell'Incarnazione per ognuno di noi» (Esort. ap. *Evangelii gaudium*, 179). Infatti, il protocollo con cui saremo giudicati è basato sulla

fratellanza: «Tutto quello che avete fatto a uno solo di questi miei fratelli più piccoli, l'avete fatto a me» (Mt 25,40).

Le stagioni che abbiamo lasciato alle spalle, l'800 e soprattutto il '900, sono state caratterizzate da ardue battaglie, sia culturali sia politiche, in nome della solidarietà e dei diritti, e questa è stata cosa buona – si pensi alla storia del movimento sindacale e alla lotta per la conquista dei diritti civili e sociali – lotte comunque ben lontane dall'essere concluse. Ciò che è più inquietante oggi è l'esclusione e la marginalizzazione dei più da una partecipazione equa nella distribuzione su scala nazionale e planetaria dei beni sia di mercato sia di non-mercato, come la dignità, la libertà, la conoscenza, l'appartenenza, l'integrazione, la pace. A tale riguardo quello che fa soffrire di più le persone e porta alla ribellione dei cittadini è il contrasto fra l'attribuzione teorica di eguali diritti per tutti e la distribuzione diseguale e iniqua dei beni fondamentali per la maggior parte delle persone. Anche se viviamo in un mondo in cui la ricchezza abbonda, moltissime persone sono ancora vittime della povertà e dell'esclusione sociale. Le diseguaglianze – insieme alle guerre di predominio e ai cambiamenti climatici – sono le cause della più grande migrazione forzata nella storia, che colpisce oltre 65 milioni di essere umani. Si pensi anche al dramma crescente delle nuove schiavitù nelle forme del lavoro forzato, della prostituzione, del traffico di organi, che sono veri crimini contro l'umanità. È allarmante e sintomatico che oggi il corpo umano si compri e si venda, come fosse una merce di scambio. Quasi cent'anni fa, Pio XI prevedeva l'affermarsi di queste diseguaglianze e iniquità come conseguenza di una dittatura economica globale che chiamò «imperialismo internazionale del denaro» (Enc. *Quadragesimo anno*, 15 maggio 1931, 109). E fu Paolo VI che denunciò, quasi cinquant'anni dopo, la «nuova forma abusiva di dominio economico sul piano sociale, culturale e anche politico» (Lett. ap. *Octogesima adveniens*, 14 maggio 1971, 44).

Il punto è che *una società partecipativa non può accontentarsi dell'orizzonte della pura solidarietà e dell'assistenzialismo*, perché una società che fosse solo solidale e assistenziale, e non anche fraterna, sarebbe una società di persone infelici e disperate dalla quale ognuno cercherebbe di fuggire, in casi estremi anche con il suicidio.

Non è capace di futuro la società in cui si dissolve la vera fraternità; non è cioè capace di progredire quella società in cui esiste solamente il “dare per avere” oppure il “dare per dovere”. Ecco perché, né la visione liberal-individualista del mondo, in cui tutto (o quasi) è scambio, né la visione stato-centrica della società, in cui tutto (o quasi) è doverosità, sono guide

sicure per farci superare quella disegualianza, inequità ed esclusione in cui le nostre società sono oggi impantanate. Si tratta di cercare una via d'uscita dalla soffocante alternativa tra la tesi neoliberalista e quella tesi neostatalista. Infatti, proprio perché l'attività dei mercati e la manipolazione della natura – entrambe mosse dall'egoismo, dall'avidità, dal materialismo e dalla concorrenza sleale – alle volte non conoscono limiti, è urgente intervenire sulle cause di tali malfunzionamenti, soprattutto in ambito finanziario, piuttosto che limitarsi a correggerne gli effetti.

2. Un secondo aspetto desidero toccare, vale a dire il concetto di *sviluppo umano integrale*. Battersi per lo sviluppo integrale vuol dire impegnarsi per l'allargamento dello spazio di dignità e di libertà delle persone: libertà intesa, però, non solo in senso negativo come assenza di impedimenti, e neppure solo in senso positivo come possibilità di scelta. Bisogna aggiungere la libertà "per", cioè la libertà di perseguire la propria vocazione di bene sia personale sia sociale. L'idea-chiave è che la libertà va di pari passo con la responsabilità di proteggere il bene comune e promuovere la dignità, la libertà e il benessere degli altri, tanto da raggiungere i poveri, gli esclusi e le generazioni future. È questa prospettiva che, nelle condizioni storiche attuali, se permette di superare sterili diatribe a livello culturale e dannose contrapposizioni a livello politico, permetterebbe di trovare il consenso necessario per nuove progettualità.

È all'interno di questo contesto che si pone *la questione del lavoro*. I limiti dell'attuale cultura del lavoro sono ormai divenuti evidenti ai più, anche se non c'è convergenza di vedute sulla via da percorrere per giungere al loro superamento. La via indicata dalla DSC inizia dalla presa d'atto che il lavoro, *prima ancora che un diritto, è una capacità e un bisogno insopprimibile della persona*. È la capacità dell'essere umano di trasformare la realtà per partecipare all'opera di creazione e conservazione operata da Dio, e, così facendo, di edificare sé stesso. Riconoscere che il lavoro è una capacità innata e un bisogno fondamentale è un'affermazione assai più forte che dire che esso è un diritto. E ciò perché, come la storia insegna, i diritti possono essere sospesi o addirittura negati; le capacità, le attitudini e i bisogni, se fondamentali, no.

A questo proposito ci si può riferire alla riflessione classica, da Aristotele a Tommaso d'Aquino, sull'*agire*. Tale pensiero distingue due forme di attività: il *fare transitivo* e l'*agire immanente*. Mentre il primo connota l'azione che produce un'opera al di fuori di chi agisce, la seconda fa riferimento ad un agire che ha il suo termine ultimo nel soggetto stesso che agisce. Il primo

cambia la realtà in cui l'agente vive; il secondo cambia l'agente stesso. Ora, poiché nell'uomo non esiste un'attività talmente transitiva da non essere anche sempre immanente, ne deriva che *la persona ha la priorità nei confronti del suo agire e quindi del suo lavoro*.

La prima conseguenza è bene espressa dall'affermazione classica *operari sequitur esse*: è la persona a decidere circa il proprio operare, l'auto-generazione è frutto dell'auto-determinazione della persona. Quando il lavoro non è più espressivo della persona, perché essa non comprende più il senso di ciò che sta facendo, il lavoro diventa schiavitù; la persona può essere sostituita da una macchina.

La seconda conseguenza chiama in causa la nozione di *giustizia del lavoro*. Il lavoro giusto è quello che non solamente assicura una remunerazione equa, ma corrisponde alla vocazione della persona e perciò è in grado di dare sviluppo alle sue capacità. Proprio perché il lavoro è trasformativo della persona, il processo attraverso il quale vengono prodotti beni e servizi acquista valenza morale. In altri termini, il luogo di lavoro non è semplicemente il luogo in cui certi elementi vengono trasformati, secondo determinate regole e procedure, in prodotti; ma è anche il luogo in cui si formano (o si trasformano) il carattere e la virtù del lavoratore.

Il riconoscimento di questa dimensione più fortemente *personalistica* del lavoro è una grande sfida che sta ancora di fonte a noi, anche nelle democrazie liberali dove pure i lavoratori hanno fatto notevoli conquiste.

Infine, non posso non fare parola dei gravi rischi connessi all'invasione, nei livelli alti della cultura e nell'istruzione sia universitaria sia scolare, delle posizioni dell'*individualismo libertario*. Una caratteristica comune di questo fallace paradigma è che minimizza il bene comune, cioè il "vivere bene", la "vita buona", nel quadro comunitario, ed esalta quell'ideale egoista che ingannevolmente inverte le parole e propone la "bella vita". Se l'individualismo afferma che è solo l'individuo che dà valore alle cose e alle relazioni interpersonali e quindi è solo l'individuo che decide cosa è bene e cosa è male, il libertarismo, oggi di gran moda, predica che per fondare la libertà e la responsabilità individuale occorre ricorrere all'idea di auto-causazione. Così l'individualismo libertario nega la validità del bene comune, perché da una parte suppone che l'idea stessa di "comune" implichi la costrizione almeno di alcuni individui, dall'altra che la nozione di "bene" privi la libertà della sua essenza.

La radicalizzazione dell'individualismo in termini libertari, e dunque antisociali, porta a concludere che *ognuno ha "diritto" di espandersi fin dove la sua potenza glielo consente anche a prezzo dell'esclusione e marginalizzazione della*

maggioranza più vulnerabile. Poiché limiterebbero la libertà, i legami sarebbero ciò che deve essere sciolto. Equiparando erroneamente il concetto di legame a quello di vincolo, si finisce col confondere i *condizionamenti* della libertà – i vincoli – con l'essenza della libertà realizzata, cioè i legami o i rapporti con i beni appunto, da quelli familiari a quelli interpersonali, da quelli degli esclusi e degli emarginati a quelli del bene comune, e infine a Dio.

Il XV secolo è stato il secolo del primo Umanesimo; all'inizio del XXI secolo sempre più forte si avverte l'esigenza di un *nuovo Umanesimo*. Allora fu la transizione dal feudalesimo alla società moderna il motore decisivo del mutamento; oggi, è un passaggio d'epoca altrettanto radicale: quello dalla società moderna a quella post-moderna. L'aumento endemico delle diseguaglianze sociali, la questione migratoria, i conflitti identitari, le nuove schiavitù, la questione ambientale, i problemi di biopolitica e biodiritto sono solamente alcune delle questioni che parlano dei disagi dell'oggi. Di fronte a tali sfide, il mero aggiornamento di vecchie categorie di pensiero o il ricorso a raffinate tecniche di decisione collettiva non bastano; occorre tentare vie nuove ispirate dal messaggio di Cristo.

La proposta del Vangelo: «Cercate anzitutto il Regno di Dio e la sua giustizia, e tutte queste cose vi saranno date in aggiunta» (*Mt* 6,33) è stata ed è tuttora un'energia nuova nella storia che tende a suscitare fraternità, libertà, giustizia, pace e dignità per tutti. Nella misura in cui il Signore riuscirà a regnare in noi e tra di noi, potremo partecipare della vita divina e saremo l'uno all'altro «strumenti della sua grazia, per effondere la misericordia di Dio e per tessere reti di carità e fraternità» (Benedetto XVI, Enc. *Caritas in veritate*, 5). È questo l'auspicio che vi rivolgo, e che accompagno con la mia preghiera, affinché sull'Accademia delle Scienze Sociali mai venga a mancare l'aiuto vivificante dello Spirito.

Mentre vi affido queste riflessioni, vi incoraggio a portare avanti con rinnovato impegno il vostro prezioso servizio e, nel domandarvi per favore di pregare per me, di cuore vi benedico.

Message of the Holy Father Francis to the President and the Academicians of the Pontifical Academy of Social Sciences, on the Occasion of their Plenary Session

Vatican City, 24 April 2017

Distinguished Professor Margaret Archer
President of the Pontifical Academy of Social Sciences

On the occasion of the Plenary Session of the Pontifical Academy of Social Sciences, which has as its theme *Towards a Participatory Society: New Roads to Social and Cultural Integration*, I express my grateful greeting, to you Professor, to H.E. Monsignor Marcelo Sánchez Sorondo and to each one of the participants.

With the competence and professionalism proper to you, you chose to study a question that I have very much at heart: that of social participation. We can well say that society is primarily a process of participation: of goods, of roles, of statutes, of advantages and disadvantages, of benefits and charges, of obligations and duties. Persons are partners, or that “taking part” in the measure in which society distributes parts. From the moment that society is a participatory reality, given mutual exchange, we must represent it, at a time, as an irreducible whole and as a system of inter-relation between persons. Justice, then, can be retained by virtue of the individuals and institutions that, in respect of legitimate rights, look to the promotion of the good of those that take part in it.

1. A first point I want to bring to your attention is the *extension necessary today of the traditional notion of justice*, which cannot be restricted to judgment on the distributive moment of wealth, but must be pushed until the moment of its production. It is not enough, that is, to claim the “just payment of the worker” as *Rerum Novarum* recommended (1891). One must also ask oneself if the productive process is carried out or not in respect of the dignity of human work; if it accepts or not the fundamental human rights; if it is compatible or not with the moral norm. Already in no. 67 of *Gaudium et Spes*, one reads: “Therefore, the whole productive process

must be adapted to the needs of the person and to his ways of life”. Work is not a mere factor of production that, as such, must adapt itself to the needs of the productive process to enhance efficiency. On the contrary, it is the productive process that must be organized in such a way as to make possible the human growth of persons and the harmony of times of family life and of work.

One must be convinced that such a project, at the stage of today’s society, partially post-industrial, is feasible because it is desired. See why the Social Doctrine of the Church (SDC) invites with insistence to find ways to apply in practice *fraternity as regulatory principle of the economic order*. Wherever other lines of thought speak only of solidarity, while the contrary is not always true, given that a fraternal society is also supportive, whereas the contrary is not always true, as so many experiences confirm to us. The appeal, therefore, is that of putting remedy to the error of contemporary culture, which has made us believe that a democratic society can progress having the code of efficiency between them disjointed – which would be enough on its own to regulate relations between human beings in the economic sphere – and the code of solidarity – which would regulate inter-subjective relations in the social sphere. It is this dichotomization that has impoverished our society.

The key word that expresses better than any other today the need to overcome such a dichotomy is “*fraternity*”, evangelical word, taken up in the motto of the French Revolution, but which the post-Revolutionary order then abandoned – for noted reasons – until its cancellation from the political-economic lexicon. It was the evangelical testimony of Saint Francis, with his school of thought, to give this term the meaning that it then kept in the course of the centuries, namely, that of constituting, at a time, the complement and exaltation of the principle of solidarity. In fact, whereas solidarity is the principle of social planning that makes it possible for un-equals to become equals, fraternity is what makes it possible for the equal to be different persons. Fraternity enables persons that are equal in their essence, dignity, freedom, and in their fundamental rights, to participate differently in the common good in keeping with their capacity, their plan of life, their vocation, their work or their charism of service. From the beginning of my pontificate I have wished to indicate “that one finds in a brother the permanent prolongation of the Incarnation for each one of us” (Apostolic Exhortation *Evangelii Gaudium*, 179). In fact, the protocol with which we will be judged is based on fraternity: “All that you did to one of the least of these my brethren, you did it to me” (*Matthew 25:40*).

The stages that we left behind, 1800's and especially 1900's, were characterized by arduous battles, whether cultural or political, in the name of solidarity and of rights, and this was a good thing – if we think of the labor movement and of the struggle to win civil and social rights – struggles in any case far from being concluded. What is more disquieting today is the increasing exclusion and marginalization from an equal participation in the distribution, on a national and planetary scale, in the goods be it of the market, be it of the non-market, such as dignity, freedom, knowledge, membership, integration, peace. In this connection, what makes persons suffer most and leads to the rebellion of citizens is the contrast between the theoretical attribution of equal rights for all and the unequal and iniquitous distribution of fundamental goods for the greater part of persons. Even if we live in a world in which wealth abounds, many persons are still victims of poverty and of social exclusion. The inequalities – together with the wars of domination and climate changes – are the causes of the greatest forced migration in history, which strikes more than 65 million human beings. If we think also of the growing tragedy of new slaveries in the forms of forced labor, of prostitution, of the traffic of organs, which are true crimes against humanity. It is alarming and symptomatic that today the human body is bought and sold, as if it were merchandise to be exchanged. Almost one hundred years ago, Pius XI foresaw the affirmation of these inequalities and iniquities as the consequence of a global economic dictatorship that he called “international imperialism of money” (Encyclical *Quadragesimo Anno*, May 15, 1931, 109). And it was Paul VI who lamented, almost 50 years later, the “new abusive form of economic domination on the social, culture and also political plane” (Apostolic Letter *Octogesima Adveniens*, May 14, 1971, 44).

The point is that *a participatory society cannot be content with a horizon of pure solidarity and welfarism*, because a society that is only supportive and of welfare, and not also fraternal, would be a society of unhappy and desperate persons of which everyone would seek to flee, in extreme cases also with suicide.

A society in which true fraternity is dissolved is not capable of a future, that is, that society is not capable of progressing in which only “give to have” exists or “giving out of duty”. See why, neither the liberal vision — individualist of the world, in which everything (or almost <everything>) is exchanged, or the centric-state vision of society, in which everything (or almost <everything>) is dutifulness, are sure guides to make us overcome that inequality, inequity and exclusion in which our societies are bogged

down today. It is about seeking a way out of the suffocating alternative between the neo-Liberal thesis and the neo-Statist thesis. In fact, precisely because the activity of the markets and the manipulation of nature – both moved by egoism, avidity, materialism and unfair competition – at times knows no limits, it is urgent to intervene on the causes of such malfunction, especially in the financial realm, rather than limiting oneself to correct its effects.

2. A second aspect I wish to touch upon is, namely, the concept of *integral human development*. To battle for integral development means to commit oneself for the widening of the space of dignity and freedom of persons: freedom understood, however, not only in the negative sense as absence of impediments, or only in the positive sense as possibility of choice. It is necessary to add to it freedom “*for*”, that is freedom to pursue one’s vocation for good be it personal or social. The key idea is that freedom goes hand-in-hand with the responsibility to protect the common good and to promote the dignity, freedom and well-being of others, so as to reach the poor, the excluded and the future generations. It is this perspective that, in the present historical conditions, enables us to overcome sterile diatribes at the cultural level and harmful counter-positions at the political level, enabling one to find the necessary consensus for new projects.

It is within this context that *the question of work* is posed. The limitations of the present culture of work have now become evident to most, even if there is no convergence of view on the way to go to attain their overcoming. The way indicated by the SDC begins by the acknowledgement that work even *before being a right, is a capacity and an indispensable need of the person*. It is the human being’s capacity to transform the reality, to participate in the work of creation and conservation done by God and, thus doing, to edify oneself. To recognize that work is an innate capacity and a fundamental need is a rather stronger affirmation than to say that it is a right. And this so because, as history teaches, rights can be suspended or in fact negated; the capacities, the attitudes and the needs if fundamental or not.

In this connection, we can refer to the classic reflection from Aristotle to Thomas Aquinas, on *acting*. This thought distinguishes two forms of activity: *transitive doing* and *immanent doing*. Whereas the former connotes action that produces a work outside the one who acts, the latter makes reference to an act that has its ultimate end in the subject himself who acts. The former changes the reality in which the agent lives; the latter changes the agent himself. Now, since such a transitive activity does not exist as to

not be also always immanent, from it derives <the fact> that *the person has the priority in relations of his acting and therefore of his work.*

The first consequence is expressed well by the classic affirmation *operari sequitur esse*: it is the person who decides about his own operating; self-generation is the fruit of one's self-determination. When work is no longer expressive of the person, because the latter no longer understands the meaning of what he is doing, work becomes slavery – a persons can be substituted by a machine.

The second consequence calls into question the notion of the *justice of work*. Just work is that which not only ensures a fair remuneration, but corresponds to the person's vocation and, therefore, is able to develop his capacities. Precisely because work is transformative of the person, the process through which goods and services are produced acquires moral value. In other terms, the work place is not simply the place in which certain elements are transformed, in keeping with determined rules and procedures, into products, but it is also the place in which the character and the virtue of the laborer are formed (or transformed).

The acknowledgement of this more strongly *personalistic* dimension of work is a great challenge which is still before us, also in the liberal democracies where the workers have even made notable conquests.

Finally, I cannot fail to speak of the grave risks connected with the invasion, in the high levels of culture and of instruction – be it of the university or school –, of the positions of *libertarian individualism*. A common characteristic of this fallacious paradigm is that it minimizes the common good, namely, the “living well”, the “good life”, in the communal framework, and exalts that egoistic ideal, which deceitfully affirms that it is only the individual that gives value to things and to inter-personal relations and, therefore, it is only the individual that decides what thing is good and what thing is bad; libertarianism, very fashionable today, preaches that to found individual freedom and responsibility one must recur to the idea of self-causation. Thus libertarian individualism denies the validity of the common good, because on one hand it implies that the idea itself of “common” implies the constriction of at least some individuals, and on the other hand that the notion of “good” deprives freedom of its essence.

The radicalization of individualism in libertarian terms and, therefore, antisocial, leads to conclude that *each one has the “right” to expand himself to where his power consents him even at the price of the exclusion and marginalization of the most vulnerable majority.* Because it would limit freedom, the bonds must be what must be loosened. Erroneously equating the concept

of bond with that of link, one ends up by confusing the *conditionings* of freedom – the links – with the essence of the freedom realized, namely the bonds or relations with the precise goods, from those of the family or the inter-personal, from those of the excluded and the marginalized to those of the common good, and finally to God.

The 15th century was the century of the first Humanism; at the beginning of the 21st century one perceives increasingly the need for a *new Humanism*. Then it was the transition from feudalism to the modern society that was the decisive engine of change. Today, it is a passage of epoch equally radical: that of the modern society to the post-modern <society>, the endemic increase of social inequalities, the migratory question, the identity conflicts. The new slaveries, the environmental question the problems of bio-politics and bio-rights are only some of the questions that speak of today's hardships. In face of such challenges, the mere updating of old categories of thought or recourse to refine technics of collective decision-making are not enough; new ways must be sought inspired by the message of Christ.

The Gospel's proposal: "seek first His Kingdom and His righteousness, and all these things shall be yours as well" (*Matthew* 6:33) was and still is a new energy in history that tends to arouse fraternity, freedom, justice, peace and dignity for all. In the measure in which the Lord will succeed in reigning in us and among us, we will be able to participate in the divine life and will be to one another "instruments of His grace, to spread God's mercy and to weave networks of charity and fraternity" (Benedict XVI, Encyclical *Caritas in Veritate*, 5). This is the wish I address to you, and that I accompany with my prayer, so that the Academy of Social Sciences will never be lacking the vivifying help of the Spirit.

While I entrust these reflections to you, I encourage you to carry forward with renewed commitment your precious service and, in asking you, please, to pray for me, I bless you from my heart.

Word of Welcome

Your Excellency, Bishop Sánchez Sorondo,
Dear Professor Archer, President of the Academy
Distinguished Academics,

It gives me great pleasure to greet you and to offer a few words on this last day of your Plenary Meeting. I thank you for your service to the Holy See and I wish to encourage you to carry forward the fruits of your discussions here, which offer valuable and tangible ways to work for a more fraternal and engaged world, one that is just and excludes no one.

The Church's Social Teaching in the formulation and development of which you play a significant role, has never endorsed a mechanistic approach, whereby an invisible hand maintains justice, merely by harmonising the self-interest of individuals, or whereby the dictatorship of one class can develop a society that excludes no one.

The Church rather, has always maintained that there are no *a priori* or one-size-fits-all solutions, which exonerate leaders of society from pursuing justice. And this is not only because human life develops in a variety of historical, geographical, economic and cultural contexts, each significantly different from the other. But, above all, because God's image in every man and woman bestows on them a personal dignity and a richness of intelligence and emotion, which precede and supersede every other social construct.

Human dignity and all of its potentiality must not only be respected but also helped to flourish. This is the ultimate goal of inclusion, that all may be true and worthy agents of their own integral human development and of the various spheres in which social life develops: family, friendship, local communities, civil society, government and the Church. There are innumerable examples of men and women who, whether in daily life or in the dramatic circumstances of war, civil strife and natural disasters, are able to sacrifice their self-interests in order to place their own lives at the service of others. History also presents us, however, with those who, in the words of the Apostle Paul, have as their God their belly and their glory is in their shame, with minds set on earthly things (cfr. Philippians 3:19).

Social and cultural inclusion necessarily presumes the primary and vital disposition of generosity and the ability to recognise the dignity of the other. In contrast, reducing the human person to a self-absorbed being always means excluding others who, in turn, are then seen as either useful for personal interest, or as obstacles to them. There is a choice: either we

embrace the view that men and women are capable of responsible behaviour, that is of giving a free response that life is a gift, that love is the source of the meaning of life, and that one cannot withhold one's urge to do good to another, or we uphold the view of those who have placed all their hope in technology, consigning their freedom to the blind forces of the unconscious, of immediate needs, of self-interest and of violence.

In certain contexts, permeated by a superficial idolatry of technology, according to an undifferentiated and one-dimensional paradigm, which sees science as a technique of possession, mastery and transformation of something formless, completely open to manipulation, new ideologies emerge, such as transhumanism and technological singularity. These foresee even the exclusion and subsequent disappearance of every aspect of humanity that does not have real and complete access to – and mastery of – new technologies and is incapable of interacting with them. The invisible hand and the dictatorships of the 19th and 20th centuries are today capable of transforming into what seems harmless, but is in fact a radically alienating technocratic dictatorship for the 21st century.

Your work has examined today's civilization and has sought a concrete approach in order to respond to the Holy Father's call to reassess society and the whole of the Universe as being open to God's transcendence and as being a field for a revolution of tenderness. That is, having a love for humanity that becomes close and becomes real. Only then can human freedom offer an intelligent contribution towards a positive development, transforming human history into a blossoming of freedom, growth, salvation and love, instead of a path that is decadent and self-destructive.

I believe that the Holy Father's thoughts summarise the spirit which has guided your discussion, and I am certain that the conclusion of your assembly will make a significant contribution to a greater understanding and renewing of the Social Teaching of the Church.

Though unable to be with you, the Holy Father, who greeted you at the beginning of your meeting in the person of Archbishop Gallagher, has kept you in his prayers and you can be sure that he holds great hope in the fruitfulness of your discussion.

Together with my own cordial greetings and appreciation, I wish to convey the Holy Father's blessing to you and your families, and the assurance of his prayer for your professional and personal endeavours. Thank you very much.

CARDINAL PIETRO PAROLIN
Secretary of State

Word of Welcome

Thank you very much,
Your Excellency,
for your kind words of introduction.

I warmly greet all the members of the Academy, the Ambassadors and other diplomatic representatives here, and also to the visitors of the Academy.

It is my honour and duty to convey to you the greetings of Cardinal Pietro Parolin, the Secretary of State, who is accompanying the Holy Father on his visit in Egypt in these days. In a sense, I represent a bureaucracy with whom you seem to have had some difficulties and I therefore wish to assure you that this bureaucracy, though admittedly slow at times, is always well intended.

I entirely agree with the remarks of Professor Archer at the beginning of the meeting this morning. The theme that you are to consider in these days does indeed seem very timely. It coincides with many parallel narratives, such as that of a participatory inclusive Church, which the Holy Father has been promoting since the beginning of his Pontificate, or the insistence that “nobody must be left behind” of current UN speech and SDG aims. It is also timely when we consider the present world situation, which is dramatic to say the least.

It strikes me that setting your objective as a participatory society is opportune because much of what we experience today is a result of a non-participatory society. By this I mean a society in which people have either been obstructed in their political and social participation or in which, perhaps almost as serious, they have chosen not to participate. This, I believe, has been one of the great malaises of Western society in recent decades. A high level of wellbeing and economic, social and political security seems to have led people into a situation of taking for granted so many of the characteristics of our traditional Western society. And when this begins to unravel in a serious way, people begin to ask the question: “Why?”. Part of the answer lies in the political apathy characteristic of many of our countries, including many of those represented here this morning.

The low level of participation in national and domestic politics is quite worrying. So too are the lack of commitment to political parties and the declining involvement in trade unions and other such bodies. All of these factors, I think, have led to a non-participatory society. Hence, at this time,

we need to promote greater participation. So, I very much commend your discussions and have great pleasure in greeting the Academy on this occasion in the name of the Holy See. I assure you of our support and our desire to work very closely with the Academy and to draw on the results of your deliberations, especially in the efforts that we are making at a political level here in our assistance to the Holy Father. In formulating my best wishes for your meeting, I thank you very much for your work.

H.E. MSGR. PAUL R. GALLAGHER
Secretary for Relations with States

Introduction

1. The scope of this Plenary

The scope of this Plenary is broad and challenging for the Pontifical Academy of Social Sciences, which is its very reason for existing. We are asked to outline and implement a kind of society that can ensure the full participation of all its members, not simply in terms of compensation or compassion for the most disadvantaged, but in terms of a just and sustainable societal configuration in which people have the opportunity to pursue a good life for themselves and for everyone else.

In the face of growing social injustice, poverty dramas, rampant conflicts in the world, extensive migration flows, and an increasing fragmentation of society, many voices are raised to express urgent concern to find new cement for society.¹ Building a participatory society may be the way to go. But, one question becomes apparent: what is a ‘participatory society’?

If one surfs the internet, one will find expressions like: participatory government, participatory democracy (‘dialogue with citizens’), participatory governance, participatory economy, participatory education, participatory research, etc. What are they? The term ‘participatory society’ rarely appears. What does it mean? It is clear that this concept of participation could be given many different meanings, when applied to the whole configuration of society.

Often, the expression ‘participatory society’ is used to describe a way in which complex relations between the state and civil society should take place. But we can easily notice that very different, and also opposing, visions are given. Should it refer to ideas of a ‘caring’ and ‘responsible’ society? Probably yes, but the aim of achieving such a society is conceived and can be implemented in many different ways.

There are those who think that participatory society refers to a civil society simply seen as ‘non-governmental’, where ‘self-responsible’ citizens are expected to take care of their own affairs, feel more responsible for the needy and their local communities, with little or no state aid.² On the

¹ This call echoes from the beginning of the industrial age, but the processes of poverty and exclusion have to be interpreted in precise historical contexts: see Bill Jordan, *A theory of poverty and social exclusion* (Cambridge: Polity Press, 1996).

² Examples can be given with reference to the UK, the Netherlands and other countries. In particular, one should be aware that in the Netherlands what they call

other hand, there are those who understand participatory society as the result of a strong state that intervenes to guarantee citizens a series of rights that enable them to take an active part in public life, quite often with an emphasis on an anti-capitalist, anti-racist, anti-sexist, and anti-authoritarian vision of society.³

It is evident that we need to clarify which project for a participatory society we are referring to. For instance, is it possible to draw clear distinctions between civic participation as *self-reliant participation* and as *policy-influencing participation*? Usually, the first refers to forms of participation that mainly involve people doing something themselves, such as keeping their neighbourhood clean or keeping a service or amenity running, while the second is about exerting influence on the policy of a public or private body, for example by voting, lobbying or exercising the right to public consultation and participation in decision-making.

Everybody is well aware that any project for a participatory society is referred to a counterfactual reality. Suffice it to recall the so-called ‘Matthew effect’ (or *accumulated advantage*), i.e. the phenomenon where the rich get richer and the poor get poorer. We know how widespread are the processes that exclude many people from the enjoyment of their human rights and the access to the opportunities that are relevant to their fulfilment. These processes are pervasive and ever recurring. We can list them as: exploitation, discrimination, alienation, reification, enslavement, estrangement, refusal of recognition, human trafficking, and so on. In short, they are processes of dehumanization.

John Paul II had in a certain sense anticipated this conference when he wrote:

The problem of the choice between participation and alienation is the central issue of our epoch (...) Alienation is the negation of participation (...) The actualization of the participation with respect to every human being appears as a duty for each one.⁴

‘participation society’ has been launched to declare the end of the welfare state (cf. Lei Delsen, *From welfare state to participation society. Welfare state reform in the Netherlands: 2003-2010*, Institute for Management Research, Radboud University Nijmegen, NiCE Working Paper 12-103, May 2012).

³ See, for instance, the ‘International organization for a participatory society’, (IOPS) <http://www.iopsociety.org/about>

⁴ Karol Wojtyła, ‘Participation or alienation’. *Analecta Husserliana*, VI (1977), pp. 7-16 (my translation from the Italian version).

Pope Francis has reminded us of this imperative on many occasions. He has underlined the need to counterbalance the predominance of economic and technological considerations (“the new power structures based on the techno-economic paradigm”) and give attention to local contexts and their cultural specificities:

A consumerist vision of human beings, encouraged by the mechanisms of today’s globalized economy, has a levelling effect on cultures, diminishing the immense variety which is the heritage of all humanity. Attempts to resolve all problems through uniform regulations or technical interventions can lead to overlooking the complexities of local problems which demand the active participation of all members of the community. New processes taking shape cannot always fit into frameworks imported from outside; they need to be based in the local culture itself. As life and the world are dynamic realities, so our care for the world must also be flexible and dynamic. Merely technical solutions run the risk of addressing symptoms and not the more serious underlying problems. There is a need to respect the rights of peoples and cultures, and to appreciate that the development of a social group presupposes an historical process, which takes place within a cultural context and demands the constant and active involvement of local people *from within their proper culture*. Nor can the notion of the quality of life be imposed from without, for quality of life must be understood within the world of symbols and customs proper to each human group.⁵

Our task is to enlighten these processes, analysing their causes and designing possible solutions. References should be made to the specificities of the different geo-political, economic and cultural contexts. At the same time, however, we have to pay attention to the overarching global dynamics that oppose the pursuit of social participation across countries, in that they deny people’s rights to take part in the decisions that affect their lives.

2. The many faces of participation

Participation – be it social, economic, cultural, political or religious – has many faces. On the one hand, it is the opposite of exclusion, and therefore it requires ‘inclusion’ in a reference system. On the other hand, since inclusion can be pursued in various ways, participation can be articulated

⁵ Pope Francis, Encyclical letter *Laudato Si’*, #144.

and qualified by different forms of ‘integration’ between people, between people and institutions, between the parts and the whole.

One might wonder whether the two antonyms ‘exclusion/inclusion’ and ‘differentiation/integration’ are identical or at least have some aspects in common. Possibly, they have different meanings and implications, both theoretically and practically, in respect to how participation is configured.

‘Exclusion/inclusion’ refers to the fact of being in or out, rather than up or down, whilst ‘differentiation/integration’ refers to how to deal with differences within a reality that needs to achieve unification.

If we assume that social exclusion is about broken relationships, there are always two parties to consider: those who exclude as well as the excluded. Participation means talking about these relationships in terms of their relations, which is an issue of ‘relational inclusion’ from both sides. As Pope Benedict XVI wrote:⁶

The dynamics of inclusion are hardly automatic. Solutions need to be carefully designed to correspond to people’s concrete lives, based on a prudential evaluation of each situation. Alongside macro-projects, there is a place for micro-projects, and above all there is need for the active mobilization of all the subjects of civil society, both juridical and physical persons. (...) The theme of development can be identified with the *inclusion-in-relation* of all individuals and peoples within the one community of the human family, built in solidarity on the basis of the fundamental values of justice and peace.

The issue of how participation can integrate differences is a matter of how to configure the whole in such a way that each part should not be forced to give up its own specificities.

The problem of how these two antonyms (exclusion/inclusion and differentiation/integration) can be articulated between them, thereby making for synergy between the principles of equality and respect for differences, is complex and yet challenging.

In my opinion, the task of this Plenary is not so much to insist on the failures and lack of participation in present societies, since there is ample knowledge about them, but rather it is to explore the positive aspects of those initiatives fostering a more inclusive and integrated society through different forms of participation: institutional and non-institutional, formal and informal, private and public, cooperative and conflictual, and so on. Of

⁶ *Caritas in Veritate*, #47, 54.

particular importance seems to be the distinction between *participation as representation*, *participation as protest* and *participation as civic action*.

3. Some major challenges in pursuing a ‘participatory society’ today

Lack of participation is a multi-dimensional phenomenon that is largely due to a combination of economic and social deprivation, and involves political, legal and cultural factors. In brief, it is always a cumulative process of multiple and interrelated disadvantages.

Just to provide some initial suggestions for our debate, I would like to point out some major challenges in the pursuit of a participatory society within our contemporary world.

a. *The crisis of representative democracy.* Is representative democracy participatory? What are the alternatives?

The model of representative democracy that has prevailed since the Second World War is now clearly facing a crisis due to the increasing gap between the élites and common people in most countries. The lack of social and political involvement of citizens in the political government of society and the mismatches between civil society and the political system have produced two trends: on the one hand, the rise of autocratic and authoritarian regimes, and, on the other hand, permanent protest movements that make political systems extremely unstable, not to mention the increased antagonism of international relations. These trends indicate how difficult it is to create new forms of political participation. Some people believe that democracy will never be the same again.⁷ What are the alternatives? New electoral systems? New social movements and/or civic initiatives able to revitalize democracy? New forms of direct representation? How can we foster active citizenship, mobilize intermediary bodies (third sector, civil networks) that can promote social, economic and political participation at any level (micro, meso, and macro)? What else is needed in order to solve the failures of representative participation?

b. *Growing social inequalities.* In what way and to what extent do social inequalities actually prevent or distort participation?

⁷ At least not the classical democracy based upon the liberal thought and stemming from the theories of J.J. Rousseau, J.S. Mill and G.D.H. Cole as summarized by Carole Pateman. *Participation and Democratic Theory*. New York: Cambridge University Press, 1970.

We know that, in general, there is a positive correlation between the degree of social equality and the level of social participation. Participation is favoured by an egalitarian distribution of resources: the more resources are distributed equitably, the more social actors participate in the various spheres of society. But is this correlation in any way causal, let alone deterministic? Are there intermediary variables and countervailing influences that affect the processes and their outcomes? Is it true, as some scholars argue, that in the last decades the decline of social participation, at the local as well as at the nation level, has been due to increasing inequalities produced by the capitalist economy in conjunction with a kind of welfare state that renders citizens passive? What is the role of the economy and that of the state in reducing forms of participation? How should the criteria for distribution and redistribution of life opportunities be conceptualized in order to support the participation of all? Social justice is necessary to give people the opportunity to participate fully in the various spheres of society, and, in turn, participation in all such spheres is a precondition for having social justice. Answers to these issues come down to understanding whether or not a trade-off between social participation and social justice could create a virtuous – instead of a vicious – circle between them. It would be interesting to consider how to pursue social justice through new social and economic policies in fighting against poverty, combatting unemployment, and ensuring more equity between generations (in particular the issues of disadvantaged young people and the NEETs).

c. *Increasing migrations and refugees.* How to welcome migrants and refugees in the host countries, integrating them and enabling them to participate in social life?

We have to expect large migration flows in the near future, because of economic and demographic imbalances between different areas of the world. We need to reconsider migrations from the point of view of the lack of any adequate participation in the contexts of departure and in terms of demand in the contexts of arrival. How can we build bridges instead of walls? The way in which a country manages its national borders is a good indicator of the way it conceives of social participation.

d. *Technological innovations (ICTs).* Are innovations in the field of the ICTs an obstacle or do they enable or stimulate social participation?

Regarding this issue there are differing opinions and divergent results from empirical research. When they appear, all technological innovations

tend to favour some and exclude others. For this reason, is establishing a participatory society a permanent challenge vis-à-vis technological innovations used not only for exchanging messages and information, but also in order to access many welfare, social and health services? What can be done to bridge the gaps and to make sure that those who are excluded from the use of these means can have a free and comprehensive access to them, which is necessary for full integration into society?

e. Religious and cultural conflicts emerging in a multicultural society. How are conflicts between different cultures (ethnic groups) and different religions managed in order to avoid the marginalization – and even segregation – of minority groups? How is it possible to favour dialogue, cooperation, and equality of rights for all?

The political doctrine of multiculturalism, as it was experienced in many countries following Canada (since the 1970s), has produced very limited and unsatisfactory results in promoting effective social and cultural integration. More often it has generated social segmentation and cultural relativism. What are the possible alternatives?

From a theoretical point of view, the social doctrine of the Church provides a fundamental inspiration and basic principles for positive solutions to these issues. But it needs to be translated into concrete actions in the face of what is happening. The world is supposed to be ‘globalized’, and in some ways it is supposed to share a common destiny, but we witness the emergence of new processes of division, alienation, injustice, and widespread conflicts that hinder effective participation in building a shared society. Indeed, we need a new vision to make the participation of each and every human person in society effective.

4. Envisioning a new scenario

Humankind is bound to live in a post-ideological and constantly changing globalized world. It seems that a participatory society cannot be identified with a certain ideology. Those who would like to legitimize a participatory society with an ideology from the past would be undertaking a hopeless operation. At this moment in time, the label ‘participatory society’ seems only to exclude the opposites of rampant capitalism on one side and statism on the other side. We are dealing with a scenario that forces us to confront a wide variety of possible outcomes for our societies. Possibly, social participation will become a matter of purely adaptive processes.

The Church urges us to make new efforts to assure a future for humanity in which no person is excluded from decent participation in social life, one that is respectful of her dignity. It may be useful to recall the words used by Pope Benedict XVI to suggest moving towards an integration driven by relational inclusion:

Globalization is a multifaceted and complex phenomenon which must be grasped in the diversity and unity of all its different dimensions, including the theological dimension. In this way it will be possible to experience and to *steer the globalization of humanity in relational terms, in terms of communion and the sharing of goods* (...) “The theme of development can be identified with the *inclusion-in-relation of all individuals and peoples within the one community of the human family*, built in solidarity on the basis of the fundamental values of justice and peace.”⁸

After all, a participatory society is, or better should be, the necessary consequence of the recognition that in our world “everything is closely inter-related”, as Pope Francis reminds us.⁹

From this point of view, a number of emerging ideas for a real social participation are worthy of consideration, such as associational citizenship, relational goods, coproduction and peer production, direct democracy, communal networks, civil relational economy.

Since the Church’s social doctrine is not linked to any historic ideology and encourages everybody to adopt an approach of transcendent openness towards social issues, it can inspire new creativity in thinking about new solutions for the promotion of a participatory society. This is the challenge that we have ahead of us.

May everyone rise to it.

PIERPAOLO DONATI

Pontifical Academy of Social Sciences

⁸ Benedict XVI, Encyclical letter, *Caritas in Veritate*, #42, 54 (italics in the text).

⁹ Pope Francis, Encyclical letter *Laudato Si'*, #137.

Programme

► FRIDAY, 28 APRIL 2017

OPENING SESSION

CURRENT DYNAMICS THAT CHALLENGE A FULL PARTICIPATION OF PEOPLE IN SOCIETY

Chair: Margaret S. Archer

9:00 *Word of Welcome*

PASS President Margaret S. Archer / H.E. Msgr. Marcelo Sánchez Sorondo / H.E. Msgr. Paul Richard Gallagher

9:15 *Introduction to the Plenary*

Pierpaolo Donati

9:30 *The Magisterium on Human Dignity and the Rights to Full Participation in Society*

H.E. Msgr. Roland Minnerath

10:00 Discussion

10:30 *Is Inequality – of any kind – an Obstacle for Social Integration and Participation? Towards an Integral Ecology*

José T. Raga

11:00 Discussion

11:30 Coffee Break

12:00 *The Dynamics of Social Inequalities in the Present World*

Joseph Stiglitz

12:30 Discussion

13:00 *Commemoration of Kenneth Arrow (Partha Dasgupta) and Hans Tietmeyer (José T. Raga)*

13:45 Lunch at the Casina Pio IV

Chair: Vittorio Possenti

15:15 *The Etiology of Social Exclusion: Its Global Distribution and Differences*

Paulus Zulu

15:45 Discussion

16:15 *The Etiology of Economic Exclusion: Its Global Distribution and Differences*

Juan J. Llach

16:45 Discussion

17:15 Coffee Break

17:45 *Cultural Exclusion and Civil Society*

Ana Marta González

18:15 Discussion

19:30 Dinner at the Casina Pio IV

► **SATURDAY, 29 APRIL 2017**

HUMAN RIGHTS & PARTICIPATION IN THE SPHERES OF SOCIETY

Chair: Lubomír Mlčoch

9:00 *Successes and Failures of Democratic Systems in Combatting Social and Cultural Exclusion*

Douglas Porpora

9:30 Discussion

10:00 *The Role of the International Human Rights System in Addressing the Challenge of Social Exclusion*

Paolo Carozza

10:30 Discussion

11:00 Coffee Break

11:15 *Social Inclusion Beyond Exchanges and Distributions*

Russell Hittinger

11:45 Discussion

12:15 *The Rights of Refugees from the Point of View of Morals, Natural Law, and Politics*

Vittorio Hösle

12:45 Discussion

13:15 Lunch at the Casina Pio IV

Chair: Allen D. Hertzke

15:30 *The Social & Cultural Integration of Migrants*

Gérard-François Dumont

16:00 Discussion

16:15 *Inclusive Citizenship Amid Religious and Cultural Diversity*

Gregory M. Reichberg

16:45 Discussion

17:00 Coffee Break

17:30 *Participatory Democracy and the Under-Represented*

Rocco Buttiglione

18:00 Discussion

Chair: Stefano Zamagni

18:15 *Slavery, Participation and Human Rights*

H.E. Msgr. Marcelo Sánchez Sorondo

18:45 Discussion
 19:30 Dinner at the Casina Pio IV

► **SUNDAY, 30 APRIL 2017**

Pilgrimage to the Apostolic Palace of Castel Gandolfo

9:00 Departure from the Domus Sanctae Marthae
 9:15 Departure from the hotel
 19:30 Dinner at the Casina Pio IV

► **MONDAY, 1 MAY 2017**

GOOD POLICIES & PRACTICES FEEDING A PARTICIPATORY SOCIETY

Chair: Gérard-François Dumont

9:00 *Marktwirtschaft and Sharing Economy in the Perspective of a Participatory Society*
 Jörg Guido Hülsmann

9:30 Discussion

10:00 *Towards an Open Social Economy*
 Yochai Benkler

10:30 Discussion

11:00 Coffee Break

11:30 *Good Practices in Dealing with the NEET: Policy Responses*
 Massimiliano Mascherini

12:00 Discussion

12:30 *Participation and Collegiality: Lessons From Network Studies of Peer Production*
 Emmanuel Lazega

13:00 Discussion

13:30 Lunch at the Casina Pio IV

Chair: José T. Raga

15:00 *Religious Agency and the Integration of Marginalized People*
 Allen D. Hertzke

15:30 Discussion

16:00 *Communication, Participation and Socio-Cultural Integration*
 Paul S.N. Lee

16:30 Discussion

17:00 Coffee Break

17:30 *The Social and Cultural Integration of Disabled People*
 Fabio Ferrucci

18:00 Discussion

18:30 *Migration and Integration: Österreichs Antworten*

Herbert Schambeck

19:00 General Discussion

19:30 Dinner at the Casina Pio IV

► **TUESDAY, 2 MAY 2017**

NEW GUIDELINES FOR ACHIEVING SOCIAL & CULTURAL PARTICIPATION

Chair: Vittorio Höslé

9:00 *Word of Welcome*

H.E. Card. Pietro Parolin

9:15 *Can Increased Participation Be Introduced from the Bottom-Up?*

Margaret S. Archer

9:45 Discussion

10:15 *In Which Way Can Interculturality Achieve Social Integration?*

Pierpaolo Donati

10:45 Discussion

11:15 Coffee Break

11:45 *The Contribution of the Civil Economy Paradigm to Enhance Social and Economic Participation*

Stefano Zamagni

12:15 Discussion

12:45 *The Social Rehabilitation and Reintegration of Child Soldiers*

H.R.H. The Princess of Hanover

13:00 General Discussion

13:30 Lunch at the Casina Pio IV

Chair: Paolo Carozza

15:30 *National Legislations Addressing Social & Cultural Integration*

John McEldowney

16:00 Discussion

16:30 *Political Participation in Europe: What Is Required?*

Janne Matlary

17:00 Discussion

17:30 Coffee Break

Chair: Margaret S. Archer

18:00 Towards Formulating PASS Recommendations

18:30 Closed Session for Academicians

20:00 Dinner at the Casina Pio IV

List of Participants

Margaret S. ARCHER

President of the Pontifical Academy of Social Sciences
Director, Centre for Social Ontology,
Department of Sociology,
University of Warwick, UK

Yochai BENKLER

Berkman Professor of Entrepreneurial
Legal Studies at Harvard Law School
Faculty Co-Director of the Berkman Klein Center
for Internet and Society at Harvard University, USA

Rocco BUTTIGLIONE

PASS Academician
Presidente del Consiglio Nazionale UDC
Palazzo Montecitorio
Rome, Italy

H.R.H. The Princess of Hanover

Association Mondiale des Amis de l'Enfance – AMADE
Monaco, Monte Carlo

Paolo CAROZZA

PASS Academician; Professor of Law,
Concurrent Professor of Political Science, Director, Helen Kellogg
Institute for International Studies,
University of Notre Dame, IN, USA

Partha DASGUPTA

PASS Academician; Frank Ramsey Professor of Economics,
University of Cambridge, and Professor of Environmental
and Development Economics, University of Manchester, UK

Pierpaolo DONATI

PASS Academician; Professore di Sociologia,
Dipartimento di Sociologia, Università di Bologna, Italy

Gérard-François DUMONT
PASS Academician
Université de Paris-Sorbonne
France

Fabio FERRUCCI
Professore di Sociologia
Dipartimento di Scienze Umanistiche Sociali
e della Formazione
Università del Molise, Italy

Ana Marta GONZÁLEZ
PASS Academician
Associate Professor of Moral Philosophy,
University of Navarra, Spain

Allen D. HERTZKE
PASS Academician
Presidential Professor of Political Science
University of Oklahoma, OK, USA

Russell HITTINGER
PASS Academician
University of Tulsa
Department of Philosophy and Religion
Tulsa, OK, USA

Vittorio HÖSLE
PASS Academician
Paul Kimball Professor of Arts and Letters,
University of Notre Dame, USA

Jörg Guido HÜLSMANN
Professor of Economics at the
University of Angers, France

Emmanuel LAZEGA
Professor of Sociology,
Institut d'Etudes Politiques de Paris, France

Paul Siu-Nam LEE
Professor, School of Communication,
Hang Seng Management College, Hong Kong,
P.R. China

Juan José LLACH
PASS Academician
Director, GESE (Centro de Estudios de Gobierno, Empresa,
Sociedad y Economía) IAE-Universidad Austral
Buenos Aires, Argentina

Massimiliano MASCHERINI
European Foundation for the Improvement
of Living and Working Conditions (EUROFOUND)
Dublin, Ireland

Janne MATLARY
PASS Academician
Professor of Political Science,
Department of Political Science, University of Oslo
Norway

John McELDOWNEY
Professor of Law and Director of the LLM
in “EU Law in the World Economy”,
Warwick University, UK

H.E. Msgr. Roland MINNERATH
PASS Academician
Archevêché
Dijon, France

Lubomír MLČOCH
PASS Academician
Charles University
Institute of Economic Studies
Faculty of Social Sciences
Prague, Czech Republic

Douglas PORPORA
Professor of Sociology,
Department of Culture and Communication,
Drexel University
Philadelphia, USA

Vittorio POSSENTI
PASS Academician
Università Ca' Foscari di Venezia
Dipartimento di Filosofia e Teoria delle Scienze
Venice, Italy

José T. RAGA
PASS Academician
Economics, Complutense University of Madrid,
Spain

Gregory M. REICHBERG
PASS Academician
Research Professor, The Peace Research Institute Oslo
and the University of Oslo, Department of Political Science,
Norway

Louis SABOURIN
PASS Academician
Université du Québec
École Nationale d'Administration Publique
Montréal, Canada

H.E. Msgr. Marcelo SÁNCHEZ SORONDO
Chancellor,
The Pontifical Academy of Social Sciences,
Vatican City

Herbert SCHAMBECK
PASS Academician
Institute for Constitutional Law and Political Sciences
University of Linz, Austria

Joseph STIGLITZ
PASS Academician
Professor of Economics, Columbia University
Graduate School of Business
New York, NY, USA

Stefano ZAMAGNI
PASS Academician
Professore di Economia,
Dipartimento di Scienze Economiche,
Università di Bologna, Italy

Paulus ZULU
PASS Academician
Director, Maurice Webb race relations unit
University of Kwazulu Natal, Durban, South Africa

► OPENING SESSION | CURRENT DYNAMICS THAT CHALLENGE
A FULL PARTICIPATION OF PEOPLE IN SOCIETY

THE HUMAN RIGHT TO FULL PARTICIPATION IN SOCIETY

ARCHBISHOP ROLAND MINNERATH

1. Participation and human dignity

In Catholic Social Teaching (CST), participation is considered under three aspects:

- As a need and a right inherent to human dignity
- As a right to take part in labour decisions
- As a right to take part in political life

Particular attention is given to the marginalized and poor people.

The first point is the most important. Why is participation coherent with the dignity of the human person? Human persons are fundamentally equal and enjoy the same rights. In society, at each level, responsibilities are diverse and complementary. Each man and woman must be treated as a person. Nobody is meaningless. Nobody may be treated as a means or as an object. In society two considerations must be held together: dignity and responsibility. In family life, in an enterprise, in governing a city or a state, those invested with natural or contractual responsibility care for the whole. They have to respond to those who entrusted them this care. In a family or at school, children are educated. Yet education is interactive and supposes a specific form of participation on behalf of those who are concerned. Children are not passive objects. In labour relations, employees are persons and not just passive forces of production. They make the enterprise successful. They build a work community. Management has to respond to shareholders who look for a return on their investments. Management cannot achieve its goals without some form of participation on behalf of the human workforce. In democratic societies participation is expressed through elections and ongoing debates in the public sphere.

Participation is related to democracy in political life, but not only. It excludes no sector of social life. At the same time it refers to complementary principles which frame participation in a global vision of person and society, person and common good, person and subsidiarity. The Social Teaching of the Church aims at giving a broad inspiration to reflexion on social issues. It does not entail a precise and unique model. It addresses all cultural and social contexts. It does not seek uniformity, but relies on a set of principles and

values that give sense to all efforts that increase justice in human relations. A more participatory society is just a hint at envisioning a more human life. Participation exists in all societies in a huge variety of contexts.

Dealing with the issue of development, Vatican II recalled the principle that it should be a concern for all, not only for technocracy nor should it be left to the blind processes of the market. “Citizens should remember that it is their right and duty, which is also to be recognized by the civil authority, to contribute to the true progress of their own community according to their ability”.¹

In a message delivered to the International Labour Conference in 1982 on the dignity of human labour, John Paul II stressed that “any polity fostering the common good should appeal to participation of all social forces. He stressed: “Solidarity in society has to be built on a daily basis, first of all by ensuring the effective conditions of free participation of all to the common work”.² Participation is clearly linked to solidarity and the common good.

What is at stake in our concern is overcoming structural marginalization of people and finding new ways for integration. For a migrant, integration means fitting into a social context, which is different to one’s own. For a disabled person, integration means having access to care, family life and work. For a poor person, integration means having a chance to find a dignified job on the labour market. Domestic situations that end in marginalization, like divorce, joblessness, and health issues, are also a call for new integration.

My first point is that participation is not optional. It is a request of the dignity of each human being. We consider that all human beings are equal in dignity and rights. We know that this is not yet universally accepted. Participation is a cultural product. There are many forms of participation. At the very root there is universal awareness that no human being can be treated as an object to another, that no community may be ruled out of society as a whole.

I cannot avoid mentioning participation in its specific Christian understanding. The New Testament provides us with a word that Catholics, Orthodox and Protestants all put at the basis of their ecclesiology, and this is *koinonia*, communion. The concept is fully Christian as it is rooted in the

¹ *Gaudium et spes* 65.

² AAS 74 (1982) 1005.

contemplation of the Holy Trinity. The very being of God is *koinonia*, sharing of divine life by the Father, the Son and the Holy Spirit. *Koinonia* is the eternal exchange of gifts between the three Persons. Now, what happens with Christ the Incarnate Son? He enabled us to enter into the divine *koinonia*, the divine life, and so to have a share of it. The whole salvation design is nothing other than an offer to participate in divine life. What is more, the Eucharist means to “partake of the table of the Lord” and participation in the body of the risen Lord. Participation (*metechlein*) means our assimilation and transformation into the body of Christ (cf. 1 Co 10, 17.21).

Participation in this sense is an invitation that comes from above, a participation human beings would not have imagined or expected. Yet this specific participation is what finally matters. It outlines the fulfilment of our existence and the final goal of our journey. Participation in divine life begins now through the reception of sacraments and a life ordered with charity. Participation in divine life is a request of our spiritual nature. We need it and we cannot provide it by ourselves. It is a gift of graciousness. We may note that nobody is excluded from participation in divine life. The offer of salvation is open to all. It meets our freedom. We may refuse it. Participation, which implies an act of personal commitment, cannot be imposed.

A transposition of *koinonia* to our analysis of participation would mean that we understand participation as accepting a gift, something given, that we really need but that we may refuse.

As I have pointed out, the biblical roots of participation are a hint for our natural understanding and urge us towards more implication in fostering participation, but on a rational and disputable level. Participation is a natural request of the human person. It is not a religious program. For us Christians it is a request of natural reason inspired by faith, but it remains on the level of natural universal social order.

2. Forms of participation

Let us observe on which level of social organization participation is missing. All human persons belong to several concentric circles:

- The family
- The community of friends and the community of faith: participation in integrating and creating values, ways of life
- The city, the place of work, the State: participation in the economic and political life
- The international community: how do nations participate in the global game?

Participation obviously has a different meaning according to which level is considered. My point is that as you move from the centre to the universal level, participation is articulated into systemic constraints, which differ from one cultural context to the other.

The person is always and everywhere endowed with the need and the right to participate in all affairs that may concern him/her. Participation is not granted by society. Society has to recognize the right of persons to participate. How this request would be implemented receives differentiated answers.

Two movements create participation: one coming from the principles that we deem inscribed in the very structure of the human person. Without this conviction there is no given participation. The second movement goes bottom-up and relies on the principle of subsidiarity. This means that participation is not negotiable, but the construction in which participation will become effective is a matter of culture, political development, and economic conditions.

We cannot decide that participation means the same thing everywhere. It would be utopian and counterproductive. Participation grows from inside, from the awareness that it is good for human persons and society as a whole.

The main obstacle to participation is centralization, which suffocates any initiative at any level of responsibility. Subsidiarity belongs to the core principles of CST. It goes side by side with given participation. Some nations or cultures are naturally inclined to practice subsidiarity in the world of enterprise, political organizations and education. The experience of a federal state should be closer to subsidiarity than extreme centralization of decision-making. When subsidiarity is at hand, participation has a chance to become effective.

2.1 Participation in the workplace

In the early industrial era, Leo XIII encouraged the creation of Christian trade unions in which employers and employees could deal with questions of wages, pension, and social justice. In these unions, workers could defend their interests.³ Leo also developed a theory of “just wages”. Salaries should cover the basic needs of all workers and their families and give them an opportunity to have some savings, giving them more autonomy.

³ *Rerum novarum* (1891) 36–44.

This part of the salary can be considered as participation in the profits of the enterprise. Access to some property is considered as a token of liberty.

Forty years later, Pope Pius XI observed: “Following in the footsteps of Our Predecessor, it will be impossible to put these principles into practice unless the non-owning workers through industry and thrift advance to the state of possessing some little property”.⁴ He concluded that employees and workers are called to have a share in the property of the enterprise, in its management and in its profits.⁵

Pius XI built the following principle: “It is entirely false to ascribe to the property alone or to the work alone whatever has been obtained through the combined effort of both, and it is wholly unjust for either, denying the efficacy of the other, to arrogate to itself whatever has been produced”.⁶

The connection between wages and profit is taken into consideration by John XXIII in *Mater et Magistra* in 1961. Collective bargaining between employers and unions is seen as a means of increasing participation of workers in decisions concerning their company. “In modern times we have seen an extensive increase in the number of workers’ associations, and their general recognition in the juridical codes of single States and on the international level. Members are no longer recruited in order to agitate, but rather to co-operate, principally by the method of collective bargaining... Hence it is not the decisions made within the individual productive units, which have the greatest bearing on the economy, but those made by public authorities and by institutions, which tackle the various economic problems on a national or international basis. It is therefore very appropriate, or even necessary, that these public authorities and institutions bring the workers into their discussions, and those who represent the rights, demands and aspirations of the workingmen; and not confine their deliberations to those who merely represent the interests of management”.⁷

He goes on to state, “We must notice in this connection the system of self-financing adopted in many countries by large, or comparatively large firms. Because these companies are financing replacement and plant expansion out of their own profits, they grow at a very rapid rate. In such cases we believe that the workers should be allocated shares in the firms for which they work, especially when they are paid no more than a minimum

⁴ *Quadragesimo anno* (1931) 63.

⁵ *Id.* 72.

⁶ *Id.* 59.

⁷ *Mater et Magistra* (1961) 97-99.

wage... Experience suggests many ways in which the demands of justice can be satisfied. Not to mention other ways, it is especially desirable today that workers gradually come to share in the ownership of their company, by ways and in the manner that seem most suitable. For today, even more than in the time of Our Predecessor, “every effort must be made that at least in future a just share only of the fruits of production be permitted to accumulate in the hands of the wealthy, and that an ample sufficiency be supplied to the workers”.⁸

In his encyclical *Laborem exercens*, John Paul II elaborated on “*the principle of the priority of labour over capital*” [which] is a postulate of the order of social morality. He deduced from that principle the necessity of assuring to employees a form of participation in property and management. “It has key importance both in the system built on the principle of private ownership of the means of production and also in the system in which private ownership of these means has been limited even in a radical way. Labour is in a sense inseparable from capital; in no way does it accept the antinomy, that is to say, the separation and opposition with regard to the means of production that has weighed upon human life in recent centuries as a result of merely economic premises. When man works, using all the means of production, he also wishes the fruit of this work to be used by himself and others, and he wishes to be able to take part in the very work process as a sharer in responsibility and creativity at the workbench to which he applies himself”.⁹

So it is clear that the many proposals put forward by experts in Catholic social teaching and by the highest Magisterium of the Church take on special significance: *proposals for joint ownership of the means of work*, sharing by the workers in the management and/or profits of businesses, so-called shareholding by labour...¹⁰

2.2 Participation in political life

By the end of the nineteenth century, Pope Leo XIII encouraged Catholics to use their right to participate in political elections. He even mentioned that it was a moral duty, as a way of contributing to the common good. Since the time of Vatican II, the issue has received considerable development. In his Encyclical *Pacem in terris*, John XXIII stated “A

⁸ *Mater et Magistra* 75 ad 77.

⁹ *Laborem exercens* (1981) 15, 1.

¹⁰ *Id.* 14,5.

natural consequence of men's dignity is unquestionably their right to take an active part in government, though their degree of participation will necessarily depend on the stage of development reached by the political community of which they are members".¹¹

Paul VI considered participation as a request of integral development: "The passing to the political dimension also expresses a demand made by the man of today: a greater sharing in responsibility and in decision-making. This legitimate aspiration becomes more evident as the cultural level rises, as the sense of freedom develops and as man becomes more aware of how, in a world facing an uncertain future, the choices of today already condition the life of tomorrow. In *Mater et Magistra* Pope John XXIII stressed how much the admittance to responsibility is a basic demand of man's nature, a concrete exercise of his freedom and a path to his development, and he showed how, in economic life and particularly in enterprise, this sharing in responsibilities should be ensured. Today the field is wider, and extends to the social and political sphere in which reasonable sharing in responsibility and in decisions must be established and strengthened. Admittedly, it is true that the choices proposed for a decision are more and more complex; the considerations that must be borne in mind are numerous and foreseeing of the consequences involves risk, even if new sciences strive to enlighten freedom at these important moments. However, although limits are sometimes called for, these obstacles must not slow down the giving of wider participation in working out decisions, making choices and putting them into practice. In order to counterbalance increasing technocracy, modern forms of democracy must be devised, not only making it possible for each man to become informed and to express himself, but also by involving him in a shared responsibility".¹²

John Paul II came back to this issue. The sense of the State, as a political community, consists in that the society and people composing it are master and sovereign of their own destiny. "This sense remains unrealized if, instead of the exercise of power with the moral participation of the society or people, what we see is the imposition of power by a certain group upon all the other members of the society. This is essential in the present age, with its enormous increase in people's social awareness and the accompanying need for the citizens to have a right share in the political life of the

¹¹ *Pacem in terris* (1963) 73.

¹² *Octogesima adveniens* (1971) 47.

community, while taking account of the real conditions of each people and the necessary vigour of public authority”.¹³

3. New challenges

The classical doctrine of participation deals with participation at work and participation in politics. More recently a new field of research has appeared. It concerns marginalized people and migrants.

Poor and marginalized people are rejected from the benefits of participation at all levels. Often they do not benefit from social networks. They are marginalized for structural economic or personal reasons. Nobody can be deprived of his or her dignity, so society at large should be aware of the causes of marginalization and develop programs of reintegration.

CST has given more attention to participation of citizens in their homeland than to those excluded from access to work and those who have fallen out of the social network. Here participation means developing policies of integration through work and autonomy.

In his exhortation *The Joy of the Gospel*,¹⁴ Pope Francis devoted a long reflexion to “inclusion of the poor in society”. He called individuals and nations to work “to eliminate the structural causes of poverty and to promote the integral development of the poor”. Among the new forms of poverty and vulnerability, the Pope mentions “the homeless, the addicted, refugees, indigenous peoples, the elderly” and migrants, not forgetting the victims of human trafficking, persons exploited “in clandestine warehouses, in rings of prostitution, children used for begging”.

The key principle of solidarity has to be activated, “for it is through free, creative, participatory and mutually supportive labour that human beings express and enhance the dignity of their life”. Among the structural causes of poverty Pope Francis mentions “the absolute autonomy of markets and financial speculation”. Economy “should be the art of achieving a fitting management of our common home, which is the world as a whole”.

Among migrants, some are refugees and others are economic migrants. Most of them have left their country under the pressure of necessity. Most of them hope to be able to start a new life, if possible with their family, in a host country.

¹³ *Redemptor hominis* (1979) 17,6.

¹⁴ *Evangelii gaudium* (2013) n. 187-216.

The issue many host countries are facing is multiculturalism understood as the presence of multiple cultural traditions within a single country. The challenge is not new but it is assuming broader dimensions among nations which ignored this phenomenon until recent times. In Europe, for instance, the Austrian-Hungarian Empire was a multinational and multicultural State comprising not less than 11 ethnic groups. But each group enjoyed a territorial basis. So Austria-Hungary was a federation of culturally-homogeneous member States. In Europe most countries were and are, like France, Nation-States.

We know the disastrous consequences of European nationalism. In our times States like Australia or Canada foster immigration and protect their various ethnic groups through a *Multiculturalism Act*. Multiculturalism is taught in public schools preparing young generations to mutual acceptance with no discrimination with regards to race, gender, class, sexual orientation, disability or religion.

Australia defined itself as a multicultural country as early as 1972. But recent developments show that the issue provokes harsh debates. Police and emergency services personnel have received guidance on how to deal with people belonging to specific religious affiliations, as religion may affect their contact with the public. In multicultural States, it is assumed that no specific cultural tradition should prevail.

The real issue lies with those States that have no multicultural tradition. Supposedly these States are homogeneous societies. Three kinds of answers are being given to the presence of minorities. The first has been abolished. It was racial segregation. Now, what remains is social integration and cultural assimilation.

What does integration mean? It has to be fundamentally distinguished from assimilation. Nationalistic ideologies admit strangers on the condition that they cease to be what they are and become what their hosts are. They are supposed to leave at the borders their language, their mentality, their way of life, and maybe their religion. Assimilation does not fit with the respect due to human dignity. A person who migrates to another country is not an empty shell. She/he has her own history, values, relationships, beliefs and hopes.

Integration is something different. It means: we take you as you are and we are ready to help you become a member of our community. This requires you to make a big effort of insertion, adaptation, and willingness to cooperate in your new life context. Most of the time a person who has been compelled to leave her native country would join nationals who

are in the same situation. They will form a community within their new homeland. In Anglo-Saxon cultural areas this phenomenon is generally admitted. In other contexts, like France, “communitarianism” or “communalism” is strongly rejected by the entire political spectrum.

What does integration mean then? What do we propose with “social and cultural integration?” In his important address to the international Forum on “Migration and peace” on February 21, 2017, Pope Francis gave a response to this challenge with four verbs: “to welcome, to protect, to promote, to integrate”. Integration comes as a conclusion of a process of careful attention to the situation of migrants. Integration is by no means assimilation or incorporation. It is not mutual isolation, but mutual cultural enrichment. “The peaceful integration of persons of various cultures” is given in the Catholicity of the Church, which could be regarded as a reference.

In matters of integration, there is no unique model. What we can expect is a deeper awareness of the needs of marginalized people and their right to be recognized in their dignity. Religious segregation is as intolerable as racial segregation. Yet, huge legal systems are built on those segregations.

In Europe the current trend goes in the direction of “monoculturalism”. After decades of enthusiastic attempts to promote mixed culture, countries like Netherlands, Denmark, United Kingdom, Germany, and Spain are coming back to integration through adoption of the dominant culture. The issue is not simple. On the one hand our capital cities are already “world-cities” with a mix of hundreds of nationalities. On the other hand, host countries doubt their survival as historical and cultural entities. Way of life, legislation, worldviews, and religion are intrinsically linked. The whole question is how these components of social life interact.

The only way to integrate without denying immigrants’ dignity consists in developing the distinctions which are fundamental to CST and which are behind the early philosophy of human rights. We start from the assumption that behind cultural diversity, there are fundamental needs and requirements, which are common to all human beings. Not all our humanity is a product of culture. Cultures grow on the common ground of human nature. I mention in particular:

- The sphere of freedom of thought, conscience, and religion is to be considered as unalienable under all circumstances.
- In a multicultural context, moral normativity is to be found in our common humanity. Any coherent social group needs to share common values.

- Besides ethical values, each culture has developed specific legal systems as reflecting the relationships among their members. These systems, as long as they do not contradict natural law, have to be respected by immigrants. So immigrants must be ready, for instance, to learn the local language and adopt local customs. State and religious communities must be legally distinguished. Freedom of religion should care for integration.

In a word, there is no coherent society without communication among its members, without law equal for all, without basic human values. In some countries of the Middle East it is tradition that several family law systems may coexist according to which religious group a person belongs. This experience cannot be transferred as such to other legal systems.

To conclude, we have raised again the issue of natural law. We say, for instance, that monogamy and marriage of man and woman are natural law. We say that the Nation-State is not the ultimate horizon of human experience. Above single Nations we have Humanity as such sharing the goods of the earth and trying to find ways of peace. For us, not Babel but Pentecost is a symbol of full human participation in society.

IS INEQUALITY OF ANY KIND AN OBSTACLE FOR SOCIAL INTEGRATION AND PARTICIPATION? TOWARDS AN INTEGRAL ECOLOGY

JOSÉ T. RAGA

The world of the 21st century presents itself to contemporary man as a blend of fascination and unsatisfied disquiet, an uneasiness that escalates into anxiety in the face of so many ills and injustices afflicting millions of people, countries and continents. The anguish of many is either a mere statistic for those who do not suffer from it or an issue of little interest to those who believe their calling is to decipher the enigmas of the universe or immerse themselves in the vain profundities of a would-be philosophical knowledge of the “man of the future”, today more than ever pictured as the *homo faber*.

A simple individual, enslaved by the anguish of new discoveries that might ensure greater well-being, more pleasure, a more leisurely life – at least for those who have had the privilege of understanding its importance – accepts that, for natural reasons that cannot be contravened, there is a line, imaginary in its definition but real in its existence, that divides the world’s population into two blocks: those who participate in the beneficial scenario of technical sophistication, its consumerism and its wastefulness, and those who live enslaved, also due to severe lack of material goods, by the violence of so many, though they may be liberated in their spiritual dimension.

Blessed Paul VI expressed it very well:

Human society is sorely ill. The cause is not so much the depletion of natural resources, nor their monopolistic control by a privileged few; it is rather the weakening of brotherly ties between individuals and nations.¹

The sick man, the man who lives in social solitude must be healed, because he does not feel part of the community to which he belongs. He scorns and distances himself from those who are less privileged, those he considers have nothing to offer him but love; a value these individuals rarely reflect on.

¹ Paul VI, Encyclical letter *Populorum progressio*. Rome, March 26, 1969; num. 66.

I believe it is fair to acknowledge that in today's world there is a great disparity between technological progress and the stagnation and regression of moral values. Man merely becomes another cog at the service of technological success, as if technological breakthroughs could be separated from the unwavering humanity of the human being, the author of such progress.

The reality is that when we contemplate a dissected, fragmented, divided society that lives in complete continuous social conflict, in a latent or more often simply silent fight of people against people, there arises a question of necessity, a question that demands an answer. Has man lost his humanity and affiliation? Could the vices of the present destroy the *raison d'être* of the human family itself? Is selfishness, and its closest ally, protectionism and multi-violence, the detonator that sparks conflict amongst men? To what point does the objective fact of inequality justify an aggressive exclusive society?

I. Inequality versus equality

If I had to establish a principle at the beginning of these lines, I would articulate it by saying that men are essentially equal and accidentally different. This means they are equal due to their intrinsic human nature but there are great differences in their biological and psychological dimensions. Inequality in capacities, aptitudes, abilities, attitudes, physical make-up, corporal beauty, etc., arises from these dimensions.

Having completed the physical work of creation,

God said, "Let us make man in our own image, in the likeness of ourselves"... God created man in the image of himself, in the image of God he created him, male and female he created them. God blessed them, saying to them, "Be fruitful, multiply, fill the earth..." (Gn 1:26-28).

The essence of man, of each and every man, can be deduced from this text – his condition of being in the image of God – and herein resides the reason for equality between men, between all members of the human family.

Having been created in the image of God is the source of the essential equality of all men and where the inalienable dignity of all human persons is founded; a source from which fundamental rights emerge. These belong equally to all members of the human family, regardless of sex, race, language, religion, or social and economic status.

This equality, in itself and because it inherently belongs to all men and remains within them for days without end, superseding humiliation, mar-

ginalisation and exclusion, prevails and must prevail over whatsoever accidental grounds for differentiation that might be appreciated between them, because these differences would lack any kind of meaning, even biological meaning, if the essence that makes us all equal did not exist.

As Aristotle said,

So, too, there are many senses in which a thing is said to be, but all refer to one starting-point; some things are said to be because they are substances, others because they are a process towards substance, or destruction or privations of qualities of substance, or productive or generative of substance, or of things which are relative to substance, or negations of some of the things or of substance itself. It is for this reason that we say even of not-being that it *is* not being.²

Therefore, the human being appears as the substance of reference for a whole series of attributes, whose existence necessarily depends on the essential being, the being of substance. The Stagirite went on to say that they ...are called substance because they are not predicated of a subject but everything else is predicated of them... is the cause of their being, as the soul is of the being of animals... The essence, the formula of which is a definition, is also called the substance of each thing.³

That essence, the substance, constitutes the unique principle that shapes the human being as a being, the only category that exists independently from all others; the existence of those other categories, however, depends on the existence of substance, to which they must necessarily refer. Based on this reasoning, Aristotle stated the following:

...substance is primary in every sense – in formula, in order, in knowledge, in time. For of the other categories none can exist independently, but only substance. And in formula also this is primary; for in the formula of each term the formula of its substance must be present.⁴

² Aristotle, *Metaphysics*. Translated by W.D. Ross. Book IV (Γ), 2, 1003b 5-10. In *The Complete Works of Aristotle*, The Revised Oxford Translation. Edited by Jonathan Barnes; Volume Two Bollingen Series LXXI · 2. Princeton University Press; Chichester, West Sussex 1984, p. 1584.

³ Aristotle, *Metaphysics*. Translated by W.D. Ross. Book V (Δ), 8, 1017b 10-23. In *The Complete Works of Aristotle*, The Revised Oxford Translation. Edited by Jonathan Barnes; Volume Two Bollingen Series LXXI · 2. Princeton University Press; Chichester, West Sussex 1984, p. 1607.

⁴ Aristotle, *Metaphysics*. Translated by W.D. Ross. Book VII (Ζ), 1, 1028a 31-35. In *The Complete Works of Aristotle*, The Revised Oxford Translation. Edited by Jonathan

The substance of the being is the essence of the being itself, that essence which for us has its origin in the divine filiation and which makes up the subject himself, man, who is the same as all men in this dimension, regardless of their attributes. Due to the subject's dignity and primacy, he can never be the attribute of anything. Thus, "...The essence of each thing is what it is said to be in virtue of itself... What, then, you are in virtue of yourself is your essence".⁵ Is it precisely this that the egoism of the "I" cannot accept? Do we prefer to focus on the attributes, as differentiating elements, in order to build the walls that will isolate some men from others, as if they were antagonistic livestock?

Ortega himself detached from human life the most accidental part of it: the biological part. When delving into the importance of culture, he said:

The reality we tend to call 'human life', our life, that of each of us, has nothing to do with biology or the science of organic bodies... the primary and truest meaning of the word 'life' is not biological, but rather the biographical meaning... It means the sum of what we do and what we are, that terrible chore... of sustaining oneself in the universe, of carrying oneself and directing oneself amongst the things and beings of the world. "Living is, verily, dealing with the world, addressing it, acting within it, occupying oneself with it".⁶

And it is this dealing with the world and occupying oneself with it where the differentiating elements amongst men coalesce as something additional to their essential equality. Here biological elements, which are not very determining, and biographical elements come together. The latter are composed of the balance of our attitudes before the world and their shortcomings. And our determination is present through effort, through commitment to those who might need us, those who lack resources, love, company, the marginalised and excluded, commitment to those who constitute the existential peripheries. Ultimately, it is a matter of the vital use

Barnes; Volume Two Bollingen Series LXXI · 2. Princeton University Press; Chichester, West Sussex 1984, p. 1625.

⁵ Aristotle, *Metaphysics*. Translated by W.D. Ross. Book VII (Z), 4, 1029b 12-15. In *The Complete Works of Aristotle*, The Revised Oxford Translation. Edited by Jonathan Barnes; Volume Two Bollingen Series LXXI · 2. Princeton University Press; Chichester, West Sussex 1984, p. 1626.

⁶ Ortega y Gasset, José, "Misión de la Universidad". *Revista de Occidente*. Madrid 1930; pp. 107-109. [Translation by the author].

of the many gifts received from God in order to put use them at the service of the community, at the service of the entire human family.

It was Cicero who distinguished between these two levels of the human person or, to express it in his terms, the existence of a double person: the level of equality amongst all men and the level on which the features of inequality and the differentiation between men become evident.

“We must also think that nature has, to put it one way, endowed us with a double person”, said Cicero.

We must also grasp that nature has endowed us with what we may call a dual role in life. The first is that which all of us share by virtue of our participation in that reason and superiority by which we rise above the brute beasts; from this the honourable and fitting elements wholly derive, and from it too the way in which we assess our obligation. The other is that which is assigned uniquely to each individual, for just as there are great variations in physical attributes (for we see that some can run faster and others wrestle more strongly, or again, one has an imposing appearance, while another’s features are graceful), so our mental make-up likewise displays variations greater still.⁷

There are two levels or two aspects of the human person (or *double person*, as termed by Cicero): one, which corresponds equally to all men, determining their equality, and the other constituted by the characteristic part of each person and which, therefore, expresses differentiation. The first dimension, that which is common to all men, is where all virtues have their origin, “honourable and fitting elements”. For let us not forget that “fitting elements” is everything that is in accordance with the excellence of man, precisely to be found in that part of his nature that distinguishes him from other animals.

We are not referring to a double person, if we give the term the meaning ascribed to it by traditional Christian thinking, but rather to two aspects or levels of the same person, *man*, which coalesce, without disassociation or conflict, in the single human being. St. Augustine, on being asked what man is, did not hesitate to say that man is “... a rational soul within a body – *it being understood that* – a rational soul that has a body does not make two persons, but rather a single man”.⁸ That is to say, that man, and

⁷ Cicero, *On Obligations* (De Officiis). Translated with an Introduction and Explanatory Notes by P.G. Walsh. Oxford University Press. Oxford; New York, 2000. Book I, marg. num. 107, p. 37.

⁸ St. Augustine, *In Iohannis Evangelium*, XIX, 15. In an analogous sense, *De quantitate*

only man, combines within himself these two levels: the more noble level, which makes him equal to all men and distinguishes him from other created beings, and also from animals, which is of a spiritual nature, the soul; and the second level, of a material nature, the body, in which the different characteristics of each man are appreciated, the particularities on which inequality is based.

Augustine's insight sheds light on Cicero's perception of the contradictory confluence of what he considers as two persons who, whether willingly or otherwise, end up merging into a single person. On the other hand, in Cicero's vision of man's two persons, the nobler one, that sets man apart from animals, is the person which lies equally in all men, making them equal in themselves; that is, equal in their essence; with the differences being attributable to the dimensions which belong singularly to each man; a singularity which confers differentiation and in this differentiation, inequality.

Aristotle established that body and soul make up a substantial unit, the human person. The soul is what presides over the vital functions. Aristotle expresses it thus:

...since it is the soul by which primarily we live, perceive, and think: – it follows that the soul must be an account and essence, not matter or a subject. For, as we said, the word substance has three meanings – form, matter, and the complex of both – and of these, matter is potentiality, form actuality. Since then the complex here is the living thing, the body cannot be actuality of the soul; it is the soul which is the actuality of certain kind of body.⁹

He would later point out that this body – *a certain kind of body* – is not constituted whimsically, but always based on the potential which enables it to receive that perfect reality which is in the soul, in order to accomplish its mission. Therefore, he added and specified that

... the soul cannot be without a body, while it cannot *be* a body; it is not a body but something relative to a body. That is why it is *in* a

animae, XIII, 22; also in *De moribus Ecclesia*, I, 27, 52. The Latin text is: “*Anima habens corpus non facit duas personas sed unum hominem*”. Sancti Aurelii Augustini, *In Iohannis Evangelium*, XIX, 15. Corpus Christianorum. Series Latina XXXVI. Turnholti. Typographi Brepols Editores Pontificii. 1954, p. 199 [Translation by the author. The expression between dashes is mine].

⁹ Aristotle, *On the soul*. Translated by J.A. Smith. Book II, 2, 414a 12-19. In *The Complete Works of Aristotle*, The Revised Oxford Translation. Edited by Jonathan Barnes; Volume One. Bollingen Series LXXI · 2. Princeton University Press; Chichester, West Sussex 1984, p. 659.

body, and a body of a definite kind... It comes about as reason requires: The actuality of any given thing can only be realized in what is already potentially that thing... From all this it is plain that soul is an actuality or account of something that possesses a potentiality of being such.¹⁰

Regarding the above, it is worth mentioning that the essential equality of all men is as natural as the inequality which, by chance, is in every singular person and which belongs to him based on the different faculties, aptitudes, attitudes... of each individual with respect to the other members of the human family. Therefore, the first cause of differentiation between humans appears in the aforementioned story of creation [*Gn.* 1:26–28], as a consequence of the command to *be fruitful and multiply*, for which purpose sexual inequality is necessary – *male and female he created them*.

In this sense, the assertion of St. Gregory that in a state of innocence all would have been equal, deserves consideration. “Where there is no sin, there is no inequality” [*Moral XXI*], given that prior to original sin, no wrongdoing occurs, from which it can be logically deduced that everybody was equal. To this, the response of St. Thomas Aquinas is categorical. So too is the conclusion to which we would arrive from the most superficial observation of the accidental attributes of two new born babies, which would range from differences in gender, to those arbitrary differences associated with skin colour, height, corpulence, beauty or even tendencies to cry or smile, and movement of body and limbs.

His words, in the quest to explain inequality and the reasons for it, leave no margin for doubt:

...in the primitive state there would have been some inequality, at least as regards sex, because generation depends upon diversity of sex. And likewise as regards age; for some would have been born of others...

Moreover, as regards the soul, there would have been inequality as to righteousness and knowledge. For man worked not of necessity, but of his own freewill, by virtue of which man can apply himself, more or less, to action, desire or knowledge; hence some would have made a greater advance in virtue and knowledge than others.

¹⁰ Aristotle, *On the soul*. Translated by J.A. Smith. Book II, 2, 414a 19–28. In *The Complete Works of Aristotle*, The Revised Oxford Translation. Edited by Jonathan Barnes; Volume One. Bollingen Series LXXI · 2. Princeton University Press; Chichester, West Sussex 1984, p. 659.

There might also have been bodily disparity. For the human body was not entirely exempt from the laws of nature...

So we may say that... some would have been born more robust in body than others, and also greater and more beautiful, and all ways better disposed...

The cause of inequality could be on the part of God... so that the beauty of order would the more shine forth among men. Inequality might also arise on the part of nature... without any defect of nature.¹¹

It is clear from the Angelic Doctor that the causes of inequality are numerous, but, in addition to those that may come from God or from nature, many come from man in the form of his sin. They come from the man who, renouncing God, reacts against the inherent equality of all human beings, sowing conflict, violence, marginalisation, exclusion and the rejection of those who are his brothers, thereby converting space that should be common into exclusive private territory.

J.J. Rousseau who, unlike T. Hobbes, compares primitive man, free of violence by nature to the *homo homini lupus* of the latter, also addresses inequalities amongst men in a civilised and potentially cultured society. He does so with clear differences with respect to St. Thomas and Cicero. He says,

I conceive two species of inequality among men; one which I call natural, or physical inequality, because it is established by nature, and consists in the difference of age, health, bodily strength, and the qualities of the mind, or of the soul; the other which may be termed moral, or political inequality, because it depends on a kind of convention, and is established, or at least authorized, by the common consent of mankind. This species of inequality consists in the different privileges, which some men enjoy, to the prejudice of others, such as that of being richer, more honoured, more powerful, and even that of exacting obedience from them.¹²

He devotes special attention to the second type of inequality and the role that society plays in this, though he would later clarify by saying that,

¹¹ St. Thomas Aquinas, *The Summa Theologica*. Translated by Fathers of the English Dominican Province. Benziger Bros. Edition, 1947. Part. I, q. 96, a. 3.

¹² John James Rousseau, Citizen of Geneva, *A Discourse upon the Origin and Foundation of the Inequality among Mankind*. Printed for R. and J. Dodsley, in Pallmall. London MDCCLXI, p. 6. [*Goldsmiths'-Kress Library of Economic Literature: Reel 0777, Doc. 09727. Microfilm. Woodbridge Conn. Research Publication, 1976*].

... we may easily perceive that among the differences, which distinguish men, several pass for natural, which are merely the work of habit and the different kinds of life adopted by men living in a social way. Thus a robust or delicate constitution, and the strength and weakness which depend on it, are oftener produced by the hardy or effeminate manner in which a man has been brought up, than by the primitive constitution of his body. It is the same thus in regard to the forces of the mind; and education not only produces a difference between those minds which are cultivated and those which are not, but even increases that which is found among the first in proportion to their culture; for let a giant and a dwarf set out in the same path, the giant at every step will acquire a new advantage over the dwarf.¹³

But, rising above accidental inequalities, of the most varied types, the cruellest form of inequality is created by man due to his selfishness: economic, cultural, social and environmental inequalities... is the inherent equality of all men with respect to his brothers, with respect to humanity as a whole, because it is the will of God, engraved on our very being from the moment of conception.

There are few occasions in which a declaratory legal text is open to just a single interpretation. We refer to the text of the Universal Declaration of Human Rights when it clearly states that,

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.¹⁴

We acknowledge that we are human beings, naturally – for we are thus in birth and we were thus prior to being born – and that we are free, equal and rational human beings. The responsibility for our acts and decisions, and our capacity for good and the negation of good (evil, which causes us to deny ourselves) is deduced from our free will and rationality. And, above all, we acknowledge that we are equal, with the same rights, the same

¹³ John James Rousseau, *Citizen of Geneva, A Discourse upon the Origin and Foundation of the Inequality among Mankind*. Printed for R. and J. Dodsley, in Pallmall. London MDCCLXI, pp. 88-89. [*Goldsmiths'-Kress Library of Economic Literature: Reel 0777, Doc. 09727. Microfilm. Woodbridge Conn. Research Publication, 1976*].

¹⁴ United Nations, "Universal Declaration of Human Rights". Resolution of the General Assembly 217 A (iii) of the United Nations, adopted and proclaimed on 10 December 1948, art. 1.

dignity and called upon to make up a family through fraternal behaviour towards each other.

Are we really who we proclaim to be? It is necessary to look inside ourselves so as not to live in the fiction of what we are not, in order to recognise ourselves and to amend our behaviour if it is not in accordance with the path of salvation. As Pope Francis said,

Whoever accepts the Good News of Jesus is able to acknowledge the violence within and be healed by God's mercy, becoming in turn an instrument of reconciliation.¹⁵

II. The violence of deliberately sought-after inequality

Let us begin with an indisputable principle:

An ethics of fraternity and peaceful coexistence between individuals and among peoples cannot be based on the logic of fear, violence and closed-mindedness, but on responsibility, respect and sincere dialogue... the threat of mutual assured destruction are incapable of grounding such an ethics.¹⁶

It is the new man who is called upon to respond to the call of the marginalised, the excluded, and the rejected, in order to work towards the restoration of the world God wished for.

We are faced with inequality, which, although not socially promoted, as Rousseau claims, is at least accepted and justified by society, without pausing to examine the unequal starting conditions of men and the results of their efforts to survive. It is true that political and social structures do little to improve the conditions of the least privileged. However, it is no less true that, avoiding structuralist refuges, which mute the enthusiasm of the least committed, there is no human commitment, a commitment of the "I" to reach out to the brother who needs me, the "YOU", with the will to destroy the artificial "I / YOU" antagonism for the purpose of building a "WE" associated with life in a fraternal community. It is the Lord who asks this of us!

Why this isolationism from human problems? Why do we allow ourselves to be dazzled by what is accidental in a person and renounce the essential that makes all of us equal? Or, to look at it from another per-

¹⁵ Francis, "Message for the celebration of the 50th World Day of Peace. Jan 1st 2017". Vatican 08.12.2016, num. 3.

¹⁶ Francis, "Message for the celebration of the 50th World Day of Peace. Jan 1st 2017". Vatican 08.12.2016, num. 5.

spective, why, forgetting the essential, which makes us equal, do we reject people because of the accidental attributes – race, religion, economic status, culture, nationality, etc. – we believe we perceive within them? Is it the method of analysis or is it prejudices that lead us to divert the focus of attention from the problems in the world? Is the opulent world ready to reach an understanding of the problems experienced by underdeveloped countries? Do we believe that depression, marginalisation and exclusion belong to the natural world?

The real problems of the world cannot be contemplated from top, where the opulent world resides, to bottom, because the distance is so great that its magnitude and intensity would be difficult to appreciate. It is necessary to invert the order. One must put oneself alongside those who suffer in order to comprehend the extent of their suffering – including death – and rise in search of the solution to so many deficiencies, in all orders, embracing the human family as a whole. The route, therefore, is not from the macro to the micro. On the contrary, it is from the micro to the macro.

Entrenching oneself in a position of opulence, which brings together the elite who enjoy that category, is tantamount to opting to ignore the real world by building a fictitious space without references, without relationships and naturally, without commitments. He who is at the top feels inequality is something natural and his brothers' problems do not concern him. In fact, he feels superior, privileged as a result of merits that he does not possess and do not correspond to him but which serve the purpose of isolating him from other mortals. The social group in which he lives will help anchor him in the delusion of this fundamental error.

At the top, the *essence of being*, which as Aristotle correctly observed is the *being himself*, in which equality shines is forgotten and our attention is arrogantly drawn to the accidental attributes of the being. These accidental attributes enable us to establish, with personal criteria driven by self interest, comparisons which flatter our presumption, because we consider ourselves to be better than the rest of humanity, and above all better than those most in need.

...inequalities in point of credit and authority become unavoidable among private persons the moment that, united into one body, they are obliged to compare themselves one with another, and to note the differences which they find in the continual use every man must make of his neighbour. These differences are of several kinds; but riches, nobility or rank, power and personal merit, being in general

the principal distinctions, by which men in society measure each other... the harmony or conflict between these different forces is the surest indication of the good or bad original constitution of any state: I could make it appear that, as among these four kinds of inequality, personal qualities are the source of all the rest, riches is that in which they ultimately terminate, because, being the most immediately useful to the prosperity of individuals, and the most easy to communicate...¹⁷

And there we have the four categories enumerated – *wealth, nobility or rank, power and personal merit* – which debase man and enslave him in his true being, making him capable of injustice, including the injustice of disregarding those around him.

These comparisons are based on the prevalence of the “*I*” as opposed to the “*WE*”. The fact that the comparison is made reflects the will to focus on the accidental, because comparison between what is equal makes no sense. The comparative analysis is based on the position and criterion of he who compares and is far from what might be demanded of objective analysis. Good and evil are what we consider such classifications to be worth. Once again the analyst who is disconnected from the world emerges, a world he only contemplates through images that are not always real.

In other words, it is a scenario from which we are sure that we will emerge in a favourable position, marginalising those we consider to be inferior and, therefore, unworthy to share space and sociability. And, thus, in that world, “*IMAGE*” assumes a much greater significance than “*BEING*”, and appearance is more significant than reality. *What one is*, is less important than *what one appears to be*. Hence the need to cultivate attributes and, even more so, attitudes which lead us to enjoy a good reputation, so that we can be the centre of attention for people in our circle, who are also valued quantitatively and qualitatively for what they represent and not for what they are.

I could show how much this universal desire of reputation, of honours, of preference, with which we are all devoured, exercises and compares our talents and our forces: how much it excites and multiplies our passions; and, by creating an universal competition, rivalry,

¹⁷ John James Rousseau, Citizen of Geneva, *A Discourse upon the Origin and Foundation of the Inequality among Mankind*. Printed for R. and J. Dodsley, in Pallmall. London MDCCLXI, pp. 168–169. [*Goldsmiths’-Kress Library of Economic Literature: Reel 0777, Doc. 09727. Microfilm. Woodbridge Conn. Research Publication, 1976*].

or rather enmity among men, how many disappointments, successes, and catastrophes of every kind it daily causes among the innumerable pretenders whom it engages in the same career. I could show that it is to this itch of being spoken of, to this fury of distinguishing ourselves which seldom or never gives us a moment's respite, that we owe both the best and the worst things among us, our virtues and our vices, our sciences and our errors, our conquerors and our philosophers; that is to say, a great many bad things to a very few good ones.¹⁸

A necessary consideration emerges in the light of what we have been saying. Is this the man; that man created in the image and likeness of God? Pascal says that,

Man is obviously made to think. It is his whole dignity and his whole merit; and his whole duty is to think as he ought. Now, the order of the thought is to begin with self, and with its Author and its end.

Now, of what does the world think? Never of this, but dancing, playing the lute, singing, making verses, running at the ring, etc., fighting, making oneself king, without thinking what is to be a king and what to be a man.¹⁹

From this it can be deduced that man seems inclined to focus his attention on the attributes of the being – the accidents – which are what make us different, rather than focusing on the being, in which he would find unity in the essence, when, above all, he has to decide on what he is, on his role and responsibility in the community to which he belongs.

The sense of belonging raises the question of the functions and responsibilities to the community, a community that we call *human family* – family due to the fact that its members share the same father – in which, owing to its very nature, relationships among members are essentially relationships of fraternity, because saying “children of the same father” is the equivalent of saying *brothers*. This family is seen as divided by envy, selfishness and in-

¹⁸ John James Rousseau, Citizen of Geneva, *A Discourse upon the Origin and Foundation of the Inequality among Mankind*. Printed for R. and J. Dodsley, in Pallmall. London MDCCLXI, pp. 169–170. [*Goldsmiths'-Kress Library of Economic Literature: Reel 0777, ...*].

¹⁹ Blaise Pascal, *Pensées* [Thoughts]. Translated by W.F. Trotter. Christian Classics Ethereal Library. Gran Rapids, MI. July 10th 2002; Original text, from Léon Brunschvicg edition; num. 146. [*Equivalent to num. 210 in Chevalier edition, and to 620 in Lefuma edition*].

dividualism. This family is divided by the violence within its objectives and many of its members feel excluded and do not occupy the smallest space in the hearts and minds of their brothers. They simply do not exist.

Can we go back and rectify the errors of our ways? Can we find the ignored, abandoned brother and receive him joyfully into the heart of the family? Pope Francis is categorical in this respect:

We are always capable of going out of ourselves towards the other. Unless we do this, other creatures will not be recognized for their true worth; we are unconcerned about caring for things for the sake of others; we fail to set limits on ourselves in order to avoid the suffering of others or the deterioration of our surroundings. Disinterested concern for others, and the rejection of every form of self-centeredness and self-absorption, are essential if we truly wish to care for our brothers and sisters and for the natural environment. These attitudes also attune us to the moral imperative of assessing the impact of our every action and personal decision on the world around us. If we can overcome individualism, we will truly be able to develop a different lifestyle and bring about significant changes in society.²⁰

Life, everyday life, has enveloped us in a cloud of materialism, hedonism, individualism and aggression, which has blinded us and rendered us incapable of seeing what in every place at every moment is clear and transparent: brothers who suffer from marginalisation and exclusion, who feel hunger, who die prematurely as a result of their living conditions, who seem to have no right to a life project filled with hope, with the yearning to contemplate a home in which children can grow up at the heart of the family.

Withdrawing from the awareness and experience of all this deprivation, and failing to seek ways of resolving it will ultimately be acknowledged as the great sin of the 21st century. A century of abundance, waste, and disdain, which we deliberately distance ourselves from so that the face of suffering – which is the face of Christ – does not appear to us, because even its image is uncomfortable for us in our *iter* of an easy life.

We close our doors and hearts, in the knowledge that there are multitudes of brothers outside, awaiting our compassion. We consider ourselves the owners of our space and the means for our well being, without feeling

²⁰ Francis, Encyclical letter *Laudato si'* on care for our common home. Rome, May 24th, 2015, num. 208.

summoned by the many whose lives are at risk due to the scarcity of resources needed for subsistence.

Pope Francis said that,

The Jubilee of Mercy that ended in November [2016] encouraged each one of us to look deeply within and to allow God's mercy to enter there. The Jubilee taught us to realize how many and diverse are the individuals and social groups treated with indifference and subjected to injustice and violence. They too are part of our «family»; they too are our brothers and sisters.²¹

Let us hope that we share this compassion that God has for each of us with our brothers. By focusing our attention on the attributes which accompany their being and which are frequently used to value their worth, thereby underlining the differences between some and others, we forget to consider what their being is in itself, its greatness, simply due to the fact of being human, a condition in which we are all equal.

We fail to recognise the essential, whilst emphasising the accidental: skin colour, height, corporal strength, sporting ability, intelligence, eloquence with words, etc. All of these are truly important attributes but, in relation to the human being, are merely accidents.

III. The violence of economic inequality

Allow me to begin this section with a passage from Pope Benedict XVI, which, as an economist, initially upset me and invited me to reflect, with no time limit, on its contents. He said that:

In the list of areas where the pernicious effects of sin are evident, the economy has been included for some time now. We have a clear proof of this at the present time. The conviction that man is self-sufficient and can successfully eliminate the evil present in history by his own action alone has led him to confuse happiness and salvation with immanent forms of material prosperity and social action. Then, the conviction that the economy must be autonomous, that it must be shielded from “influences” of a moral character, has led man to abuse the economic process in a thoroughly destructive way... these convictions have led to economic, social and political systems that

²¹ Francis, “Message for the celebration of the 50th World Day of Peace. Jan 1st 2017”. Vatican 08.12.2016, num. 5.

trample upon personal and social freedom, and are therefore unable to deliver the justice that they promise.²²

In all probability, the economy is where the most conducive scenario to self-sufficiency, although also to humility, lies, because, in times of success, we attribute this success to our own ability and acumen, without acknowledging external participation, while in times of recession, we hold the system liable. Moreover, the tendency to express everything in material terms, to establish monetary equivalents for human and social dimensions, is more common in the field of economics than in most other fields of knowledge. The responsibility is ours, not of the science of economics, and when the system is responsible, it is the responsibility of a system created by us.

As we embark along the path of acquiring goods and accumulating wealth, due to the belief that economic status determines the condition of the human being, we are fertilising the road to violence, marginalisation and exclusion. In this sense, greed is the worst travelling companion. With the exquisiteness that characterises the thinking of Blaise Pascal, it is worth remembering the words he wrote warning of the danger of dividing society by taking possession of the goods intended for all humanity.

“This dog is mine”, said those poor children; “that is my place in the sun”. Here is the beginning and the image of the usurpation of all the earth.²³

Pascal’s sensitivity in attributing to those innocent children the origin of the sense of ownership and the possibility of usurpation contrasts with a similar idea, albeit one expressed with greater violence in the famous passage by Jean Jacques Rousseau, in which the Geneva-born writer says:

The first man, who, after enclosing a piece of ground, took it into his head to say, “This is mine”, and found people simple enough to believe him, was the true founder of civil society. How many crimes, how many wars, how many murders, how many misfortunes and horrors, would that man have saved the human species, who pulling up the stakes or filling up the ditches should have cried to his fellows: Be sure not to listen to this imposter; you are lost, if you forget

²² Benedict XVI, Encyclical letter *Caritas in veritate*. Rome, June 29th 2009, num. 34.

²³ Blaise Pascal, *Pensées* [Thoughts]. Translated by W.F. Trotter. Christian Classics Ethereal Library. Grand Rapids, MI. July 10th 2002; Original text, from Léon Brunschwig edition; num. 295. [Equivalent to num. 231 in Chevalier edition, and to 64 in Lefuma edition].

that the fruits of the earth belong equally to us all, and the earth itself to nobody!²⁴

What is surprising in this passage is the drastic transformation that civil society causes in that man, who in a primitive state was gentle, took from nature only what he needed to sustain himself, without acquisition or accumulation, because the future did not feature amongst his concerns. In consequence, without grounds for fighting with his fellows, there are no exclusionary rights, in contrast to T. Hobbes' *man is wolf to man*, which we also find previously in Plautus, in an equivalent sense.

A man who, subsequent to his civic transformation, embarks upon the road to property as an exclusive and exclusionary right, which the Romans identified as *ius utendi, fruendi et abutendi*, unaware of its social function and the universal destination of the goods of creation for all humankind, opens the door to violence and exclusion.

As is the case in so many other fields of inequality, we are also speaking of forced economic inequality, which, if possible, holds even greater danger, because economic inequality results in other inequalities which curtail the lives of men and humiliate their dignity. Therefore, faced with this problem and before examining it in greater depth, it is worth formulating a question for the purpose of posing it to ourselves.

The question should be worded as follows. How can we live a Christian life if we fail to appreciate incompatibility between our waste – a product of our opulence – and the precarious situation of so many millions of people, of entire continents, who are heading towards early and certain death because they lack the minimum conditions to lead a life in accordance with the dignity which they are entitled to as people?

The Popes are eloquent, with an eloquence that molests the developed world because it denounces our responsibility for action or, at least, tolerance and lack of consideration, that lies behind the problem of inequality, above all when this inequality excludes the least among us from participation, even unequal participation. This divides society, the human family, into two unconnected worlds – rich and poor – because connecting these worlds is also a source of inconvenience.

²⁴ John James Rousseau, Citizen of Geneva, *A Discourse upon the Origin and Foundation of the Inequality among Mankind*. Printed for R. and J. Dodsley, in Pallmall. London MDCCLXI, p. 97. [*Goldsmiths'-Kress Library of Economic Literature: Reel 0777, Doc. 09727. Microfilm. Woodbridge Conn. Research Publication, 1976*].

These eloquent sentences send true shock waves through the consciences of men of good faith, and consequently cannot be ignored or silenced. More often than not, we are aware of their existence but we fail to give them adequate consideration. Thus, we are frequently reminded of the story of creation in Genesis. Have we considered that “The world was created for everybody and a few wealthy people struggle selfishly to take ownership of it”?²⁵ A consequence of this struggle is the usurpation of goods and wealth that belong to all men, thereby enslaving the deprived and condemning, in their behaviour, the usurpers for their actions.

Very shortly prior to this, we read that,

The bread which you hold back belongs to the hungry; the coat, which you guard in your locked storage-chests, belongs to the naked; the footwear mouldering in your closet belongs to those without shoes. The silver that you keep hidden in a safe place belongs to the one in need. Thus, however many are those whom you may have provided for, so many are those whom you wrong.²⁶

St. Basil’s text leaves little margin for doubt or self-interested interpretation that might serve to ease our conscience with its reference to acquisition beyond need, which continues to be one of the endemic evils of society in the 21st century, as it was in the 4th. An evil which, given our attitude to economic issues – particularly to riches – and human endeavour itself in a competitive world, could be said to be growing, as opportunities for the acquisition of superfluous goods and wealth are also growing.

Nearing the very end of the 4th century and also reflecting on the phenomenon of accumulation and hoarding of goods beyond those needed for the satisfaction of unavoidable needs, it was said to us that “what you possess in reality belongs to another”: in this case, he is referring to God.²⁷ In this sense, we once again encounter St. Ambrose, who denounces the conceit of false charity, saying:

When giving to the poor, you are not giving what is yours; rather, you are paying back what is his. Indeed, what is common to all, and has been given to all to make use of, you have usurped for yourselves alone.²⁸

²⁵ St. Ambrose (c. 340–397), *On Naboth*, III, 11.

²⁶ St. Basil the Great (c. 329–379), Homily VII.

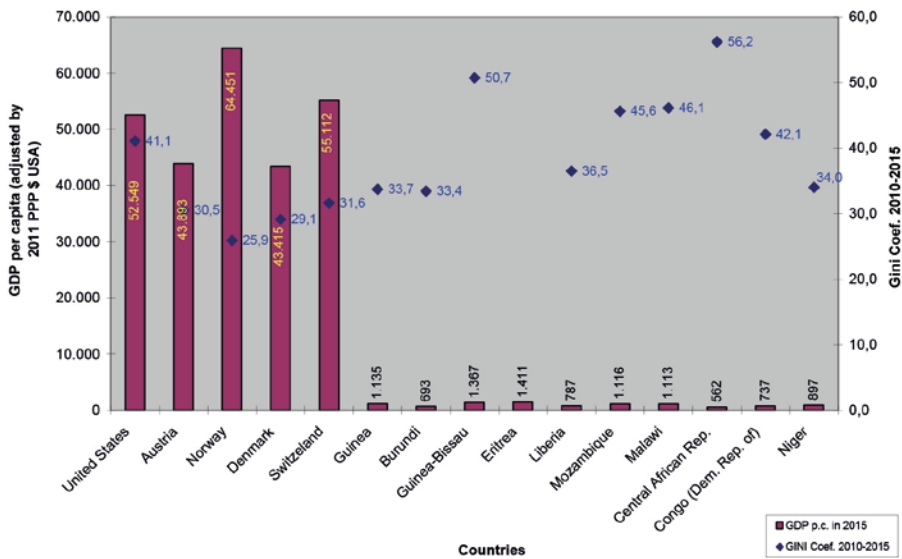
²⁷ St. John Chrysostom (347–407), Homily on the parable of rich man and Lazarus” (*Lk* 16:19–31).

²⁸ St. Ambrose (c. 340–397), *On Naboth*, XV, 53.

Following the word of the aforementioned Holy Fathers, the question formulated a few lines ago still demands a response. It even requires a reformulation of the same question so that nobody can remain ignorant of the problem. Therefore, now that we are a decade and a half into the 21st century, we ask: How much appropriation of goods and wealth occurs at present, without consideration for our brothers who lack even the most essential? In St. Ambrose's terms, where will the inequality and usurpation end?

Let us take in isolation the most significant of the economic variables – income or product – to establish, *ab initio*, a framework of economic inequality, without renouncing the option of later considering more far-reaching aggregated indicators in human and social terms.

Thus, Graph I shows Gross Domestic Product (GDP) *per capita* in five of the wealthiest countries – we have omitted the country with the high-



Graph I. GDP p. c. in 2015 (adjusted by 2011 PPP \$USA) plus, GINI COEF. 2010-2015.

est GDP p.c., Luxembourg, because of its specific characteristics – and in ten of the poorest, accompanied in all cases by the Gini coefficient, which shows inequality of incomes in each of the countries.

It should be observed that we are not comparing the richest people with the poorest, but rather the average income per person in the wealthiest-

est countries with the average income per person in the poorest countries. Regardless of that average income, which is just an illustrative figure that does not fully demonstrate how the community really lives, the Gini coefficient tells us how equally or unequally income is distributed in each case and to what extent the real distribution of income approximates or is distant from that average income. Given an average income, the Gini index expresses that the more inequality there is, the greater the deviation from this average value will be, both for those who find themselves in the upper part of the distribution and those in the lower part.

Therefore, comparing the average values for each of the countries, we observe that the income of the average resident of Norway is one hundred and fifteen times higher than that of the average resident of the Central African Republic. Similarly, the average income in Switzerland is ninety-eight times higher than that of the Central African Republic. Average income in the United States is ninety-four times higher than in the Central African Republic, and so on.

We have decided not to include Luxembourg, with a GDP *per capita* of 93,553 USD, adjusted for purchasing power parity, as in the other cases. This is equivalent, in comparative terms, to one hundred and sixty-six times that of the Central African average. Of the ten poor countries featured in the graph, the least poor has a GDP *per capita* of 2.4 times greater than the poorest country, the Central African Republic, which shows that the countries mentioned move within a very tight bracket, one that is very distant from the wealthiest countries.

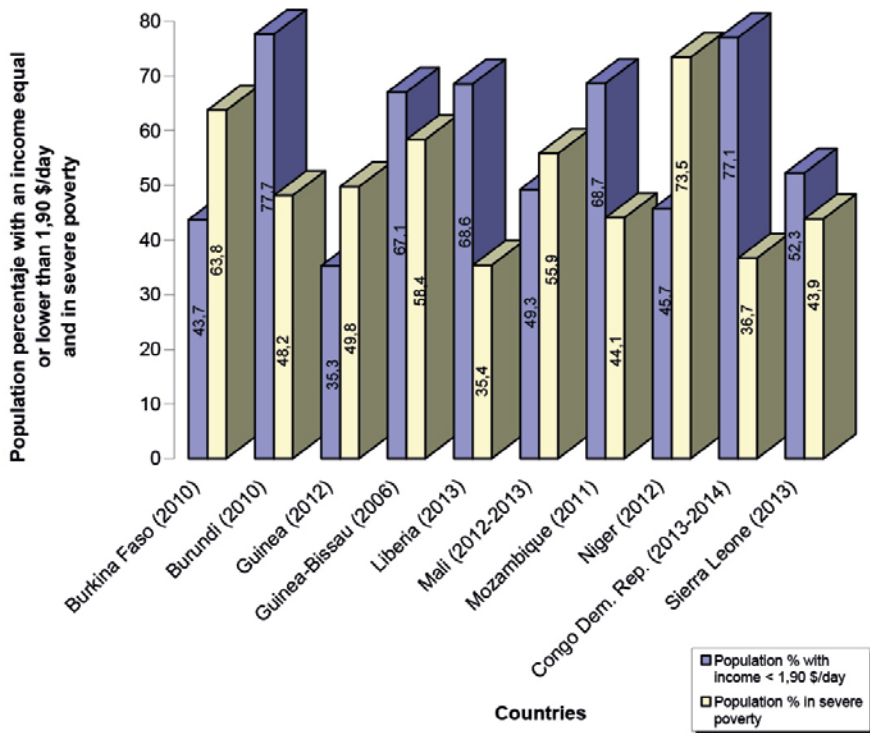
Moreover, if we focus on the Gini coefficient values, we can see that the Central African Republic, along with its low income level, has a high degree of inequality – a Gini coefficient of 56.2 – which denotes that, in addition to average poverty, the disparity between incomes is such that we can assume, with no fear of error, that there are people in that African country who are wealthier than those with the highest incomes in Norway, where income is by far more evenly distributed, with a Gini coefficient of 25.9.

Note that the higher the Gini coefficient, the higher the inequality in distribution, with 100.0 being the value that represents the greatest inequality and 0.0 the value that represents the greatest equality – the latter would be the coefficient of a society where incomes were completely equal. Here lies, therefore, the first great gulf of economic inequality, that of personal income, or to be more specific, Gross Domestic Product per capita.

GDP is the resource which humanity depends on in order to satisfy its needs across all environments. From this value it is easy to deduce that

a large number of people, in quite a few countries – those in the graph are merely a sample – will have needs, even needs that are inescapable in terms of survival, which will go unsatisfied. This results in malnutrition and death, while in other countries, life unfolds in a scenario of excessive consumption and wastefulness, and backs are turned to those who suffer the opposite situation.

For the most disadvantaged, lack of sufficient income will result in further difficulties that will leave a mark on their lives: lack of health, education, lower life expectancy and an abundance of hunger and malnutrition. There are a number of parameters where it does not make sense to make comparisons of a quantitative nature, because the endowment of goods and services represented are only present in the most favoured countries, while there is great and insulting deprivation in poor countries, which makes survival difficult or impossible.



Graph II. Poverty index of the poorest countries (Inquires corresponding to indicate years).

Let us abandon, for the moment, the comparison between rich and poor and the contrast of situations between countries suffering from greater or lesser poverty, for this could result in a distorted picture. For now, let us focus on the poorest countries for the purpose of uncovering the statistical levels of poverty afflicting them.

Let us look at poverty rates in the poorest countries, focusing on two parameters: the percentage of the population with incomes of less than 1.90 USD per day, adjusted for purchasing power parity; and the percentage of the population living in extreme multidimensional poverty.²⁹

Graph II shows the poverty rates of the ten poorest countries, including for each of them the values of the aforementioned two parameters for the year indicated in the graph, which is the year in which the surveys to determine poverty rates were carried out.

It is not easy to ignore the fact that 77.1% of the population of the Democratic Republic of the Congo has an income of less than or equal to 1.90 USD per day. It is, of course, true, for those wanting to allay qualms of conscience, that 1.90 USD in a developed or wealthy country is not the same as in a poor country, where this amount will afford access to a greater quantity of goods.

That is undoubtedly the case. But one's conscience cannot remain at ease if we consider that the 1.90 USD in question is adjusted according to the purchasing power of different countries and is, in each case, equivalent to the purchasing power of 1.90 USD in the United States in the year 2011. A similarly serious situation is to be found in Burundi and in Liberia. 2010 surveys showed that 77.7% of the former's population had incomes of 1.90 USD or less, while 68.6% of the population of Liberia led their lives with a daily income of no more than 1.90 USD per day.

Moreover, when speaking of severe multidimensional poverty, there are situations worthy of consideration and alarm. We are speaking of those who do not have access to at least 50% of the goods and services that are essential to a dignified human existence. This means that the precarious situation in which these people find themselves at present will persist until

²⁹ By "multidimensional poverty" we mean deprivation in homes or people in the areas of health, education and standard of living. A person, family or country is more or less poor depending on the number of areas in which deprivation is suffered. In this respect, "Extreme" or "Severe Multidimensional Poverty" is understood to occur when deprivation scores 50% or more of the thresholds.

the elimination of the deprivation, which impedes access to a decorous and dignified life, as befits people with inalienable human rights.

This is the case of Niger, where 73.5% of the population does not have access to more than 50% of the goods and services without which human existence is deficient and, sometimes, unviable. The same can be said of Burkina Faso, where 63.8% of the population is severely deprived of those goods and services that are essential for a dignified life, and Guinea-Bissau, where 58.4% of the population lives in severe multidimensional poverty.

There is no great distance between the remaining countries represented in the graph and the three examples cited above. Although smaller percentages of their populations have incomes of less than \$1.90 a day or find themselves in a situation of severe multidimensional poverty, their situation is still a denouncement of the indifference or, at least, the lack of diligence shown by wealthy countries in alleviating problems of this nature.

Another dimension of this poverty, an intermediate position between the concept of poverty and death by malnutrition, is the food deficit from 2012 to 2014, expressed as a kilocalorie deficit per person per day. Particularly alarming are the cases of Haiti, with a deficit of 510 kilocalories; Zambia, with a deficit of 415 kilocalories; the People's Republic of Korea, which has a deficit of 344 kilocalories, in stark contrast to its arsenal of weapons, including nuclear weapons; Namibia, with a deficit of 315 kilocalories. As is the case in all these countries, this deficit is per person per day.

In a selection of fifteen poor countries, those with the lowest food deficit – Swaziland and Mozambique – have deficits of 186 kilocalories and 195 kilocalories respectively. The remaining countries all have deficits of more than 200 kilocalories per person per day. In contrast, in developed countries, the problem is one of obesity, excess fat and health deficiencies associated with an excess of nutrients.

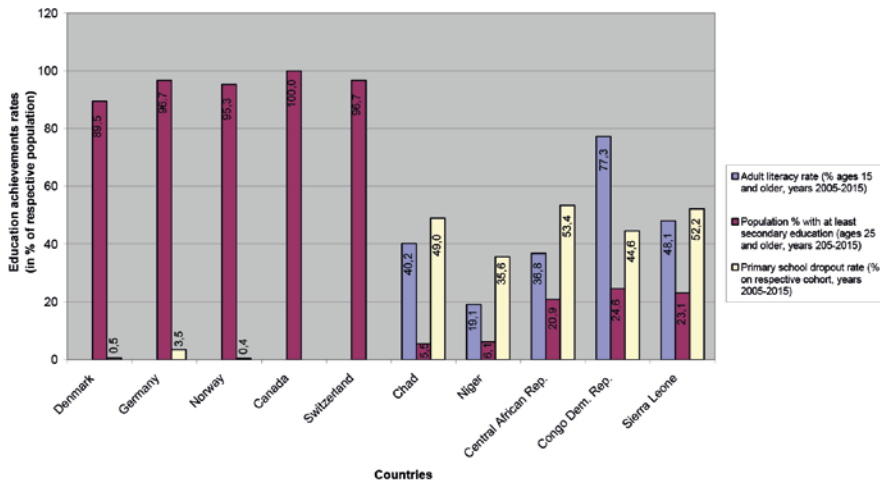
One of the goods/services considered essential for people with scarce resources to be able to envisage a change in their situation, entering a human and social dimension in which access to knowledge plays a dominant role, is the good or service that falls within the framework of the concept of “education”. And here, we will once again establish a comparison between rich and poor countries, at least for some levels of education.

Investment in knowledge or, to use another expression, education, is a medium and long-term investment, in terms of both time, and personal and material economic resources. The aim is to achieve a more cultured society, with greater knowledge of the economic, political and social times in which it lives, a society of a given community of men and women ul-

timately better qualified to address the challenges posed by the world of today, and indeed the world at any time in history.

Without the capacity to avail of an opportunity, this opportunity will go unnoticed by the community. This capacity is the positive result of the educational process. A process which not only begins from a flagrant inequality but one that perpetuates the inequality between wealthy and poor countries, to the detriment of the latter, condemning them to poverty for endless days.

Three parameters are represented in Graph III, as the most significant in an educational process, which is far from consolidated. The first – represented in blue – corresponds to adult literacy, i.e., literacy amongst people over fifteen years old. The second – in red – is the percentage of the population aged twenty-five or over who have at least completed secondary education. The third parameter – in yellow – is the number of people dropping out of primary school, expressed as a percentage of the cohort of primary school students.



Graph III. Education achievements rates (in % of respective population).

The graph shows comparative figures for five wealthy countries and five poor countries. Without the need to go into specifics, it can be observed that in the wealthy countries, only the red column is visible, representing the percentage of the population of twenty-five years and over who have complet-

ed secondary education. The wealthy country with the lowest percentage has a value of over 89.5%, while in the country with the highest percentage, Canada, 100.0% of the population has completed secondary education. The rate of people dropping out of primary school is hardly noticeable. Primary school dropouts can only be observed in Denmark, Germany and Norway, with respective rates of just 0.5%, 3.5% and 0.4%, while the phenomenon is non-existent in the remaining wealthy countries. Similarly, the blue column –literacy amongst people of fifteen years and over – is not visible, because all adults in these wealthy countries are considered to be literate.

The opposite situation can be observed for the poor countries. The five countries represented have very partial literacy amongst those over the age of fifteen. The best situation is to be found in the Democratic Republic of the Congo with a literacy rate of 77.3%, which is tantamount to an illiteracy rate of 22.7%. However, in the country with the second best situation, Sierra Leone, less than half the adult population is literate (48.1%), meaning that there is adult illiteracy of 51.9% of this cohort. Niger, with an adult literacy rate of 19.1%, in other words, an illiteracy rate of 80.9%, is the country in the worst situation.

If we look at the percentage of the adult population (population of 25 years and over) that has completed secondary education, the situation is significantly worse, as one may expect. Once again, the Democratic Republic of the Congo has the highest percentage of completion of secondary education, with a rate of 24.6% of the cohort, while Chad has the worst situation, with just 5.5% of this population group having completed secondary education.

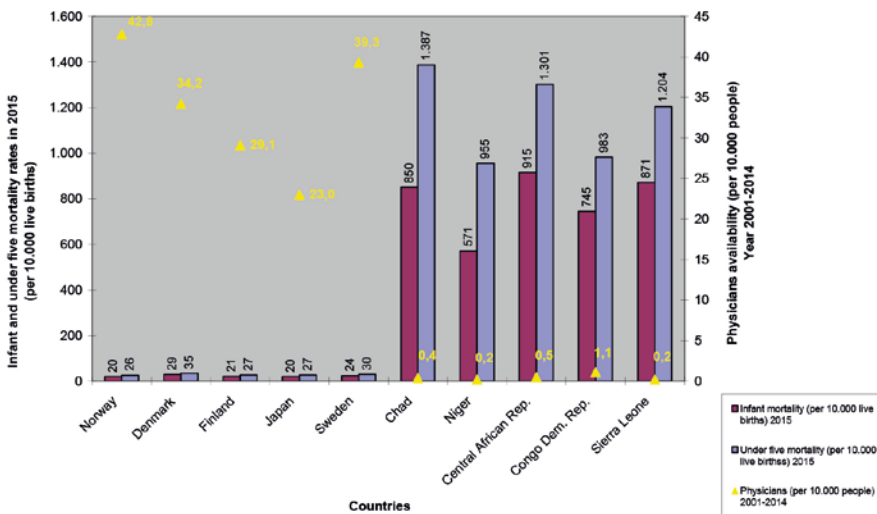
The other side of the coin in terms of these results, insofar as they can be rated, is primary school dropout rate, which ranges from the highest dropout rate of 53.4% in the Central African Republic to the lowest rate of 35.6% in Niger.

The figures presented are worrying in themselves. What is more, although we are dealing with figures, we should avoid engaging in a simple statistical interpretation of them in order to evaluate the social significance of low rates of literacy and secondary education completion amongst the populations of poor countries, as well as the significance of the high primary school dropout rate in these countries. Might the need for children and adolescents to work be the cause of school dropouts? Or might the distance to school and transport limitations be what leads to the high dropout rate? Probably a combination of the two is what ultimately explains the dropout rate.

This is neither a once-off issue nor an anecdotal one. We are faced with a real problem which, in the medium and long term, will hinder possibilities of growth in knowledge and competences in order to better avail of the resources that would enable these people to lead a dignified life. The person who drops out of school today will be illiterate tomorrow and his possibilities of development will be permanently reduced.

The educational process is inescapably irreversible. He who decides to abandon the path at the beginning will be left outside forever, because he will not have access to the final stages if the preliminary stages have not been completed. It must be acknowledged that the fate of today's illiterate adult is to remain illiterate forever. Or, expressed in another way, so as not to end the discussion with such fatalism, we can certainly say that great efforts will be required in the future if today's illiterate adult is to return to school to recover the ground that has been lost at the outset.

In fact the efforts made are laudable but the results are not so encouraging. Educational structures, official international bodies, NGOs, missionary actions and the contribution of volunteers all deserve our commendation, though *the harvest is rich but the labourers are few*; in which case, as in similar cases, the Scriptures propose the solution: “ask the Lord of the harvest, to send out labourers to his harvest” [Mt 9:37-38; Lk 10:2; with an equivalent meaning, Jn 4:35-38].



Graph IV. Mortality rates and availability of physicians (year 2015).

What has been said regarding educational shortcomings in poor countries can also be said about health conditions, focusing our attention on two worrying parameters: infant mortality – live-born children who do not live beyond the age of one year – and child mortality – live-born children who do not live beyond the age of five.

The data for these two parameters are shown in Graph IV, which also includes a third statistic, the number of doctors. This is because we believe that, of the variables that can influence survival, in addition to nutrition, drinking water supply, wastewater treatment conditions, diseases associated with living conditions and standards, etc., the number of physicians and medical professionals, as well as healthcare equipment, is exceptionally relevant.

Here, once again, comparison of wealthy countries and poor countries cries out to the former, in the heartrending voice of the latter. Once again, the comparison is between five very developed countries and five countries which, with a certain degree of euphemism, we classify as “developing” countries. Although the development process is very slow, it serves to circumvent the cruelty that would be associated with classifying these countries as “underdeveloped”.

The five rich countries represented in the graph have an infant mortality rate – live-born babies who do not survive their first year – ranging from 29 children per 10,000 live-born babies in Denmark, which has the highest mortality rate of these countries, to 20 children per 10,000 live-born babies in the cases of Norway and Japan.

In contrast, in the poor countries, we have Central African Republic, which has the highest mortality rate, with 915 children per 10,000 live-born babies, followed by Sierra Leone with 871, Chad with 850, Democratic Republic of the Congo with 745 and Niger with 571.

If a conscience actually exists, in the light of these figures, which are more than mere statistics, how can we allow 955 of every 10,000 live-born babies to die without reaching the age of one in Central African Republic, while in Norway and Japan, only 20 babies fail to reach this age?

And the difference is even more alarming if we analyse mortality rates for children of less than five per 10,000 live-born babies. Looking at the rich countries in the graph, we observe that in the worst case, that of Denmark, 35 children per 10,000 live-born babies die before the age of five, followed by Sweden with 30, Japan and Finland with 27, and Norway with 26.

However, if we look at the poor countries, the most unfavourable figure once again corresponds to Chad, where 1,387 children do not reach the age of five; followed by Central African Republic, with 1,301; Sierra Le-

one, with 1,204; Congo Democratic Republic, with 983 and Niger with 955. Has the indisputable innocence of these 1,387 children who die before the age of five been sullied by some sin or great failing that has not permitted them to experience the same conditions in Chad as they would have in Norway?

If they were permitted to do so, of the 1,387 children who die before the age of five in Chad, 1,361 would survive and deservedly live their lives with the same rights and the same dignity as the residents of Norway. What is happening to prevent the international community of nations, rich and poor, from making superhuman efforts to enable all people to have the same right to a dignified life?

I know it will be said that resources are scarce, but they can never be so scarce or so poorly distributed as to cause the massive death of our brothers and sisters, people with the same right as us to enjoy a dignified life, while we, with our universities and our governments, are not willing, through our regulations, to take effective measures, rather than simply making speeches, that would bring us closer to solving the problem of the poor world.

As we have mentioned, Graph IV also shows a third variable, which is very worthy of consideration in terms of infant and child mortality. We are referring to the number of physicians and the great imbalance in this respect between rich and poor countries. For illustrative purposes, I would also like to remind you that Medical Schools at Universities in rich countries erect barriers to entry for those who feel the vocation to practice this noble profession.

How many students who have been denied access to medical studies would have been happy to care for the health of the poor, in poor countries, and how many poor people would have seen their lives extended? These restrictions to entry make more sense if the aim is to protect the income of those who do have access to Medical Schools, but the ultimate objective of the University is to fulfil the social function of spreading scientific and human knowledge and to attend to the needs of humanity, of humanity as a whole, rich and poor.

In the light of the evidence provided by Graph IV, we can see a correlation, which does not require any special or sophisticated calculation, between the number of doctors and a reduction in mortality rates. The relationship is inversely proportional. The more doctors there are, the lower the mortality rates of children under the age of one and under the age of five.

Therefore, countries that are well equipped with doctors, such as Norway, with 42.8 doctors for every 10,000 people, Sweden, with 39.3, Denmark,

with 34.2, Finland, with 29.1 and Japan, with 23.0, for every 10,000 people have, as we have seen, very low infant and child mortality rates in all cases.

In contrast, high infant mortality rates and mortality rates for children younger than five correspond to countries with very low numbers of physicians, although it may seem cruel to acknowledge this fact: 0.2 doctors for every 10,000 people in the cases of Niger and Sierra Leone, 0.4 doctors in Chad, 0.5 in the Central African Republic and, in the poor country with the highest number of doctors, the Democratic Republic of the Congo, 1.1 doctors for every 10,000 people.

It would be reasonable to suppose that decisive action over the number of doctors in poor countries would improve mortality rates for infants and children under the age of five. It is inadmissible to consider the mortality rates in these countries natural. What is clear from the dramatic results observed is that they can be attributed to a lack of health professionals, a lack of physicians, aggravated by the dispersion of the population in their settlements, and the transport and communications difficulties that hinder the mobility of doctors and patients.

Having come to this point, and now that we are ready to reach a conclusion on the effects of economic inequality on the populations of poor countries, it is worth looking at another figure, which is very representative of the figures we have already considered. We are referring to life expectancy at birth. For this purpose, we will also compare rich and poor countries, as we are incapable of accepting that the reason for inequality could be and must be due to one's place of birth, race, religion or social condition.

Quite another thing is to consider the natural reasons for the inequality in life expectancy to be the same as those that differentiate between rich and poor, in other words, unequal conditions of life in its entire scope and particularly those conditions to which we have paid special attention: disposable income and the lack of it, i.e., poverty; availability of sanitary and medical resources to guarantee adequate health; and sufficient instruction/education to enable access to available resources, particularly human resources.

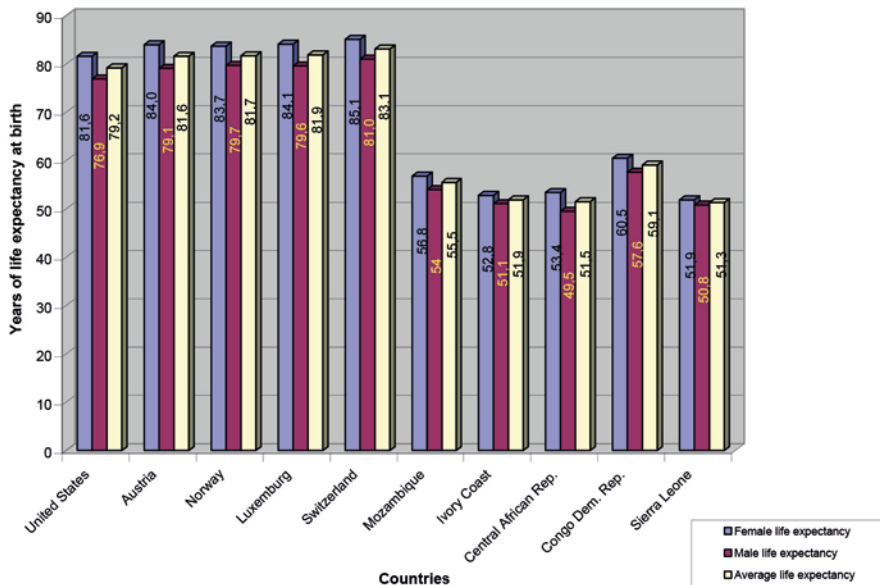
By life expectancy we mean the number of years a newborn child will live, if all other current conditions – infant, child and adult mortality rates – remain constant.

It is indeed true that the improvement of current life conditions and the life conditions throughout the life of the newborn child would have an indisputably positive effect in terms of extending the life expectancy threshold at birth. In fact, life expectancy, which has increased in wealthy

countries over the course of history and the course of more recent history, has had a similar trend in poor countries, which are more exposed to viral diseases, diseases associated with the hygiene of living conditions, the availability of drinking water, wastewater treatment facilities, and the elimination of insects that carry/transmit disease and pandemics.

As with the previous graphs we have seen, Graph V shows life expectancy values for five rich (developed) countries, and, by way of contrast, the same parameters for five poor (developing) countries. The values show the number of years that a child born on the date corresponding to the figure is expected to live – also with the current probability of success or failure in the calculation. Because they are not the same, life expectancy for men and women is shown separately on the graph, with life expectancy of women being higher than that of men in all cases. The graph also features a third column, which corresponds to the average life expectancy of the population in question.

Once again, there is an alarming disparity in the life expectancy of the population in highly developed countries – rich countries – and countries where the degree of development is low – poor countries. If we focus on average life expectancy, in order to avoid entering into a very lengthy



Graph V. Years of life expectancy at birth (year 2015).

commentary on the figures, through which we would achieve nothing, we can see that the average life expectancy of the five rich countries represented ranges from 79.7 years in the United States, the rich country with the lowest life expectancy, to 83.1 years in Switzerland, the country with the highest life expectancy.

However, looking at the poor countries on the right-hand side of the graph, average life expectancy ranges from 59.1 in the country with the highest life expectancy, the Democratic Republic of the Congo, to 51.3 years in Sierra Leone, the country with the lowest life expectancy. Three of the countries have a life expectancy range of between 51.3 and 51.9 years.

Some may say that this inequality must be taken as an incontrovertible fact with no room for discussion because, in accordance with their reasoning, this is not a situation limited to the world of “what is” but a situation that ends up being transmitted and integrated into the world of “what must be”. In other words, not only are things the way they are, but they cannot possibly be any other way.

But those of us who firmly defend that we are all equal, that all of us are equally entitled to the same dignity, as human beings and children of the same God, do not find a satisfactory response that enlightens us as to why a person born in Switzerland has the *right* to live 31.8 years longer than somebody born and living in Sierra Leone due to circumstances beyond his control.

The Swiss person has done nothing of merit to entitle him to enjoy a long life, a long life of good quality, we should add, and neither has the citizen of the Sierra Leone committed any infringement or offence against the human community to deserve a life of inferior quality and one that is almost thirty-two years shorter. It is difficult to accept that inequality of this type does not result in indignation and rebellion against what is presumed to be the established order, an order created by men and not the order desired by God.

We already know that we are dealing with two groups with a great distance between them in all orders of life: on the one hand, wealthy North America, Europe and Japan, and, on the other, poor Africa and Asia, and some Latin American countries. But that is where the problem lies. And what is not admissible is the premise that acknowledgement of the problem is, at the same time, the justification for a conclusion which, even on the surface, is perverse in itself. And such a premise is even less admissible when it is presented by the rich, cultured group who have such wide access to criteria and information.

Many will say that the problem is so big that we have to admit that we are powerless to solve, or even mitigate, it. Opinions on this matter are very far from being unanimous. Those of us who consider ourselves incapable of such a great task were capable of, and continue to be capable of, enriching ourselves and our most immediate surroundings. We know of instruments and ways of enhancing the lives of the less privileged. The first condition is awareness that these people exist and that they are waiting, like Lazarus at the door, to receive our consideration and help.

One of the most effective measures, which we have preferred not to include as such in this study, is direct investment of rich countries in poor countries in order to strengthen their economies. Is there really a will to develop poor countries when foreign investment in Ireland in 2015 accounted for 85.5% of GDP, while foreign investment accounted for 1.5% of GDP in Burkina Faso, 5.5% in Chad and foreign investment in the Central African Republic was so small that it can hardly be represented on the graph, a shameful 0.2% of the country's GDP?

Private capital flows from abroad represented 19.3% of GDP in Ireland, 8.5% in Switzerland, 14.6% in Norway and 4.5% in the Netherlands, while in Niger, Sierra Leone and the Democratic Republic of the Congo, the values were negative –more capital outflows than inflows – and accounted for 8.4%, 9.1% and 3.0% respectively of their GDPs.

Does this mean that we should entrust everything to the official development aid of the international institutions? It is, without doubt, the least effective of the aid provided because it only provides money through channels that are not always the most appropriate for the purpose of solving the human, economic and social problems of a community that suffers and dies from hunger. It might ease consciences but it does no more than that. Those whose situation is improved are not those in need.

IV. The violence of environmental inequality

There is a fundamental principle that precedes us when we enter into the fascinating world of the environment and its conservation, which brings with it such great responsibilities. We cannot fail to mention the principle to which we refer, despite the fact that it is self-evident: nobody, no single person or nation, no matter its relevance, can assume ownership of the environment in which we live.

In the previous section we mentioned economic goods and we recalled the thoughts of the Holy Fathers on the holding of goods and wealth. It was patently clear that the goods of creation, i.e., all the goods at the

disposal of humanity, exist precisely for the purpose of humanity. The objective of these goods is to satisfy the needs of all men, without difference or distinction, insofar as all are equal in dignity and rights. And we do not need to remind ourselves that one of the most significant rights is the right to a dignified life.³⁰

It is undoubtedly true that this proclaimed right is infringed in more than a few situations, where people are condemned to severe poverty, a poverty that can even lead to death. It is a case of rights being infringed by an unfeeling society, which does not consider, or does not even wish to consider, those who lack everything, even a voice.

In the case of the environment, the situation is even more evident. The intrinsic nature of the environment is that of a public good which belongs to humanity. In consequence, protection of the environment is the responsibility of humanity as a whole. This responsibility, as we have just pointed out, has one particular feature: it exceeds the limits of any local or state jurisdiction, or any intermediate body.

It is a common, global good – *global commons* – for which the responsibility lies with each of its subjects and the exercise of this responsibility lies with the world community of states, within their own jurisdictions. The damage caused to the environment in a northern country is transmitted to the countries of the south, just as environmental damage with its origins in the east has ramifications for living conditions in the west. Nobody is disconnected from the environment and everybody depends on its conservation.

We should point out that in recent years – perhaps since the Rio de Janeiro Earth Summit (Brazil) in June 1992,³¹ the United Nations Framework Convention on Climate Change of May 1992³² and its development and entry into force through the Kyoto Protocol of December 1997³³ – there has been, at least publicly, great awareness of the challenge associated

³⁰ United Nations “The Universal Declaration of Human Rights”. General Assembly – Resolution 217 A – adopted and proclaimed on December 10th 1948; art. 22. “*Everyone... is entitled... through national effort and international co-operation... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality*”.

³¹ *Vide* United Nations “Rio Declaration on Environment and Development”. Rio de Janeiro (Brazil), June 3rd to 14th 1992.

³² *Vide* United Nations “Framework Convention on Climate Change”. Adopted at New York City on May 9th 1992.

³³ *Vide* United Nations “Kyoto Protocol to the UN Framework Convention on Climate Change”. Adopted at Kyoto (Japan) on December 11th 1997.

with conserving the environment, as a resource at the service of all, for a healthier life and more sustainable development.

It is more difficult to ensure that this public awareness also takes root within each person, to the point of changing lifestyles, consumption and production habits and that ultimately, on a micro scale – each subject within his very being – has effectively started out on the path towards environmental conservation, reducing contaminating emissions and repairing the degradation that has occurred in large areas and which affects numerous populations.

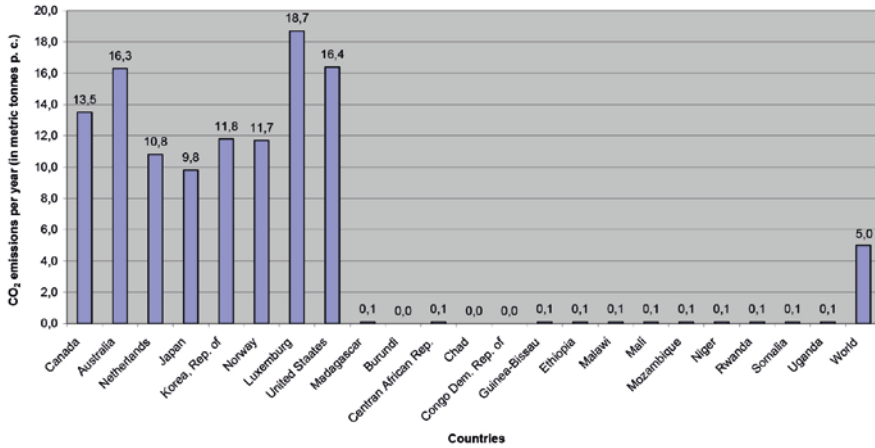
True conservation of the environment cannot merely mean signing large conventions and making them public on a macro scale, with little repercussion on the daily actions of people, who consider that their attitude, whatever it might be, will have little influence on the fate of the environment, its condition and its sustainability. Nor can environmental objectives be achieved by the activity of a group of environmental apostles – scientists from certain fields – who disseminate the message of world apocalypse around the globe, due to the damage being caused by humanity to the environment.

And this is even less appropriate when the apostolic task carried out turns out to be compatible with people, institutions and countries with high levels of pollution and environmental degradation. Responsibility for the environment, which is common to all, cannot be turned into a scenario in which action manifests itself in what must be said but not so much in what must be done.

It seems natural for the work of environmental apostleship to be mainly carried out by countries and people with high-level scientific qualifications, who can speak with authority on conservation targets and the risks emanating from the attitudes of people with respect to both consumption and production. This is tantamount to saying that the provision of information on the issue of the environment will generally be the responsibility of countries and people with high-level scientific/professional qualifications. It is important, however, that these qualifications be allied to moral qualification in terms of what is said and what is done.

It is, therefore, the wealthy countries that warn the world of the environmental risks of greenhouse gas emissions, which seems normal. What is not so normal is that, given the available data, rich countries are fully responsible globally for carbon dioxide emissions.

Graph VI shows CO₂ emissions *per capita* per annum in metric tons in eight developed countries, albeit with different levels of development,



Graph VI. CO₂ Emissions per year (in metric tonnes per capita, year 2013). (Countries with 9,0 or plus, and countries with 0,1 or less).

whose emissions are greater or equal to nine tonnes per person. It also shows countries whose emissions are less than 0.1 tonnes per person and annum.

Inequality in emissions reminds us of inequality in incomes between rich and poor countries. On the one hand, we observe countries whose emissions are between sixteen and nineteen metric tons per person per annum: Luxemburg, with annual emissions of 18.7 Mt./p.c.; the United States of America, with annual emissions of 16.4 Mt/p.c.; Australia, where emissions are 16.3 Mt/p.c. per annum. A further three countries – Canada, the Republic of Korea and Norway – have emissions of between eleven and fourteen metric tons per person per annum (17.5 Mt/p.c., 11.8 Mt/p.c. and 11.7 Mt/p.c. respectively). Finally, a further two countries produce emissions of between nine and eleven metric tons: Japan 9.8 Mt/p.c. and Netherlands 10.8 Mt/p.c.

In contrast to those emission levels, none of the fourteen poor countries represented has emissions higher than 0.1 metric tons per person per annum. All of them, with the exception of Burundi, Chad and Congo Democratic Republic, which have zero CO₂ emissions, have the same level of emissions, 0.1 Mt/p.c. per annum. Every year, each resident of Luxemburg releases into the atmosphere a volume of carbon dioxide equivalent to 187 times that emitted by a resident of Madagascar, Central African Republic, Guinea-Bissau, Ethiopia, Malawi, etc.

The same can also be said about Australia, with emissions equivalent to 160 times higher; Canada, which has an equivalent emissions level of 135 times higher; the Republic of Korea, 118 times greater; Norway, 117 times higher; Netherlands, 108 times higher, etc. How can we repair the environmental damage caused by some, which also affects the living conditions of others who have very low emissions, or none at all? Are the instruments associated with the trading of emissions rights sufficiently satisfactory?

In any case, it is not a question of some people emitting in exchange for others not emitting. The objective is more ambitious. It is a question of polluting less. The trading of emissions rights simply enables the countries that pollute the most – the most developed countries – to buy emissions permits, the cost of which they will try to recover in the prices they charge, with the condition that the less developed countries continue to be less developed in order to be in a position to sell their excess rights – in theory, all their rights – to those who require them. It is a way of perpetuating the differentiation between rich and poor, in the emission of pollutants as well as in other areas.

To avoid sentencing countries that do not emit pollution – poor countries – to remaining poor, the only alternative is to reduce emissions in highly polluting countries. Moreover, these are the countries which, with very un-exemplary apostleship, warn us all of the risks of deteriorating air quality, water quality, soil quality, etc.

Are developed countries willing to reduce final consumption by a third in order to reduce the use of energy resources, gas emissions, and to recycle domestic and industrial waste? If not, time will deliver an irrevocable sentence to the detriment of everybody, and also to the detriment of those who have done nothing to deserve this penalty.

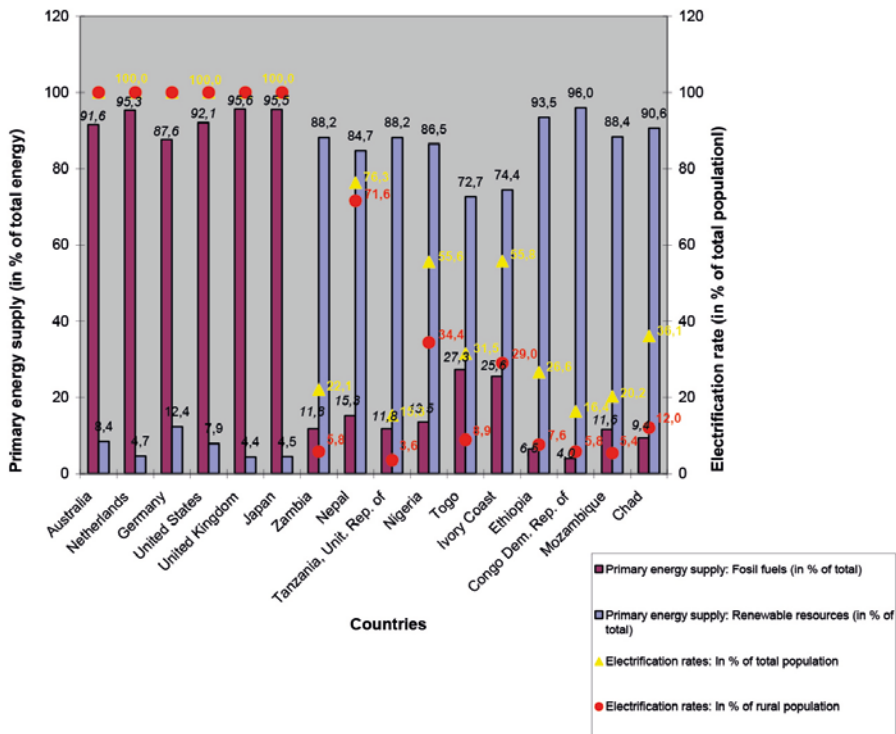
The reason for the rich countries' high CO₂ emissions, apart from the high consumption level resulting from their high income levels, is also related to the sources of the energy consumed in these countries. Graph VII shows four indicators. Two of these refer to the origin of the primary energy supply, distinguishing between energy that comes from fossil fuels – highly contaminating – and energy that comes from renewable sources – which pollutes very little or not at all. The other two indicators refer to the supply grid, i.e., the energy consumption points – families, companies and the public sector.

The latter two indicators, those associated with the consumption points, are determined by the electrification rate, which in turn is conditioned by each country's economic level – income and distribution of income –

and very related to population distribution in the territory, which largely determines the unit cost of electricity transmission. When expressing the electrification rate it is, therefore, worth distinguishing between urban and rural areas, as the graph does.

Predictably, in the six developed countries represented in the graph, and in most developed countries not represented, the electrification rate for both rural and urban populations is 100%. In other words, there is total electrification that covers all the citizens' needs regardless of their place of residence within the country analysed.

The situation is very different in the ten developing countries and, sadly, this will come as no surprise. Nepal has the highest electrification rate of the countries represented here. 76.3% of the total population has access to electricity, while 71.6% of the rural population has access to the electricity supply.



Graph VII. Primary energy supply and electrification rate (Year 2012).

These relatively high rates for a developing country in Asia are not representative of the situation in countries on the African continent. For example, the United Republic of Tanzania has an electrification rate of 15.3% of the total population and just 3.6% of the rural population. The situation is similar in the Democratic Republic of the Congo, where electrification covers 16.4% of the total population but only 5.8% of the rural population. Mozambique and Zambia have similar electrification rates, while the remaining poor countries represented on the graph have slightly higher rates.

We are presented with quite a different scenario when we analyse the supply of primary energy and distinguish between that which comes from fossil fuels and that which comes from renewable sources, in both cases as a percentage of the total energy supply. The data represented in Graph VII could not be more eloquent for those who transmit constant messages about the environment and insist on the need to use clean energy rather than contaminating energy.

All the developed countries represented on the graph, and those who are not represented, have an energy consumption for which they should ask the forgiveness of countries that do not pollute or pollute less. For example, 91.6% and 95.5% of total energy consumed in Australia and Japan respectively comes from fossil fuels, with renewable sources accounting for just 8.4% of the total in Australia and 4.5% of the total in Japan.

These two countries are followed very closely by the Netherlands, where 95.3% of total energy consumed comes from fossil fuels, with renewables accounting for 4.3%. The three remaining countries, Germany, the United States and the United Kingdom, are in an equivalent bracket, with fossil fuels accounting for 87.6%, 92.1% and 95.6% of total energy consumed respectively. In the same countries, in the same order, renewable sources account for 12.4%, 7.9% and 4.4% of total energy.

Moving across to the right-hand side of the graph, where the developing countries are represented, we can observe three levels of access to renewable energy sources: countries in which renewables account for between 90% and 100% of the total energy supply (Ethiopia, with 93.5%; Democratic Republic of the Congo, with 96.0% and Chad, with 90.6%), countries where renewables account for between 80% and 90% of total energy (Zambia, with 88.2%; Nepal, with 84.7%; United Republic of Tanzania, with 88.2%; Nigeria, with 86.5% and Mozambique, with 88.4%), and countries in which renewables account for between 70% and 80% of total energy (Ivory Coast, with 74.4% and Togo, with 72.7%).

This shows a use of renewable energy which is excellent in all senses, both in terms of sustainability and in terms of the emission of contaminating gases. This high percentage of renewables with respect to the total volume of energy consumption means that the use of dirty energy from fossil fuel is extraordinarily low. This is the case of the countries where fossil fuels account for a higher percentage of total energy, such as Togo and the Ivory Coast, with 27.3% and 25.6% respectively, and countries where fossil fuels account for the lowest percentage of total energy, such as the Democratic Republic of the Congo, with 4.0%, Ethiopia, with 6.5%, Chad, with 9.4%, or Mozambique, with 11.6%. It can be said that the energy supply structure of all of these countries plays a decisive role in achieving pollution reduction and environmental sustainability objectives.

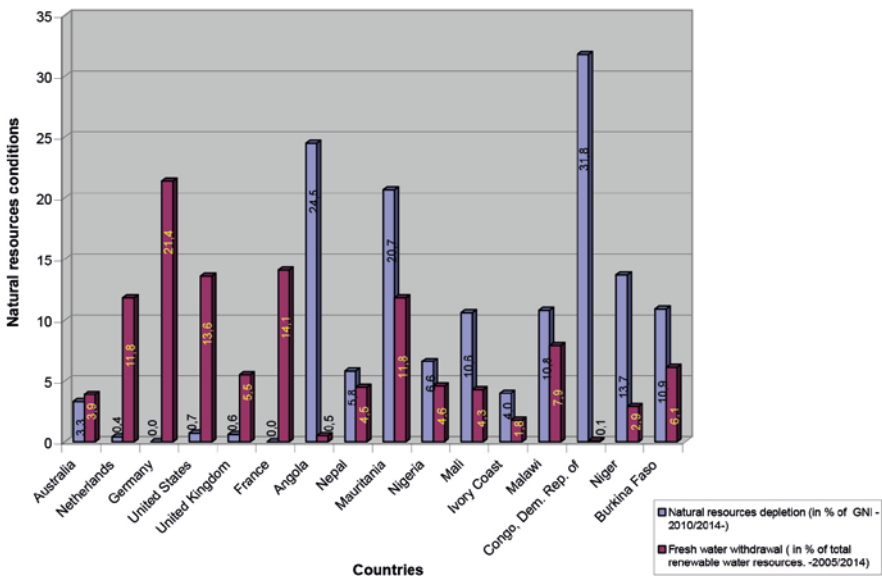
Some will say that this is not exclusively attributable to the merit of these countries because their economic and human development is very low, resulting in very low consumption of goods and services and very low production of goods, all of which are a significant source of pollution in rich countries, which have very high consumption and production. Nevertheless, when low levels of development cause the death of many, it has to be concluded that the universal economic and social order is corrupt, putting climate targets before the very life of the human being, while life is a good and a right par excellence.

The other side of their contribution to a clean environment is associated with the exploitation of natural resources, and the road to their depletion, as well as the status of a resource that is essential for human life: freshwater. Both indicators are represented in Graph VIII.

The depletion of natural resources in poor countries should be a cause for special concern, not just in these countries but in wealthy countries also. The extent of the problem can be observed with great force in Angola, Mauritania and the Democratic Republic of the Congo, where depletion between 2010 and 2014, expressed as a percentage of Gross Domestic Product, was 24.5%, 20.7% and 31.08% respectively. It can also be observed, albeit with less intensity, in Burkina Faso, where the figure was 10.9%, Niger (13.7%), Malawi (10.8%), Mali (10.6%) and Nigeria (6.6%).

Contrasting this rate of depletion with the same indicators in developed countries, we observe that, apart from Australia, with a rate of 3.8%, the rate of depletion of natural resources is no higher than 1.0% in all cases. Is this a case of hoarding what is one's own and exploiting what belongs to others? It seems more than likely that this is the case.

The situation is somewhat different in the case of freshwater extraction between 2005 and 2014, expressed in this case as a percentage of total renewable water resources. Germany has the highest rate of extraction, with extraction equivalent to 21.4% of total water resources, followed by France and the United States with extraction of 14.1% and 13.6% respectively. Below these countries comes the Netherlands, with extraction of the equivalent of 11.8% of total water resources, the United Kingdom, with 5.5% and Australia, with 3.9%.



Graph VIII. Natural resources conditions.

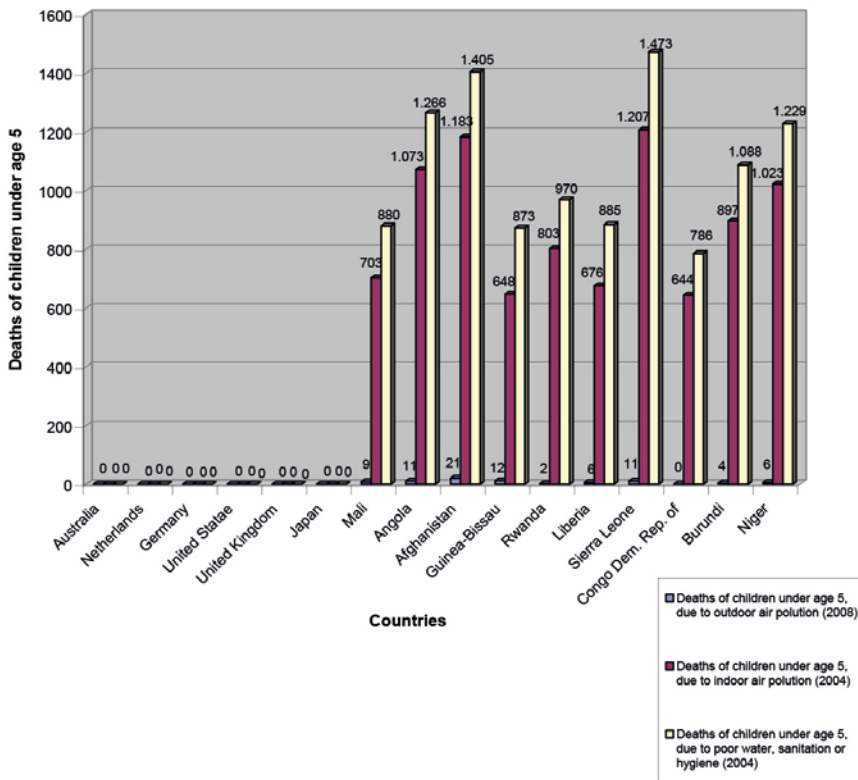
In the poor countries, the situation is very different from the one we have just described. The country with the highest extraction rate is Mauritania, with 11.8%, followed by Malawi, with 7.9% and Burkina Faso, with 6.1%. All of the remaining poor countries have extraction rates of less than five percent. Angola and the Democratic Republic of the Congo have the lowest extraction, with rates of 0.5% and 0.1% respectively.

Ensuring a global supply of freshwater suitable for the satisfaction of the human needs of the entire population, regardless of income, is an obligation and a responsibility that falls on those who have more: more technol-

ogy, more resources, more wealth. We will immediately see the devastating effects of lack of water fit for human consumption amongst the least privileged populations.

Graph IX shows the effects of environmental deficiencies on some populations, those of poor countries, in contrast to the immunity that seems to reign in wealthy countries; environmental deficiencies that are not necessarily caused by those who suffer their consequences.

None of the three parameters represented on the graph – deaths of children under the age of five per 100,000 children of the same age, caused by outdoor pollution; deaths of children under the age of five per 100,000 children of the same cohort, caused by indoor air pollution, and, in relation to poor water quality, deaths of children under the age of five per 100,000 children under five due to poor water quality, sanitation and hygiene – have a statistically significant effect in developed countries.



Graph VIII. Natural resources conditions.

Of these three parameters, the values for the first – deaths due to outdoor pollution – are the lowest, and range from two deaths per 100,000 live-born children under the age of five in Rwanda to twenty-one deaths in Afghanistan. We would not want to create the impression that this is a low number of deaths and is, therefore, unworthy of attention. The avoidable death of a single person – child, adolescent or adult – must always be considered as one death too many.

The graph paints a very different picture for the other two parameters in developing countries. The figures for deaths of children under the age of five caused by indoor air pollution, are such that no conscience can remain unaffected. This is especially the case for those of us for whom love for our brothers and sisters, and particularly those most in need. We can see that the less needy are not obliged to address these life-threatening challenges.

Of the ten countries represented in this graph, four have over 1,000 deaths of children under the age of five per 100,000 children under five. This means that these deaths account for over 1% of the base population. In Sierra Leone, 1,207 children under the age of five per 100,000 live children under five; in Afghanistan 1,183 children under the age of five per 100,000 live children of the same cohort; and in Niger, 1,023 children under the age of five per 100,000 live children of the same age will not reach the reference age of five years old.

All of the other six remaining poor countries fall within the range of between 600 and 900 children of less than five years old dying as a result of indoor air pollution: Burundi, where 897 children under the age of five die per 100,000 live children under five, i.e. 0.9%; in Rwanda 803 children of every 100,000 will die for the same reason; in Mali, the figure is 703 children; 676 children will die in Liberia; 648 children will die in Guinea-Bissau; and finally, 644 children under the age of five per 100,000 live children of the same age will die, due to indoor air pollution in the Democratic Republic of the Congo.

Finally, the third cause of death we are looking at is death resulting from poor quality of water and/or deficiencies in sanitation and hygiene. In this respect, five of the ten countries represented in the graph, some with figures that are truly worrying, have rates of over 1,000 deaths per 100,000 children of less than five years old. This is the case of Angola (1,266 deaths of children of less than five years old for every 100,000 children of the same age), Afghanistan (1,405 deaths of children of less than five years old for every 100,000 children of the same age), Sierra Leone (1,473 deaths per 100,000), Burundi (1,088 children dead per 100,000 live children),

and Niger (1,229 deaths). All of these children die due to poor quality of water, sanitation and lack of hygiene, with quality of water being the most significant of these causes of death.

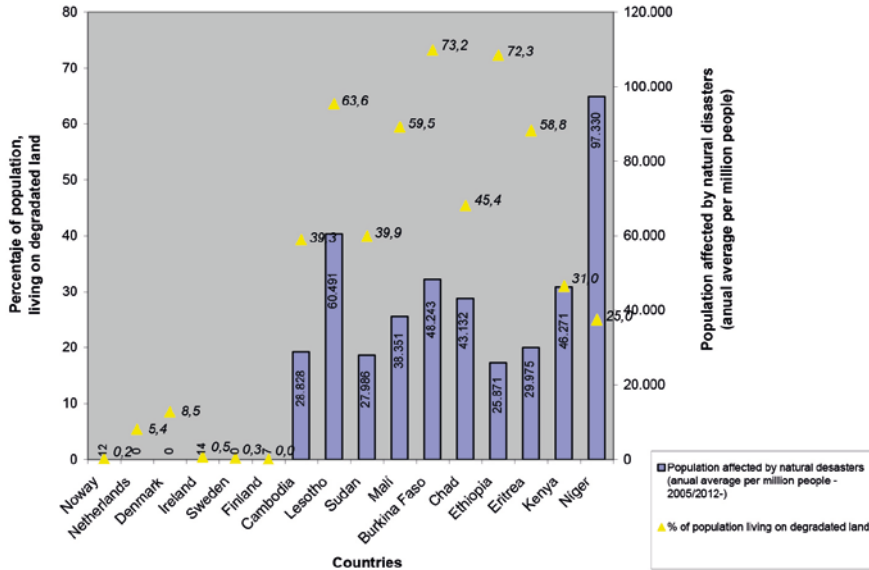
We are saying that, due to these causes, children in this age group of up to five years old die, in percentages that range from 1.1% and 1.5% of the total reference population (children of under five years old). In the remaining countries represented in the graph, the child mortality rate due to these causes is 0.8% in the Democratic Republic of the Congo and 1.0% in Rwanda; rates which, in any case, are sufficiently shocking as to evoke the commitment of the international community to mitigate them, with absolute priority over any other objective. We are not speaking of what the life of men will be like in five hundred years if we fail to conserve the environment. We are speaking of the lives of those who do not reach the age of five at present.

Before concluding this analysis of how environmental conditions have an unequal effect on rich and poor countries, we would like to provide, due to their significance, data on two indicators that once again highlight the difference in the suffering of populations due to external causes. In some cases – the case of developed countries – the capacity exists to mitigate the effects of environmental threats and in other cases – the case of developing countries – this capacity does not exist, due to economic level, lack of technical capacity and lack of effective foreign cooperation.

We refer to the living conditions of the population in their settlements in the physical environment. Here, we examine two parameters: the first is the parameter of populations affected by natural disasters, expressed as the annual average for the period 2005-2012 per million people; the second is the percentage of the population that lives on degraded land, with respect to the total population of the country in question. Graph X provides data on the two parameters for six wealthy countries that have traditionally expressed great concern for environmental conservation, and ten poor countries.

It is undoubtedly true that the nature of the two parameters is very different, in theory. In contrast to natural disasters, which, *prima facie*, can be said to be circumstantial events, land degradation is a problem of a structural nature and, as such, will influence, even in the long term, the lives of those who settle in the degraded area. Nevertheless, and despite what we have just said, we would allow ourselves the option of casting doubt on the circumstantial nature of natural disasters, due to the repetitive coincidence of these circumstances in certain types of countries and not in others.

There are great differences between developed and developing countries for both indicators. In three of the six countries represented – the Netherlands, Denmark and Sweden – there is no population affected by natural disasters, while in the other three, the affected population is small – 7 people of every million in Finland, 12 in Norway and 14 in Ireland.



Graph VIII. Natural resources conditions.

If we look at developing countries, the case of Niger stands out, with 97,330 people affected per million of population, followed by Lesotho, with 60,491, Burkina Faso, with 48,243 and so on, until we come to the country with the lowest number of people affected of those represented in the graph, Ethiopia, with a total of 25,871 of every million people affected by natural disasters. What these cold statistics are telling us is that, in Niger, an average of 9.7% of the total population of the country is affected by natural disasters every year. In Lesotho, 6.1% of the population suffers the consequences of natural disasters. In Burkina Faso, the figure is 4.8% and in Ethiopia, the least affected of the countries represented, 2.6% of the population is affected.

There is a greater range of inequality in the percentage of the population living on degraded land, with all the risk this implies for health,

sustenance and, simply, survival. In the case of the six developed countries, 0% of the population in Finland is affected by this indicator, while in the other countries, the affected population ranges from 0.2% in Norway to 8.5% in the case of Denmark, with values of 5.4% in the Netherlands, 0.5% in Ireland and 0.3% in Sweden.

These figures bear no relation to those for the developing countries. Burkina Faso, with 73.2%, has the highest percentage of the population living on degraded land, followed by Ethiopia, with 72.3% and Lesotho, with 63.6%. In the remaining countries, apart from Kenya and Niger, with 31.0% and 25.0% respectively, the percentages range from 39.3% in Cambodia to 59.5% in Mali. In other words, in five of the ten poor countries represented in the graph, over 50% of the population (of these, Eritrea with 58.8% has the lowest percentage) live on degraded land. Meanwhile, the developed world observes these figures with a high degree of indifference.

V. Inequality, integration, cooperation

These are three phenomena that affect the human being positively or negatively and, due to their very nature, they require a social scenario in which to be manifested and to unfold in one way or another. None of the three are abstract in nature: inequality is produced from some with respect to others; integration is also produced from some with others; and cooperation appears when the group as a whole addresses a common objective. Therefore, the actors are always human persons, called upon to live in community. However, at times, some build barriers to prevent entry of others.

Let us put forward the view that man, by nature, is a social being. The story of creation tells us that after creating man, and subsequent to situating him in a fruitful orchard, the Lord God said “It is not right that the man should be alone. I shall make him a helper” [*Gn.* 2:18]. The likeness and non-isolation is confirmation that the will of God was to create a social man, who, with his fellows, would give rise to the human consortium, the human family as a nucleus of vertical relationships between successive generations, as well as intra-generational, horizontal relationships.

The contrary would be to commit to that deviated anthropocentrism, which designs a life project of negation of the very mission of the human being in the world, in society, in nature, resulting in the selfishness that recognises nothing that is not proprietary and quantifiable. In the words of Pope Francis,

When human beings place themselves at the centre, they give absolute priority to immediate convenience and all else becomes rela-

tive... sees everything as irrelevant unless it serves one's own immediate interests.³⁴

It is when integration becomes impossible, for it will surely be incompatible with one's own immediate interests, that cooperation will not be possible, except when it is an instrument to serve one's own interests, which, because they are immediate, are always ephemeral and, therefore, expire. And this is finally, when inequality finds terrain that is conducive to marginalisation, exclusion and rejection.

In fact, inequality, orchestrated as a tool of discrimination and exclusion, only makes sense within that human nucleus – it cannot be called society because there are no recognisable links between its members – in which selfishness is the king. It becomes the only recognised value and is pursued by solitary members of a group of individuals with an individualist vocation.

In a society of singular people, as opposed to isolated individuals, what is important is man in himself, considered as thus. All else is accidental, as we saw at the beginning of this paper. In this way, there is no margin for appreciation of inequality because, as men, we are all equal in dignity, children of one and the same father and, therefore, with a common affiliation and, in consequence, with an indomitable fraternity, which sustains the permanent relational bonds amongst all its members.

That common affiliation, that fraternity, also formally recognised in the Universal Declaration of Human Rights as a duty of human beings,³⁵ is the only thing capable of constituting the substrate for the creation of a harmonious, integrated, cooperative society, as opposed to the exclusions resulting from a selfish, aggressive, exclusive society. In such a society, exclusion is produced by the incompatibility of the objectives of brotherhood and solidarity with the objectives that evidently characterise a selfish society, which feels itself self-sufficient without the need for anybody, because perfection does not feature amongst its preferences.

This being the case, inequality is no excuse for exclusion. First of all, what is important about man is his essence, his condition as a rational, free being, the owner of an inalienable dignity, a member, due to a relationship of fraternity, of the entire human family; ultimately, man equal to man by the design of the Creator. Based on that equality, which is substantive, the

³⁴ Francis, Encyclical letter *Laudato si'*. On care for our common home. Rome, May 24th 2015; num. 122.

³⁵ *Vide* ref. footnote no. 14.

signs of inequality, even natural inequality, are multiple but they are all accidental, accessories; they are thus because they are integrated within man and, for that reason, some are not more unequal than others. All are unequal to each other.

We already saw at the beginning of these pages that this inequality which accompanies the human being, was present from the first moment of creation, according to the Angelic Doctor: differences in sex, age, physical configuration, corporal strength, skills, capabilities, etc. All these differences are to be found in any family, without being the cause of the marginalisation of some and the predominance of others. All are equal, because the shining brilliance of essential equality makes the different conditions of each member imperceptible.

Can we imagine a family in which there was discrimination between tall and short children, or between those with golden hair and blue eyes, and those with dark eyes and hair? Why then, in the human family, does the natural integration between whites and people of colour not occur, or integration between brothers from urban and rural areas, or between people from different territorial origins within a single nation –North/South – or between the rich and the poor?

These problems, which already exist, although they remain hidden in an environment of national community, are multiplied when we contemplate humanity in its global dimension. Moreover, as we broaden the contemplated scenario, the inequalities which have their origin in the very condition of men are mixed with great ease with inequalities derived from some imposing upon others, where the strong marginalise the weak, when it is clearly evident that we are all equal by nature from the first moment we see the light of day.

Or could it be that it is convenient to foster inequality from above in order to ensure better living conditions at the top? The practice of keeping slaves on a formal basis in the past – though not so long ago – in order to undertake major construction work and economic operations for the benefit of the exploiters, with the exclusion of the slaves, is perhaps still carried out, though without the same formality of slavery, with substantive and objective conditions that are similar to those of the past.

Perhaps it is convenient to keep entire continents in ignorance, with high levels of illiteracy, precarious health, and an absence of markets for goods and raw materials that would enable them to exploit their natural resources, with the acquiescence of corrupt governments, who accept the stimulus to corruption formulated by the exploiters of their natural resources.

Now that the world has reached such levels of inequality and exclusion, we cannot wait with our arms folded, provided that we are not encouraging such exclusion, for the great problem of humanity today to solve itself. The gap between some and others is of a magnitude that requires world action from all of humanity; action from a humanity convinced of the need to take another direction, a direction in which the equality inherent to men predominates, as opposed to the inequalities promoted by the privileged for their benefit, with the exclusion of those who have nothing, although they owe nothing. On the contrary, they are creditors of a historical social debt, a debt there is no desire to settle.

We are speaking, without palliatives, of an internal conversion of humankind, which cannot be achieved by an anecdotally peripheral attitude. We must enter into the heart of the problem. “This conversion [*as Pope Francis says*] calls for a number of attitudes which together foster a spirit of generous care, full of tenderness. First, it entails gratitude and gratuitousness; a recognition that the world is God’s loving gift, and that we are called quietly to imitate his generosity in self-sacrifice and good works... It also entails a loving awareness that we are not disconnected from the rest of creatures, but joined in a splendid universal communion. As believers, we do not look at the world from without but from within, conscious of the bonds with which the Father has linked us to all beings”.³⁶

We have created and are feeding a society of plots of land, of sealed compartments, where, rather than rebelling against the injustices of the world, instead of being a spokesperson for the *voiceless*, we adopt an attitude of complicity and self-righteousness, displaying tolerance of the intolerable, on the pretext of respect for opinions, acts and beliefs that are different from ours, when the problem is a universal human problem and not one of acts or beliefs.

What is necessary is a strong conviction that would generate an associated commitment, a commitment of all human beings, within which there is no place for plots of land; a total commitment to an all-embracing purpose, a purpose that cannot be divided into separate, unconnected accounts.

The world, rich and poor, is witnessing an account in permanent imbalance, an account in which the shortfall of some can only be balanced with the excess of others. “Our commitment does not consist exclusively

³⁶Francis, Encyclical letter *Laudato si'*. On care for our common home. Rome May 24th, 2015, num. 220. [*what appears in brackets is mine*].

in activities or programmes of promotion and assistance... but above all an attentiveness which considers the other «in a certain sense as one with ourselves».³⁷ This loving attentiveness is the beginning of a true concern for their person which inspires me effectively to seek their good. This entails appreciating the poor in their goodness, in their experience of life, in their culture, and in their ways of living the faith”.³⁸ It is the opposite to rejection, exclusion, marginalisation, to the inequality sought or promoted to satisfy our immediate interests, in exchange for the loss of our soul; the loss, right now, of our sense of humanity, enchained to a presumed freedom, without responsibility, which we will be asked to account for.

This is the true problem of the world. It is the most urgent problem and, without doubt, the one that most requires a solution, because we are talking about the living conditions of men today. And even the environment, which resonates with a powerful world voice much stronger than the voice of the poverty, hunger and death of so many people who lack everything, seems to have turned its back on poor countries and seems to have decided to exacerbate their fate.

The Holy Father proclaimed that

... the deterioration of the environment and of society affects the most vulnerable people on the planet: “Both everyday experience and scientific research show that the gravest effects of all attacks on the environment are suffered by the poorest [Bolivian Bishops’ Conference, *Pastoral Letter on the Environment and Human Development in Bolivia El universo, don de Dios para la vida* (March, 23rd 2012), num. 17]”.³⁹

We have spoken of this and presented data on it, in the section entitled ‘*Violence of environmental inequality*’.

A wide omni-comprehensible and integrated vision of man and of the environment in which he lives is necessary; that is to say, an “integral ecology”. In the words of Pope Francis:

When we speak of the “environment”, what we really mean is a relationship existing between nature and the society which lives in it. Nature cannot be regarded as something separate from ourselves or as a mere setting in which we live. We are part of nature, included

³⁷ St. Thomas Aquinas, *S. Th.*, II-II, q. 27, a. 2.

³⁸ Francis, Apostolic exhortation *Evangelii gaudium*. Rome 24.11.2013, num. 199.

³⁹ Francis, Encyclical letter *Laudato si’*. On care for our common home. Rome May 24th, 2015, num. 48.

in it and thus in constant interaction with it... Given the scale of change, it is no longer possible to find a specific, discrete answer for each part of the problem. It is essential to seek comprehensive solutions which consider the interactions within natural systems themselves and with social systems.⁴⁰

VI. Conclusions

At the beginning of these pages, we presented the content they sought to deal with as a question: *Is inequality, of any kind, an obstacle for integration and cooperation?* In our opinion, the conclusion of the ensuing discussion proves that it is not. Inequality is not an obstacle for integration and cooperation. The obstacle to integration and cooperation, the barrier to the construction of a harmonious, fraternal and caring society, albeit an unequal one, is man. The man who feels superior to others and who, to express it in one way, feels he is more of a man and, if he were to be reminded of God, would surely feel he was more the son of God than the rest of humanity. That man is the barrier.

As with so many ills of this world, including those of times gone by, the great evil that has led man to chaos, the violent confrontation of wars, invasions and slavery, has been greed, selfishness, lust for power, the need to possess, hunger for gain, surrounding himself with wealth at the cost of the misery of many, having greater consideration for his pets than his neighbours, very often using the latter for his own needs. This selfishness is competitive and, as such, exclusionary. Two greedy beings cannot occupy the same space at the same time, for they will end up destroying each another.

It is this selfishness, the building block of the way things are done at present, which fosters and benefits from inequality, which is why it creates it. It highlights the differences between men over the very equality that characterises all human beings. What is more, in his erroneous vision, equality does not exist, because if it did, it would eliminate his spirit of prevalence and make it meaningless.

Inequality must be fostered to enable one to feel superior. Therefore, we change the dimension of inequality and make it substantive rather than accidental. And we hide the feature of essential equality because, this equality, which is intrinsic to man due to his human condition, is not seen

⁴⁰ Francis, Encyclical letter *Laudato si'*. On care for our common home. Rome May 24th, 2015, num. 139.

by the eyes of the body, nor is it made public in the social sphere. It is only understood from the eyes of the spirit, from a sense of transcendence, which holds no interest for the greedy, because transcendence is not sold in the markets. This man, the enemy of society and of himself, aspires to the privilege which sets him apart from others as his fundamental objective in life. He aspires to enjoy what he knows others can never have. In other words, he strives to be unique, in what is accidental, naturally, but we have already said that the essential dimension of the human being holds no interest for him.

Being a person is equivalent to being a generator of community, not of isolation, for we have already said that man is, since his origin, a social and sociable being. The *communitas* is only conceivable when it is made up of people with dignity, who know themselves to be free and responsible and who desire to share their objectives and their efforts to achieve those objectives.

The greedy and the covetous, he who feels privileged by the submission of others, in a model of inequality that has been sought-after and promoted, rejects the idea of the *communitas* and, to replace it, implements the *immunitas*; an environment that enables him to feel secure because others can never occupy the economic, social and political position he holds. Other people, in the widest dimension of the term, persons and peoples, are peripheral and do not interest him in the least.

However, the end of this path, along which he constructs inequality to serve his own needs, leads him to a situation that is far more complex, a situation unknown to him because he has never attempted to be aware of it. The materialist, the greedy person, he who covets all that can be owned, will end up feeling profoundly alone. He is surrounded only by goods but not by loving relationships to fill his spirit. Solitude will lead him, perhaps subconsciously, for he does not even realise that he is alone, to aggression in order to prevent the proximity of people he believes to be exclusively motivated by dispossessing him of part of what he owns.

He lives in a spiral of violence, solitude and exclusion of all human beings who are alien to him. Sometimes, even his own family is the object of exclusion because he considers it to be a factor external to himself, in the same way that he has always considered the rest of humankind. This miserly individual – and there are more of them than we might imagine – also feels excluded, albeit it from above. For this reason, he does not accept social blending and does not know what it is to share. The reality is that he does not find it easy to socialise, to form relationships, with his fellow man,

be they close to him or distant from him. He relates, competitively, with those who are present in the scenarios on which his success, wealth and power depends, but his humanity is empty.

His life is an itinerary for the building of walls. Walls without bricks or mortar, but walls which divide humanity with greater force than physical walls. These are the spiritual, moral walls which divide men according to the dignity afforded or denied them; without consideration of the fact that nobody, no human being, can grant or remove the dignity of the human person, a dignity inherent to him because he is the Son of God, by the will of the Father.

At most, and this is by no means insignificant if it is played with irresponsibly, he can acknowledge or fail to acknowledge the dignity of man, an intrinsic dignity that cannot be taken away by anybody. This is what has been done throughout history by several dictators, who have humiliated the human person and denied them the possibility of exercising their rights, rights that are born precisely of their dignity.

While natural inequality, that inequality which occurs in the text of creation, the inequality that exists at the heart of the family – a heart of understanding and love – is an opportunity for personal enrichment, enrichment of the soul, of the senses and the feelings and an opportunity for the exercising of virtues, the inequality that is promoted or used to serve one's own interests, hinders life in society and generates violence amongst its members.

While natural inequality broadens the horizons of man, who would otherwise be convinced of an impoverished uniformity, and enables him to learn of different ways, different criteria, different attitudes and abundant initiatives, imposed inequality encloses man in an increasingly violent vicious circle. This natural inequality creates commitment to the fraternal community, urging the need to share, to make common the resulting fruit. It is the spiritual greatness of the *communio*, which is characteristic of the *communitas*, in which all feel themselves equal despite their differences, despite the inequality in which nature itself has placed them.

Therefore, the origin of the problem of exclusion and rejection in today's world is inside man. It is he who is called to *conversion*, a conversion through which the Lord God, in his holy name, made good his promise to the house of Israel: "I shall give you a new heart, and put a new spirit in you; I shall remove the heart of stone from your bodies and give you a heart of flesh instead" [*Ezk* 36:26].

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THE DYNAMICS OF SOCIAL INEQUALITIES IN THE PRESENT WORLD

JOSEPH E. STIGLITZ¹

It is apparent that not only are there high levels of inequalities within most countries, but those inequalities have been growing over time. They are much larger today than they were a third of a century ago. It is also clear that there is far from equal opportunity: the life prospects of children of rich and well-educated parents are far better than those with poor and less well-educated parents. Indeed, in the US, it appears that the prospects of a child from an underprivileged family that does well in school are poorer than that of a child from a well-off family that does not perform well in school. At one time, economists and other social scientists tried to justify these inequities through the marginal productivity theory, which says that individuals' incomes correspond to their social contributions to society. Even a cursory look at the data shows that none of the individuals who have made the greatest contributions to our society, say through the inventions of the laser or the transistor or the discovery of DNA, are among the richest. And among the richest are many who got their money from the exploitation of market power and/or political connections.

In this essay, I discuss the dynamics of social inequalities at three levels – the global macro, at the forces shaping the dynamics of the distribution of income across countries; the country-macro, at the forces shaping the dynamics of the distribution of income *within* a country; and at the micro – the forces shaping the dynamics of individuals' opportunities. The central thesis of this short paper is that to understand the dynamics of social inequality at any of these levels, though the competitive model may provide a useful benchmark, it is departures from that benchmark that are really driving the changes in inequalities today.

1. The data

The US has the best data, and the worst inequality, so I illustrate the basic issues by looking at what is happening there. Figure 1a shows that the

¹ Notes prepared for presentation at the Pontifical Academy of Social Sciences, April 28, 2017.

Top 1% vs Bottom 90% Average Income

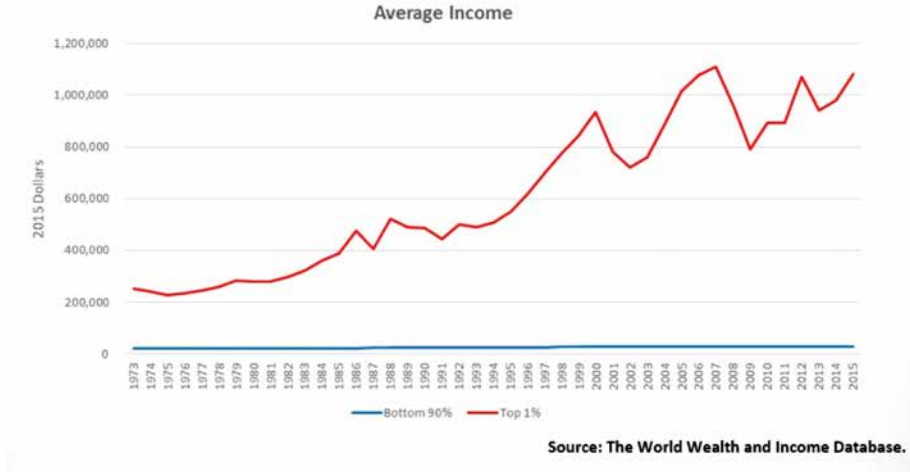


Figure 1a.

Europe: less increase in inequality in some countries than in others

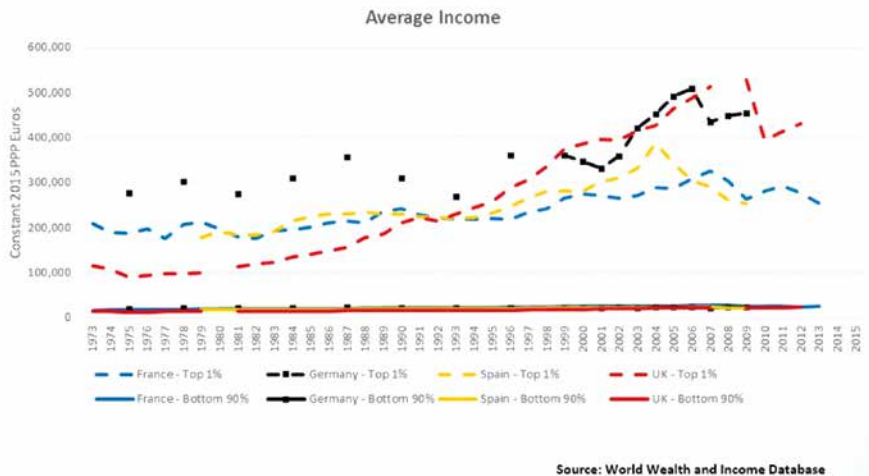


Figure 1b.

average income, adjusted for inflation, of the bottom 90% has been essentially stagnant for the past 42 years. At the same time, the average income of the 1% has multiplied 4.3 times. This pattern is seen in most other countries – though the US stands out. France, the Netherlands and Sweden are three countries where the increase in their share has been nonexistent or more limited. The UK, which in many respects has followed the US model, has an increased share almost as large as that of the US (See Figure 1b).

Global Inequality: Share of Income Earned by Top 1%, 1975-2015

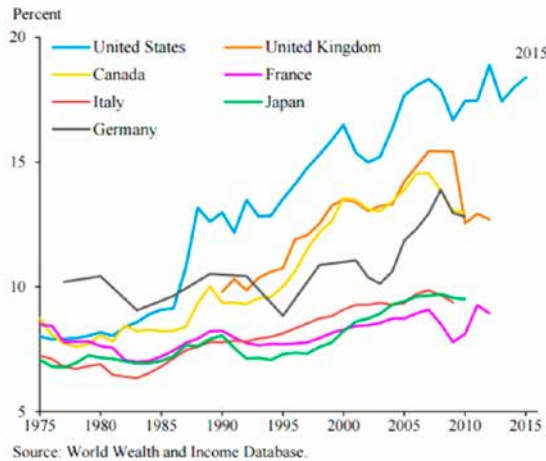


Chart from: US Economic Report of the President, January 2017.

Figure 1c.

Median income in the US has been stagnant for the past quarter century (see Figure 2a). But more striking – and reflected in American politics – is that median income of a full time male work is the same level that it was more than four decades ago (see Figure 2b). And it is increasingly difficult for these workers in the middle to get full time jobs – so if we looked at median income of a male worker, things would be even worse. Unfortunately, the standard source of European data, Eurostat, doesn't have data going back that far. Not surprisingly, in the crisis countries, like Spain, median income is lower than it was before the crisis (see Figure 2c).

Stagnation: U.S. median household income (constant 2015 US\$)

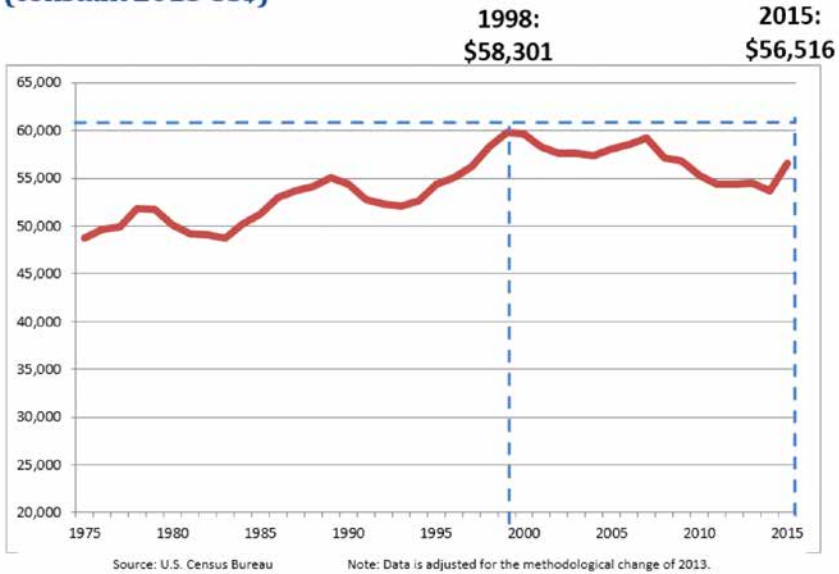


Figure 2a.

US: Median income of a full time male worker is at the level that it was more than 4 decades ago

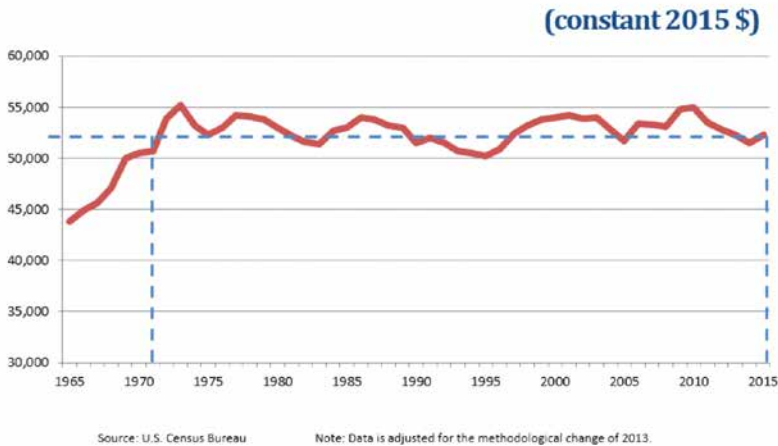


Figure 2b.

Median household income in Europe

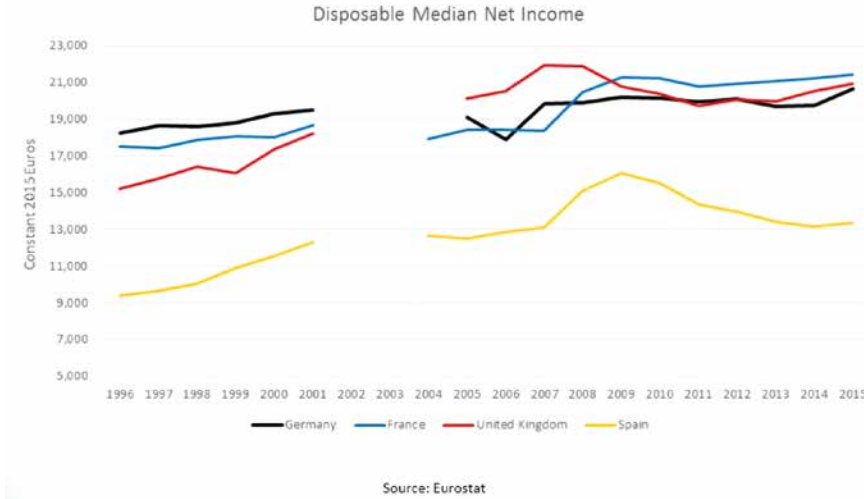


Figure 2c.

Worse is what has happened in the US to those at the bottom, where the real wage is at the level it was sixty years ago (see Figure 3a). In this arena, things are unambiguously better in Europe (see Figure 3b).

In most of the advanced countries, there are three major changes to the income distribution: more of the income is going to the top, more people are in poverty, and there has been an evisceration of the middle class – the median income has been stagnating, and the fraction of individuals around the median, say with an income of .5 to 1.5 times the median, is decreasing. More individuals are in the tails of the distribution.

We typically summarize the distribution of income in a measure called the Gini coefficient, and in most countries that has been increasing (see Figure 4). There are, however, a few countries that have resisted this trend, such as France and Norway; and a few, mostly in Latin America, where there has been a decrease in inequality.

There is an important lesson from this – the economic forces at play in all of the advanced countries are similar, but the outcomes are markedly different. The explanation of the difference is that different countries have

US: Real wages at the bottom are at the level that they were roughly sixty years ago



Figure 3a.

Europe: Real Minimum Wages

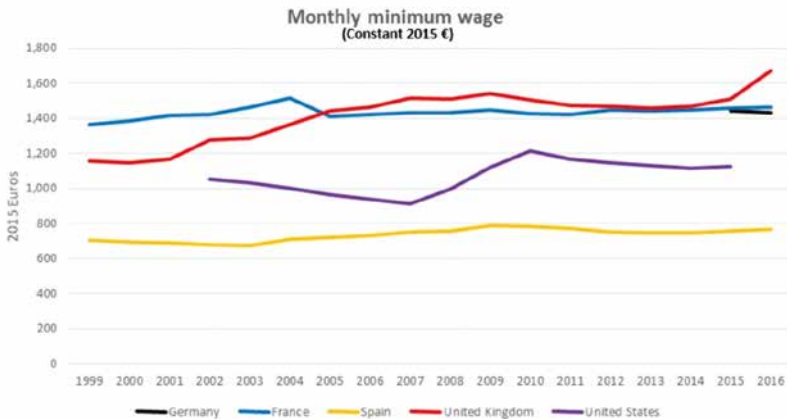


Figure 3b.

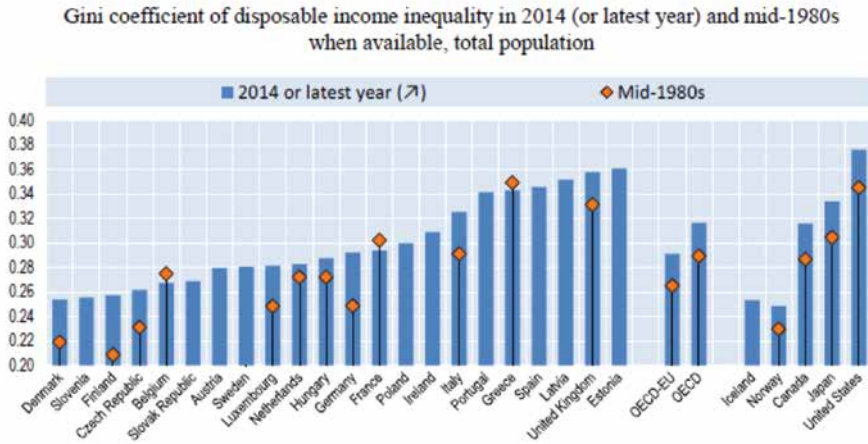


Figure 4.

pursued different policies. In short, inequality is a choice. Had countries pursued different policies, there would have been different results. Those countries that followed the Anglo-American model have wound up with more inequality.

Before turning to the other dimensions of inequality, I want to emphasize that those countries that have chosen to have more inequality have not had better overall economic performance. I emphasized in my book *The Price of Inequality* that society pays a high price for inequality, including poorer economic performance.² Empirical research at the IMF has provided substantial statistical support for the theoretical ideas that I had put forward.³

Income is only one dimension of inequality. There are several areas that are very important, but which are hard to quantify, including access to justice. The discriminatory nature of the mass incarceration in the US,

² *The Price of Inequality: How Today's Divided Society Endangers Our Future*, New York: W.W. Norton, 2012 (published in Italian by Einaudi). A short summary is available in a paper by the same title in *Sustainable Humanity, Sustainable Nature: Our Responsibility*, PASS Acta 19/PAS Extra Series 41, P.S. Dasgupta, V. Ramanathan, M. Sánchez Sorondo (eds.), Vatican City: The Pontifical Academy of Sciences, 2015, pp. 379-399.

³ Jonathan D. Ostry, Andrew Berg, and Charalambos G. Tsangarides, "Redistribution, Inequality, and Growth", *IMF Staff Discussion Notes*, 2014.

though, shows that the issue is deep.⁴ So too, during the Great Recession, many ordinary Americans were thrown out of their homes – even when they owed no money – on the basis of a mere false claim by a financial institution. This illustrated the lack of access of justice for large numbers of Americans.⁵

Another dimension that is hard to quantify is inequality in voice – in effective participation in the political process. When I was chief economist of the World Bank we surveyed 10,000 poor people about what aspects of their life were of most concern. Obviously, the lack of income was key. But there were two others: insecurity and the lack of voice, the fact that so much of what happened to them was beyond their control.

There are, however, two other dimensions that are easy to measure. One is the inequality in health – differences in life expectancy. Nature itself leads some individuals to live longer than others. But if some individuals do not have access to health care or cannot get adequate nutrition, then there will be even greater inequities in health. Not surprisingly, the US has large disparities, because it is the one advanced country that does not recognize that access to healthcare is a basic right.⁶ Figure 5 shows dramatically the consequence – those at the bottom, those with a high school education (or less) have seen an increase in their mortality, at the same time that elsewhere in the world mortality is decreasing. Of most concern is that one of the major sources of morbidity are “social diseases”, alcoholism, drug overdose, and suicide.

The magnitude of these adverse effects is so large that, by 2015, they had overwhelmed other factors contributing to increasing life expectancy, and life expectancy for Americans as a whole have decreased.⁷

⁴ See, for instance, Oliver Roeder, Lauren-Brooke Eisen and Julia Bowling, “What Caused The Crime Decline?”, *Brennan Center for Justice Paper*, 2015; Michelle Alexander and Cornel West, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, New York: The New Press, 2012.

⁵ See J.E. Stiglitz, *Freefall: America, Free Markets, and the Sinking of the World Economy*, New York: W.W. Norton, 2010.

⁶ See Anne Case and Angus Deaton, “Rising morbidity and mortality in midlife among white non-Hispanic Americans in the 21st century”, *Proceedings of the National Academy of Sciences*, 1-6, 2015; Anne Case and Angus Deaton, “Mortality and Morbidity in the 21st Century”, *Brookings Papers on Economic Activity*, Spring 2017, forthcoming.

⁷ See National Center for Health Statistics, “Mortality in the United States, 2015”, *NCHS Data Brief*, 267, 2016.

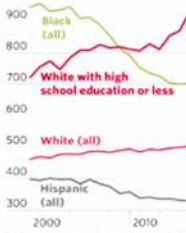
Even health and life expectancy is in decline

A Rising Toll

New research shows the increasing mortality rate among white Americans spans age groups and is most acute among the less-educated.

White deaths are rising...

Mortality rate by race, ages 50-54



Mortality rate=deaths per 100,000

Anne Case and Angus Deaton of Princeton University

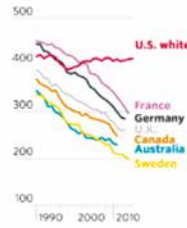
...among all age groups of less-educated whites...

Mortality rate for whites with high school education or less, by age



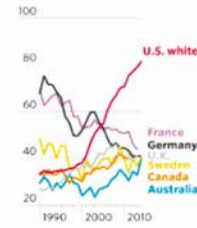
...in contrast to elsewhere...

Mortality rate for all causes, ages 45-54



...due in part to increases in 'deaths of despair'.

Mortality rate due to alcohol, drugs and suicide, ages 50-54



Source: Anne Case and Angus Deaton of Princeton University, charts published in Wall Street Journal.

Figure 5.

More Inequality is Associated with Less Mobility Across Generations



Figure 6.

The other very important dimension of inequality – related to the main theme of this talk, the dynamics of inequalities – is equality of opportunity. Countries differ markedly with regards to opportunity. Figure 6 shows the relationship between equality of opportunity and equality: countries with more inequality (as measured by the Gini coefficient) have less mobility across generations. Countries with the least opportunity include US, UK, and Italy, while those with the best are the Scandinavian countries and Canada, sometimes referred to as the Scandinavia of North America.

2. Basics analytics

The income of a household consists of income from labor and income from assets that the individual owns other than human capital. Thus, income inequality is related to disparity in the ownership of these assets and the returns to different factors. The dynamics of inequality is related to the dynamics of asset ownership. If the wealthier transfer a large fraction of their wealth to their children, there will be an intertemporal transfer of advantage. At the same time, in a period of growth, families divide their wealth among their children, and this “division” can lead to a process of regression towards the mean.

The mathematics of this process, which I developed in my Ph.D. thesis some time ago, enables us to show that typically, there is an equilibrium income and wealth distribution, the result of a balance between centrifugal forces pulling the economy apart and centripetal forces bringing the economy together. Changes in the income distribution then are a result of changes in these forces, leading to a new balance. For instance, with less progressive taxation, and especially with lower estate taxes, the wealthier can pass on more to their children. This results in an equilibrium with more inequality. With better public education, all young people get a more similar endowment of human capital, and that helps pull the economy together. The resulting equilibrium distributions entail less inequality. With greater diversity in the population, differences in the number of children, larger differences in the returns to capital, etc., the centrifugal forces creating more inequality will be greater.

By the same token, if capital is more unequally distributed than labor (as it is) an increase in the returns to capital relative to labor will (for any given distributions of labor and capital) lead to more inequality.

Piketty's model

Piketty's analysis⁸ is, in fact, a special case of my model. He points out that if the rate of return to capital is greater than the rate of growth, and if capitalists save all of their income, then the wealth of the capitalists will grow faster than the economy – and if the return to capital does not fall, then there will be increasing wealth and income concentration.

But there are several critical assumptions. Those at the top, while they save more than poorer individuals, have a savings rate that is far less than one. What matters is the relationship between sr (where s is the savings rate and r is the return to capital) and g , the rate of growth. For plausible numbers, $sr < g$, i.e. the capitalists would get a declining share of capital.

Moreover, if capital were increasing as rapidly as predicted by Piketty's model, the return to capital should have declined – the principle of diminishing returns is one of the most important principles in economics. Eventually, the return would come down to the level of g – in which case the share of capital would not be increasing.

The fundamental problem with the model is posed when looking at national income data – one would have predicted a decline in the capital income ratio, while Piketty shows that there has been an increase in the wealth income ratio. The reason is simple: large fractions of wealth are not capital – wealth includes the capitalized value of rents, including land, monopoly, and intellectual property rents. Wealth can be increasing but capital decreasing. This distinction is going to be critical in the discussion below: a major source of the growth in inequality is an increase in the share of wealth that is associated with rents. If, as I suggest below, there are reasons for an increase in rents, and those rents go disproportionately to the wealthy, then there will be an increase in inequality; and if there is also less capital, wages may go down, and again inequality will increase.

Summary of key determinants of inequality in the model

We can divide the analysis of inequality into the determinants of the distribution of the ownership of assets and the determinants of returns to assets. The analysis above emphasized that the dynamics of distribution of asset ownership is driven by the intergenerational transfer of wealth, human advantage, and other advantages and disadvantages. Of special concern

⁸ Thomas Piketty, *Capital in the Twenty-First Century*, Cambridge: The Belknap Press of Harvard University Press, 2014.

is education. As we noted, strong public education systems enable all children, regardless of the income of their parents, get the amount of human capital that is related to their abilities. (Indeed, strong public education, which invests more in those children who have lower ability endowments, can reduce the level of inequality from what it otherwise would be).

3. Dynamics of inequalities within a country

The model I just described provides a framework for understanding the dynamics of inequality. The changes in the dynamics of inequality can be simply described in terms of changes in the underlying centripetal and centrifugal forces determining the income and wealth distribution. In the United States, the education system is local, and with increasing geographical economic segregation, there is increasing inequality in educational opportunity. (Studies also show the high correlation between educational opportunity and income).⁹ The reduction in progressivity of the income tax system (indeed, now it is regressive) also increases the inequality of income and wealth.

A reduction in savings rate reduces inequality; a reduction in family size (on average) increases inequality.

An increase in dispersion in any of the relevant variables – including the returns to labor or capital – increases the level of inequality. There are some who have argued that technological change is skilled biased, increasing the education premium, and thus the dispersion of wages.

Beyond the competitive model

All of this analysis has been conducted with the framework of the competitive model. But there are multiple reasons to believe that that model provides an inadequate description of the economy. I already referred to the evidence concerning the increasing importance of rents, including monopoly rents, consistent with evidence of increasing concentration in many industries.¹⁰ Weakening of anti-trust enforcement and changes in

⁹ Other relevant factors include the extent of assortative mating. Again, in the US, with its education system increasing economically segregated, there is increasing assortative mating.

¹⁰ See Jason Furman and Peter Orszag, “A Firm-Level Perspective on the Role of Rents in the Rise in Inequality”, Presentation at “A Just Society” Centennial Event in Honor of Joseph Stiglitz, Columbia University, 2015. Retrieved from: https://obamawhitehouse.archives.gov/sites/default/files/page/files/20151016_firm_level_perspective_on_role_of_rents_in_inequality.pdf.

technology¹¹ as well as changes in the structure of the economy, towards sectors which are naturally less competitive, all may have contributed to an increase in the average “market power” with in the economy.

Other forces too have led to increased income at the top: changes in corporate governance have allowed executives to take away an increasing share of corporate income. Increased financialization of the economy, combined with weaker corporate governance and what I have described as heightened levels of moral turpitude have resulted in those in the financial sector exploiting the rest of the economy.

Similarly, weakening of workers’ bargaining power, both the result of weaker unions, changes in legal frameworks, and globalization have lowered the income of ordinary workers.

More generally, the rules of the game have been changed to advantage those at the top and to disadvantage those below, increasing inequality. Markets don’t exist in a vacuum. We have to structure them. For the past third of a century the rules of the game have been rewritten in ways that increase inequality and simultaneously weaken the economy, for instance, by increasing short-termism.¹²

The effect of all of this is that a huge gap has opened up between productivity growth and compensation growth (leading to a marked decrease in the share of labor). Figure 7a shows that before the mid-70s, the two moved together. This was the pattern that had been observed over a large number of countries and sectors for long periods of time. It was viewed almost as a “law” in economics. But then, suddenly, matters changed. There was no huge change in technology or in the quality of the labor force. There were rapid changes in the rules of the game. This is the only way that one can account for the dramatic change.

While we don’t have easily accessible data for Europe going back in time, the same disparity between productivity and compensation is evident in Europe in recent years (see Figure 7b).

¹¹ An increase in fixed costs (e.g. associated with research) or in network externalities. See, e.g. chapters 5 and 6 of J.E. Stiglitz and Bruce Greenwald, *Creating a Learning Society: A New Approach to Growth, Development, and Social Progress*, New York: Columbia University Press, 2014. Reader’s Edition published 2015.

¹² *Rewriting the Rules of the American Economy*, with Nell Abernathy, Adam Hersh, Susan Holmberg and Mike Konczal, A Roosevelt Institute Book, New York: W.W. Norton, 2015. There is a forthcoming version *Rewriting the Rules of the European Economy*.

US: Disconnect Between Productivity and a Typical Worker's Compensation, 1948-2015



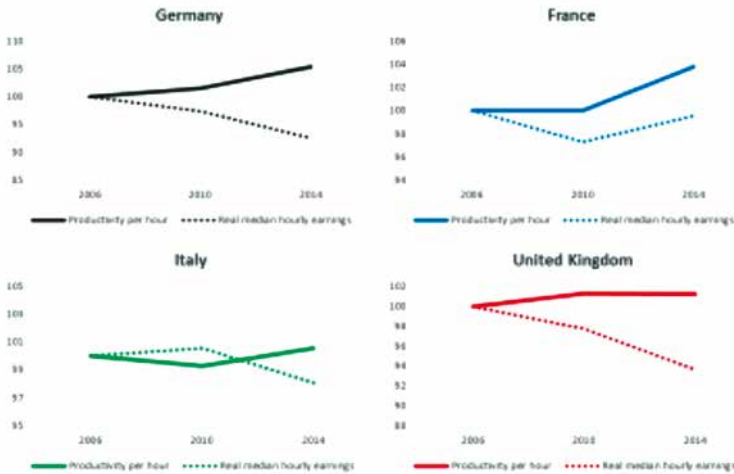
Note: Data are for average hourly compensation of production/nonsupervisory workers in the private sector and net productivity of the total economy. "Net productivity" is the growth of output of goods and services minus depreciation per hour worked.

Source: EPI analysis of data from the BEA and BLS (see technical appendix of *Understanding the Historic Divergence Between Productivity and a Typical Worker's Pay* for more detailed information)

Economic Policy Institute

Figure 7a.

Europe: Disconnect in Productivity and Compensation



Source: Eurostat.

Figure 7b.

One particularly invidious manifestation of “power” is discrimination, evidence of which is pervasive. Women and minorities get paid significantly less than those with comparable skills who are white men. Discrimination in America is more subtle than it was in the days of Jim Crow (except in areas like the criminal justice system, with its mass incarceration), but is nonetheless real. Economic theory (in particular, game theory) has shown how such discriminatory equilibria can persist (contrary to the assertions of Chicago economists like Gary Becker).¹³ What is surprising is that while overt racial and gender discrimination has been reduced, the wage gaps persist.

4. Inequalities across countries

In recent years, with the growth of the emerging markets, some of the inequalities across countries have been reduced; yet the inequalities between the poorest countries and the rest persist. The rules of globalization have much to do with both. Globalization, in the form of export-led growth, was essential to the success of the East Asian countries. But the rules of globalization are designed to keep the poorest countries producing raw materials. The agricultural subsidies in advanced countries reduce prices of agricultural commodities, and while they improve the well-being of a few thousand rich Western farmers and agricultural corporations, they move millions of those in Africa and India into deeper poverty. Trade agreements have kept generic drugs off the market, reducing access to life saving medicines across the developing world.

For years, the Washington Consensus policies, particularly the structural adjustment policies, imposed on Africa and other poor countries by the World Bank and the IMF as a condition for their assistance, impoverished these countries.¹⁴ These policies led to a quarter century of stagnation and the deindustrialization of these countries. Fortunately, there have in recent years been major reforms, which have reduced the extent to which these oppressive policies have been imposed.

There are other forces reinforcing these trends. Climate change, in particular, has had its most devastating effects on poor countries, and on the poorest people in those countries.

¹³ See, for instance, Dasgupta, Partha, 2005, “The Economics of Social Capital”, *Economic Record*, Vol. 81, Issue Supplement S1, pp. S2-S21; and Dasgupta, Partha, 2012, “Dark Matters: Exploitation as Cooperation”. *Journal of Theoretical Biology*, 299, pp. 180-187.

¹⁴ I describe this extensively in my book *Globalization and its Discontents*, W.W. Norton, 2002.

5. Remedies

The policies to “undo” the adverse dynamics of inequality follow much from the analysis of the source. We need to rewrite the rules of the market economy, once again, doing a better job in curbing market power, exclusion, and discrimination; ensuring that there is less intergenerational transmission of advantage – including less intergenerational transmission of human and financial capital – in part by improving public education (including pre-school and access to tertiary education), introducing stronger inheritance taxes and more progressive income taxes.

Some of the observed inequality in today’s society arises from those whose human capital and undiversified financial capital has been hit by a shock, that is, who have been living in places and working in jobs in industries where there has been a marked decrease in demand – as steelworkers in the Midwest lose the jobs, they also see the value of their main asset, their home, plummet. There is no insurance provided by the market against these risks. There is a need for social protection – to help these individuals move to other places and to other jobs; and to help them manage with the lower incomes they are likely to have whether they get a job or not. Over the past century, systems of social protection (e.g. for aging and for health care) have improved enormously, even withstanding, in most places, the attacks that have been leveled against them in some places. Though we have unemployment insurance systems designed to address temporary unemployment, we do not really have a system of social protection adequate to respond to the rapid dynamics that mark the 21st century economy.

It is no accident that we have the system we have, with the rules that it has. Special interests like it that way. I may have exaggerated a bit when I said the US had a government of the one per cent, for the one percent, and by the one percent, or when I suggested that we had moved from a democracy with one person, one vote, to one with one dollar, one vote. But it is clear that some of the policies that have been pursued have been strongly disadvantageous to the economy as a whole and simultaneously have created more inequality: there have been only a few winners. In other cases, there may be slight increases in national income, but these are overwhelmed by the distributive effect, raising questions about the desirability of the policy – at least in the absence of adequate systems of social protection.

Globalization illustrates. The overall gains to the economy have been exaggerated. The last trade agreement (rejected by President Trump), the Transpacific Partnership, TPP, heralded as the largest trade agreement ever,

was nonetheless estimated by the government to have a net effect on GDP after it was fully implemented of .15%; other studies suggested that that was an exaggeration, and the impacts on GDP were smaller. Yet, it reduced access to generic medicines, had provisions which threatened regulations to protect health, the environment, safety, working conditions, and even economic stability, and (at least in the views of some) even put at a disadvantage small innovators. More generally, trade agreements have weakened the bargaining power of workers. Even in standard competitive models, opening up of trade reduces wages of unskilled workers, but in more realistic models where firms have market power, the effects are even greater.

The economic and political dynamics of the system work in ways to perpetuate and increase this inequality – unless something intervenes. Economic inequality gives rise to political inequality, especially so in political systems, like the US, where money matters. Political inequality is then used to rewrite the rules in ways which gives rise to more economic inequality, in a vicious circle. There is momentum to these adverse dynamics – unless something happens to reverse these trends.

If change to these disturbing dynamics comes, it will come through our political system, but I suspect only after there is greater awareness of what has been happening, an awareness that the extremes of inequality are neither economically nor morally justifiable. The Church should be the defender of the poor and the voiceless. It will be important for its voice now be heard, as clearly and forcefully as it made its voice heard in the protection of our environment for the benefit of future generations.

THE AETIOLOGY OF SOCIAL EXCLUSION

PAULUS ZULU¹

1. Introduction

In the Weberian sense social exclusion or social closure refers to: “the process by which social collectivities seek to maximise rewards by restricting access to resources to a limited circle of eligibles” (Frank Parkins: 1974: 44). In socio-political terms this implies that the excluded have no access to “a certain basic standard of living and to participation in the major social and occupational opportunities of society” (Room *et al.*, 1992: 14: Quoted in Omtzigt: 2009: 4). This is an instance of active and constitutive exclusion where the purpose is to close social and economic opportunities to outsiders with the nature and extent of closure “determining the general character of the distributive system” (Parkins: Op Cit: 44). Weber’s is a case of deliberate active exclusion. Toddman refers to this kind of exclusion as “...a consequence of the discriminatory decisions and actions undertaken by, for instance, a society’s political, social and economic majority and/or elite who, by acting in their own self-interest (e.g. retaining for themselves material, cultural, symbolic and other privileges) exclude the other members in society” (Quoted by Omtzigt: 2009: 19). There are instances of passive exclusion where circumstances such as economic depression, as mentioned in the documents by the Social Exclusion Knowledge Network (SEKN), may force large numbers or groups of people out of employment, therefore excluding them. In this instance the exclusion is not deliberate, although structurally certain groups are the first in the firing line of exclusion. And it is generally the marginalised, whose exclusion in the first instance was a result of the deliberate quest by the insiders to restrict opportunities and resources to a limited circle of eligibles, who fall into this trap.

The material consequences of social exclusion are that excluded individuals or groups are denied participation in the social, economic and cultural networks in society, and because of that they become less than citizens. Hence, Dirk-Jan Omtzigt’s reference to Plato’s hierarchical society, which maintained that women and slaves “should have neither any

¹ Maurice Webb Race Relations Unit, School of Social Sciences, University of Kwa Zulu Natal.

political nor any social rights” (Omtzigt: 2009: 3) locates these two sub groups at the bottom of the social hierarchy of less than citizens. While this might sound extreme, it is a fact that in contemporary society there are still mechanisms of social closure that precisely exclude segments of society from the resources of citizenship thus rendering them second or third class citizens, or for that matter, as was the case in apartheid South Africa, officially non-citizens. It is this form of active social exclusion that this paper wishes to address, although fully conscious that, in consequence, any form of exclusion has moral and practical implications on the excluded, including their life chances.

Weber’s conception immediately draws in a relational dimension to exclusion wherein differentials or inequalities between insiders and outsiders exist and, in the words of Amartya Sen, outsiders experience a “capability deprivation” (Amartya Sen: quoted in SEKN 2008). The capability approach immediately ushers in the multi-dimensional nature of inequalities and by implication, social closure, including its instrumental nature or corrosive disadvantage i.e. a situation where one variable resulting from social closure has multiple disadvantages. For example, in instances where social closure leads to capability poverty, the implications for health, education, the acquisition of skills and consequently employability, are so severe that poverty reduction becomes very difficult if not near impossible. There is, however, a moral or social justice dimension to social exclusion, because the motivational dimension of social closure is that it contributes significantly to the insiders’ enjoyment of resources at the expense of the excluded. Insiders enjoy a virtuous circle of fortunes. “The advantage held by global and national elites resides not only in their vast fortunes, but also in the freedom they enjoy in other domains – in political influence, in geographical mobility, their room for legal manoeuvre, in security and in access to knowledge and influence” (Tania Burchardt and Rod Hick: CASE/201: January 2017: 8). The two authors continue: “Crucially, they do not necessarily need to actualise these freedoms in order to secure advantage, the capability is often sufficient” (Ibid). The reverse is equally true of the excluded.

The essence of active social exclusion lies in the capacity to increase the capability space for insiders while simultaneously constraining the same space for outsiders. The functional space thus expands or decreases depending on which side of the divide one is, and herein lies the moral issue but also the immense potential for conflict. “Indeed, several aspects of advantage, especially at the extreme, are manifested by the ability (if not

the actuality) of exercising power over others, possibly to their detriment” (Burchardt and Hick: 2017: 8). The aetiology of social exclusion is best articulated in Weber’s exposé of the concept where power relations enable those in power to single out “certain social or physical attributes as the justificatory basis of exclusion” (Ibid). It is through the process of justification that the exclusionary forces or groups legitimise exclusion by drawing on the normative resources in society to justify and sustain the position. For example, in South Africa, colonialism and later apartheid invoked race and its cultural attributes as the basis for racial discrimination which excluded those who did not belong to the white race from political participation upon which access to social and economic power was predicated. In an attempt at legitimation, both systems drew on western scientific and technological advancement to justify white supremacy. Inherent in social exclusion are two negative outcomes: the creation of inequalities and the capability deprivation, both of which have political and moral outcomes with great potential, politically for social instability and ultimately upheaval, and morally for capability deprivation. Rationally, closure strategies, because of the relational dimension in the process, include “not only those of an exclusionary kind, but also those adopted by the excluded themselves as a direct response to their status as outsiders” (Parkins: Op Cit: 45). Perhaps it is this aspect which also deserves great attention, as mechanics of inclusion are functionally dependent on the collective consciousness of the excluded.

Perhaps one body that has conducted exhaustive work on social exclusion is the Social Exclusion Knowledge Network (SEKN), albeit this has been almost entirely from a health perspective, which could have limited the conception to a specific emphasis, particularly on the relational experience with poverty as the central expression in a multiplicity of variables. For instance, Chambers emphasises deprivation as central to the explanation of social exclusion.

Deprivation as poor people perceive it has many dimensions, including not only lack of income and wealth, but also social inferiority, physical weakness, disability and sickness, vulnerability, physical and social isolation, powerlessness and humiliation... In practice, much of this wide spectrum of deprivation and ill-being is covered by the common use of the word poverty. {However}, poverty is then defined as low income, or often as low consumption, which is more easily and reliably measured. Surveys are carried out and poverty lines constructed. This limits much of the analysis of poverty to one dimension that has been measured (Quoted in SEKN: 2008: 32).

Chambers describes a static or relational conception of social exclusion as the cause of a particular existential experience. The conception does not go beyond what individuals or groups experience or live through as a result of closure, but rather limits the reality to capability deprivation. Amartya Sen goes beyond this conception and builds in a transformational dimension where excluded segments can change their lot and gain a sense of belonging. Sen posits:

At all levels of development the three essential capabilities for human development are for people to lead long and healthy lives, to be knowledgeable and to have a decent standard of living. If these three basic capabilities are not achieved, many choices are simply not available and many opportunities remain inaccessible. But the realm of human development goes further: essential areas of choice, valued by people, range from political, economic and social opportunities for being creative and productive to enjoying self-respect, empowerment and a sense of belonging to a community (Quoted in SEKN: 2008: 33: Taken from UNDP: 2007b).

A useful conception of social exclusion which enables the construction of an appropriate or rational aetiology and management of the process in its all-embracing form locates social exclusion as overarching with multi-dimensional attributes or ramifications, but also possessing relational properties, and finally with causal linkages between various forms of deprivation. Omtzigt quotes Duffy as well as Walker, and Walker as providing what amounts to an almost most succinct definition of social exclusion as:

The inability to participate effectively in economic, social, political and cultural life, alienation and distance from the mainstream society (Duffy 1995)

or

The dynamic process of being shut out... from any social, economic, political and cultural systems which determine the social integration of a person in society [Walker and Walker: 1997: 8] (Omtzigt: 2009: 7).

If social exclusion is a function of unequal social relationships characterised by differential power relations, i.e. the product of the way societies are organised, the notion of agency is inherent in the definition. Also, there is consensus that social exclusion is not static, but rather a dynamic process. Dynamism and agency also imply the routes of escape by the excluded groups, pathways which gatherings like this can explore since the purpose of this conference is not only to examine and analyse exclusionary process-

es, but rather also to investigate mechanisms of transforming the lot of the excluded and marginalised, i.e. processes of bringing about social inclusion.

2. The aetiology of social exclusion

2.1. Causes of social exclusion

Silver, in Omtzigt, sums up the difficulty of apportioning causes to social exclusion most aptly noting that “consensus on social exclusion as multi-dimensional does not mean agreement on which dimensions are operative” (Omtzigt: 2009: 18). However, this notwithstanding, Omtzigt suggests two approaches to the causes of social exclusion: the agency approach, i.e. who excludes the excluded; and the social institutional approach: locating the causes in the “organisation and operation of societal institutions and systems” {Omtzigt: 19}. In the same publication, Omtzigt cites Atkinson and Davoudi (2000) who provide “a framework for organising and understanding the main institutional causes of social exclusion” where failure in any one of them causes social exclusion. The subsystems are:

- The democratic and legal systems which foster civic integration;
- The labour market which fosters economic integration;
- The social welfare system which aids social integration; and
- The family and community system which enables inter personal integration.

What is noticeable in Atkinson and Davoudi is that the first three sub systems in this list are, in Webber’s words, indicative of “the general character of the distributive system” (Parkins: Op Cit: 44), and therefore, locate the state or the dominant segments in the state in the position of agency. However, circumstances might lie beyond the control of an individual entity including the state as indicated in the Report of the European Commission (2000–2001), which cites structural causes as:

- Globalisation, evolutions in technology and industrial restructuring as causes of changes in the labour market that alter the relative balance between job security and flexibility thus marginalising the least adaptable groups;
- Expansion of the knowledge society which may marginalise the technologically illiterate;
- Socio-demographic changes;
- Territorialism or geographic bias and polarisation of development, e.g. the urban- rural dichotomy.

While one cannot attribute exclusion to an active agent in the above instances, what is not debatable is that it is the vulnerable that are susceptible

to exclusion in all instances thus making their exclusion more of a chain reaction than an independent phenomenon.

2.1. Manifestations of social exclusion

It is clear from the conceptualisation advanced above that social exclusion is neither a neutral phenomenon nor an accidental incident inflicted upon a section of humanity by divine intervention or an act of fate, but rather a function of competition over limited resources controlled through a system of power relations in society. Because of this, the language of social exclusion varies in line with the desired diagnosis in order to influence and control policy directives. The anatomy of deliberate social exclusion can be traced using a theoretical model or framework where finite or limited resources in society give rise to competition with the allocation or distribution processes being a function of power relations existing at a point in time. Segments or groups in society organise themselves along lines of protective interest groups to derive maximum benefits from the allocative and distributive processes. Those groups which, because of whatever political or cultural variables, as advantage, gain ascendancy and capitalise on these variables creating a system which facilitates the maximisation of resources and rewards by restricting access to themselves as eligibles. Once the system is entrenched, social closure acts as an independent, almost autonomous, variable with consequences of social inequalities where excluded groups are vulnerable. Vulnerability or risk proneness where excluded groups and individuals are at risk of the other ills of exclusion which manifest in poverty, poor social capital, limited or poor access to finite resources, becomes the outcome or dependent variable.

This asymmetry in power relations creates mobilisation of bias, where those excluded become more marginalised. The consequence is that not only are the excluded left out of mainstream society, but also that their vulnerability is exacerbated. Hence, any of the manifestations of vulnerability or risk proneness can be a direct or indirect dependent variable of social exclusion. The dependent variables can and usually interact among themselves to generate further outcomes. For instance, limited or poor access to resources such as paid work, land and other primary resources producing attributes such as education and training may result in poverty, which in turn may generate vulnerability to other ills. The cycle becomes vicious with the result that escape from the predicament becomes only possible when conditions that created social closure in the first instance are transformed. A complete aetiology of social closure entails dealing not only

with the anatomy, but also with each of the dependent variables particularly measuring and explaining their vicious interactions and coexistence. Similarly, managing social closure requires dismantling the system of social closure itself.

3. Measuring social exclusion

In essence, there are more divided societies than others, and to the extent that social exclusion is a feature of divided societies, there are degrees of exclusion. However, to measure social exclusion empirically would constitute a mammoth task whereas some indicators can be subjected to measurement. The World Bank adopted Amartya Sen's capability approach to measure four forms of capital (labour force, consumption, wealth accumulation and social functions) whose absence is most likely to cause social exclusion, or as Omtzigt puts it "that can affect an individual's well-being, economic fortunes, poverty and inclusion", and cites Sen who maintains that individuals excluded from these could be considered excluded. Because of the relative or relational conception of human exclusion, variations in measurement occur across different societies. For instance, in more economically developed countries, such as in Europe, measuring social exclusion usually entails a different set of indicators than say, those used in Latin America, Africa and the Asian countries. In economically developed countries, non-economic indicators such as service exclusion, non-participation in social activities, social isolation, poor social support and disengagement form part of the indicators used in measuring social exclusion, in addition to poverty, not in paid work and jobless households (Gordon *et al.*, Panzas *et al.* quoted in SEKN: Background Paper 1: 2008). Similarly, the same publication cites Buchard *et al.* who produced a multi-dimensional measure incorporating consumption (the capacity to participate in the purchase of goods and services), production (the capacity to participate in economically or socially valuable services), political engagement (participation in local or national decision making) and social interaction (integration with family, friends and neighbours) as measures of social exclusion in Britain. European measures of social exclusion almost follow the same pattern. In developing countries, basic indicators such as life expectancy at birth, access to education and material living standards (purchasing power parity and income) constitute the basic indicators, and measures such as democracy, human rights and inequalities or equity are often excluded or probably deemed a luxury.

While there is no single validated measure of social exclusion, probably because of the different emphases on what constitutes social exclusion,

there are diagnostic instruments such as the Human Development Index developed by Amartya Sen and Maybug ul Haq in 1990 which provides a good estimate of the extent of human achievement across three dimensions of human development: length of healthy life (life expectancy at birth), education (adult literacy and enrolment in primary, secondary and tertiary education); and material living standards (purchasing power parity and income). There is also the Human Poverty Index, which measures the extent of deprivation. While not exhaustive, for instance, the Human Development Index does not include indicators such as respect for human rights, democracy or inequality, “it does provide a powerful tool for looking at inequities in the conditions for human development around the globe, particularly in the economic and to a lesser extent the political and social domain” (SEKN: 2208: 46). Although the Human Development Index uses different indicators from those used by the Human Poverty Index, and each uses a different calculation formula, both measure human deprivation in similar basic dimensions. Further, social closure is contingent upon the approach used in its definition hence indicators are bound to vary across paradigms or conceptions.

4. Existential experiences in social exclusion

4.1. A sense of powerlessness

Gaventa recalls an incident where, together with a community organiser, they had climbed a narrow path to a mountain cabin to talk to a retired miner about joining with others in a lawsuit challenging the low taxation of the corporate coal property that surrounded the miner’s home. After listening attentively to the account of the local injustices that Gaventa and other students had “discovered”, the miner showed no surprise, as he had known of the inequities since the land of his father had been expropriated by the coal lords (Zulu P: 2001). Similarly, in present South Africa, pensioners stripped of their meagre stipends by corrupt consultants who have used the pensions’ database to market high interest loans to pensioners, probably in collusion with the political elite in charge of the distributive process, are only too grateful to receive the crumbs and praise the ruling political party for its generosity, paying little attention to the fact that when 17 million beneficiaries in a population of 55 million are on the state security grant system, this is in itself a serious indictment to the distributive system in the first place.

While providing temporary relief, social security may and usually keeps recipients in a state of perpetual dependency because it is by definition a

non-productive enterprise. Not engaged in production, recipients of social grants depend on inadequate and poorly-managed state services and become even more voiceless as the included well-to-do patronise well-managed private services such as private schools, hospitals and other amenities which shield them from the experiences of the poor. This, for instance, has become a norm in South Africa, where delivery of social services has been privatised through the elite patronage of private health and education systems as well as the ghettoization of residential space. The result has been that the rich, particularly the politically connected, are isolated from the daily travails of ordinary folk. What is worse is that the situation deprives the excluded of the development of what Gramsci refers to as the organic intellectuals of the underclass.

Given these power configurations the excluded fall into a syndrome that Gaventa refers to as “the syndrome of the powerless”, where “power works to develop and maintain the quiescence of the powerless. Rebellion, as a corollary, may emerge as power relations are altered. Together, patterns of power and powerlessness can keep issues from arising, grievances from being voiced and interests from being recognised” (Gaventa J: 1980: VII). Experiences of exclusion have common features: vulnerability and demoralisation, which lead to voicelessness.

4.2. A Demonstration of the anatomy of social exclusion: The African experience

Probably in very few places in the world are inequalities and the resultant turmoil arising from social exclusion more glaring as is the case in Sub-Saharan Africa. The anatomy of social exclusion is not difficult to explain in this region. First the colonial system imposed an exclusionary system where colonisers comprised the insiders, and the colonised indigenous people constituted the outsiders or the excluded, leading to resistance organised by liberation movements. When liberation movements assumed power, the elite in the same movements gradually took over the mantle of insiders and through an elaborate system of political nepotism and clientelage, created a new bourgeois class, which preyed on the limited state resources. To maintain the system, a new form of social closure developed where connectedness to the ruling elite generally organised through the former liberation movement turned into the governing party. In this instance the elite, to use the words of Saraceno, “use social closure to restrict access of outsiders to valued resources (such as jobs, good benefits, education, urban locations, valued patterns of consumption)” (Quoted by Omtzigt: 19). The elite misuse state resources for their benefit further

impoverishing the masses, resulting in societies afflicted with a social closure of a special type, where political affinity constitutes the divide. It is a well-documented fact that Sub-Saharan Africa has become the basket case of the world, living off foreign aid while the elite splash in conspicuous consumption. The resulting divisions have constantly thrown African states into political turmoil accompanied by extreme poverty and powerlessness.

Social exclusion is not new in Africa. As early as the beginning of the 1960s Frantz Fanon described what he termed “the pitfalls of national consciousness” (Frantz Fanon: 1961). “The Pitfalls of National Consciousness” is a chapter in Fanon’s book entitled *Les Damnés de la Terre*, translated into *The Wretched of the Earth*. The chapter is a pessimistic warning of the possibility of a national revolutionary consciousness turning into an instrument of power for the post independent elite to transform itself into a profiteering caste. In this instance, the national bourgeoisie “decays into a sort of little greedy caste, avid and voracious, with a mind of a huckster, only too glad to accept the dividends that the former colonial power hands out to it” (Leo Zuling: 16). And accept the dividends has the African ruling elite done, one evidence among numerous others being Mobutu of the Congo with millions in currency secretly shipped abroad, Robert Mugabe of Zimbabwe with his shopping sprees in South Asia while Zimbabwe is without food, and lately the African National Congress (ANC) in South Africa with the sudden and widespread ownership of farms by cabinet ministers, members of provincial executive councils and other political notables in the midst of landlessness. The tragedy, were it not so conspicuous as a reflection of the ruling psyche, is that in Zimbabwe and in the Congo citizens have been turned into political refugees in other countries. In South Africa most of these farms lie unproductive in the face of landlessness. One glaring piece of evidence is the abandoned pigs lying dead or dying from hunger and thirst on the farm of the National Council of Provinces’ chairperson, Thandi Modise. The tragic incident was splashed on national television as recently as 2014, the twentieth year of South Africa’s democracy. Referring to the weaknesses of the post-revolutionary ruling elite, Frantz Fanon posits: “This traditional weakness, which is almost congenial to the national consciousness of underdeveloped countries, is not solely the result of the mutilation of the colonised people by the colonial regime. It is also the result of the intellectual laziness of the national middle class, or its spiritual penury, and of the profoundly cosmopolitan mould that its mind is set in” (Franz Fanon: in Ben Turok Ed: 2011: 86).

Africa's social exclusion is a function of the greed of the ruling elite, a deliberate strategy to restrict access to resources to a limited circle of eligibles where the ruling elite and their families, including supporting cronies, feast while the masses starve. Politics provides an avenue for amassing wealth and social service suffers, with the result that the excluded masses develop a sense of existential helplessness to the extent that they constitute the voting cannon fodder in one-party-dominant political systems. It took the International Monetary Fund and the World Bank to engender democracy through conditionality in awarding international loans and foreign aid as Africa languished in poverty and the elite needed relief to avoid revolutions by the starving masses. Despite this, democracy in Africa is, in a number of instances, a sham as election rigging is almost the order of the day. Admittedly there are efforts to break the spiral of social exclusion. but this has been at huge costs as the legacy of exclusion follows victims for generations.

5. Tackling social exclusion

5.1. Organising against social exclusion

In the aftermath of decolonisation and emancipation in the second and third world, social exclusion, manifested particularly through the condition of poverty, seemed to be on the rise. The world's hopes had rested on the premise that international colonialism had disturbed the tempo of colonial populations particularly through the exploitation of resources and the cultural dislocation of native institutions under the auspices of modernisation. However, emancipation had brought in a predatory elite that preyed on the resources of the emancipated countries leaving social exclusion, especially poverty, intact if not worse than before. That drew in international interest first in tackling poverty and secondly in dealing with inequality in the distribution of resources as functional, if not causal, to poverty. Concepts such as structural adjustment programmes that hoped to facilitate first participation and ultimately democratisation gained salience. With regard to the economy, the Washington Consensus became the buzzword, whereas the Millennium Development Goals emanating from the Millennium Summit of 2000 attempted to promote inclusion in the socio-economic, health and demographic spheres. The Millennium Development Goals were further precipitated by the growth in international sensitivity to poverty and its attendant ills, particularly arising from globalisation. In the second and third world countries the excluded were vulnerable first to international exploitation, secondly to a greedy and predatory elite and thirdly to natural disasters. Currently, there is a new discourse to deal with social exclusion in

the form of Sustainable Development Goals that are more expansive than the original eight targeted in 2000.

While the international community displayed sensitivity to social exclusion, country-level initiatives, both in developed and in developing countries, were also taking place. For instance, between 1997 and 2001 a dedicated Social Exclusion Unit located in the office of the Prime Minister and entrusted with developing policies to cater for the socially excluded groups was established in England. As typical of developed countries, social exclusion in this instance referred mainly to passive exclusion, where circumstances rather than the human agency rendered individuals excluded. The work of the Unit included mechanisms of reintegration of the excluded particularly into the labour market. Because of the conceptualisation of social exclusion, the Unit's work focussed on economic indicators such as increased employment, tax and benefit policies. In Australia the Labour State Government established South Australia's Social Inclusion Initiative, modelled along the lines of the English Social Exclusion Unit and also focussing on passive exclusion rather than human-engineered exclusion.

Africa is also active in the field of social integration, particularly economic inclusion. For instance, in Nigeria, a National Poverty Eradication Programme was initiated in 2001-2002 with the objective of co-ordinating and monitoring the anti-poverty eradication policy whose focus included: the Youth Empowerment Scheme, the Rural Infrastructure Development Scheme, the Social Welfare Services Scheme and the Natural Resources Development and Conservation Scheme. The Programme encompasses all 36 states in Nigeria with monitoring committees in all 774 local government areas (SEKN: 2008). As the focus areas indicate, the Programme reached the youth and the unemployed and provided a variety of services including training in entrepreneurship in the fields of agriculture and transport, as well as providing financial capital through micro finance and credit schemes. Critique on the Nigerian undertaking is that the Programme has had very little impact on structural inequalities in the country and also that there is inadequate community participation on the scheme. The National Social Protection Strategy in Ghana was developed with the involvement of UNICEF, the World Bank, UNDP, DFID and is "an umbrella term for policies, programmes and institutions addressing social inequality, poor health, economic crisis, vulnerability, and exclusion which attempt to protect individuals and their households from poverty and deprivation" (SEKN: 2008: 136). The programme was to be piloted between 2007 and 2012. In a mid-term evaluation of four sub-programmes di-

rected at poverty relief under the National Social Protection Strategy, the Friedrich Ebert Stiftung concluded, “while the efforts are notable, there is still a lot of hard work to do to sustain an efficient scheme which offers benefits to all Ghanaians”, while a briefing pamphlet by the Ministry of Gender, Children and Social Protection maintained that the Livelihood Empowerment Against Poverty Programme (LEAP) experienced limited reach and weak linkages to other pro-poor interventions.

At the continental or inter-state level, Africa, with probably the most excluded sector of society in terms of magnitude and scale, set up an MDG Steering Group “to translate existing commitments into tangible progress in every African country” (Australian Lutheran World Service). By 2007 the Steering Group put forth its recommendations following its monitoring and evaluation work. This was pertinent as besides international aid towards achieving the MDGs, Africa was also experiencing positive economic growth above the world’s average.

A glance at most of the anti-social exclusion programmes undertaken on a country basis shows that it is the governments that initiate programmes and predictably there are limitations that arise from a conception of social exclusion first as a circumstantial shortcoming or malfunction in a system, rather than a function of deliberate power relations where exclusion is an intended strategy to maintain the system. Donor countries and agencies fall into this perceptual trap partly because it is harder to displace a social system than to attend to a perceived malady, and partly because donors would not want to undermine the sovereignty of governments. This has particularly been the case regarding donor aid to developing countries which are more afflicted by intentional social exclusion compared to their developed counterparts, where social exclusion is generally a function of the lag in historical relationships than of deliberate preying on resources by the political elite. Under such a conception, social exclusion is often interpreted in poverty terms, hence inclusion strategies address the poverty element which could only be a symptom of deeper systemic operations. At the root of the causes of social exclusion lies the deliberate intention to restrict access to limited resources using power relations as leverage. Admittedly, there are results, which give relief to the symptoms but inequalities remain to perpetuate social exclusion that gave rise to the symptoms in the first place.

5.2. Social movements in social exclusion

Social movements arise out of a realisation, a consciousness by a segment of society that there is an asymmetry in social relations and that this

asymmetry comes about as a result of inequalities in the distribution of power and its attendant resources. Social movements against social exclusion generally articulate their demands in the language of participation. In general, this happens because of the failure of institutions of political intermediation in the polity, which include governments, parliament, political parties, pressure and interest groups as well as the media, as exist in plural societies. A comprehensive ideology of appeal to the excluded is conjunctural. It develops from a consciousness of existing material conditions and is articulated in the language of the moral precepts of the day. This paper takes the view that of all agents against social exclusion, social movements have probably the greatest potential to transform systemic power relations and consequently eradicate social exclusion. The greatest advantage enjoyed by social movements lies in their cross-cutting membership and cross-cutting multiplicity of functions. Generally, they are referred to as broad churches, are in touch with communities and their needs and draw huge support through the networking system, including from academics and other power brokers.

In Latin America SEKN avers that social movements were: “influential in the political changes which resulted in centre-left governments being elected in many Latin American countries since 1999, including for example, Venezuela, Brazil, Chile, Argentina, Uruguay, Bolivia and Ecuador” (SEKN :2008: 141). The publication goes on to state that social movements are involved in actions seeking to address all the four exclusionary dimensions highlighted in the SEKN model: the social, economic, political and the cultural dimensions of exclusion, thus transcending the narrow conceptions of social exclusion. Moreover, social movements have the capacity to focus not only on macro socio-political changes but also to tackle specific exclusions, such as gender, and specific resource exclusions. For instance, in Brazil, the Movimento dos Trabalhadores Rurais sem Terra (MST) “in arguing for action more radical than the programmes based on subsidies for the poor, advocating instead structural rural reform underpinned by a new economic development model centred on an internal market” (SEKN: Op Cit: 142).

South Africa is another case in point where social movements, because of their conception of social exclusion in power relations terms, have had greater impact on the provision of social services than if a narrow definition were adopted. For instance The Treatment Action Campaign, a social movement organised against the government’s prevarication in distributing anti-viral treatment drugs to pregnant women afflicted with AIDS in

order to prevent transmission from mothers to children, succeeded not only in getting the treatment distributed, but also in the Constitutional Court ruling in favour of the right of pregnant women in public health institutions not only to receive anti-viral treatment, but also to have access to comprehensive health care which included counselling and other psychological services. Similarly, the #FeesMustFall Movement, a university students' movement campaigning for free education at university level has, in a short time, succeeded in the government expanding the educational assistance net to include almost 80% of the university student population. While focussing on university fees, the movement has operated from a broader premise of equitable budgeting by the state, where the country's priorities and not the narrow interests of the government form the basis of the distributive system. In this way, the movement's campaign is predicated on a broader concept of social exclusion, where access to higher education constitutes the springboard to universal social inclusion.

5.3. Non-Governmental Organisations (NGOs)

The SEKN publication (2008) lists a number of NGOs, in different countries, that have advocated for social inclusion of marginalised groups such as indigenous communities and street children in Canada, aborigines in Australia and sufferers from HIV/AIDS in Kenya. The paper goes on to focus on NGO action in Bangladesh, particularly that of the Grameen Bank, which is "engaged in a wide range of activities focussing on reversing exclusionary processes with various partners, including other civil society organisations, the government, international donors and private sector organisations" (SEKN: 2008: 150). The Bank provides, inter alia, micro-credit services to poor groups, advice on health, and training in income-generation skills. There are accounts of NGO work in other countries like Ghana, and of international philanthropic NGOs, for instance, OXFAM, Christian Aid, the European Anti-Poverty Network, EURORAD, AFRORAD, and the Commonwealth Foundation with regional and international affiliations and programmes. What is significant about NGOs is that they provide material and human resources to various formations, including social movements, should this be necessary, thus performing the huge role of providing capacity to community and civic organisations.

5.4. Strategies of tackling social exclusion

Strategies to tackle social exclusion are mainly determined and shaped by conceptions of social exclusion and, as a consequence, evoke different

sets of policies towards inclusion. Two sets of conceptions, the static and the dynamic, lead to discourses that inform policy on and strategies of inclusion. The conception of social exclusion as a state experienced by particular groups encourages isolation of the experience, leading to targeting that experience independently of the synergy from other experiences derived from a common root cause. For instance, tackling poverty as a state leads to policies and strategies which overlook the disadvantages of variables such as participation, shortage of skills etc. which collectively may result in unemployment with poverty as the ultimate outcome. Policies which adopt selectivity and conditionality belong to this category, where targeted groups selected through a means test are “rehabilitated” by means of short-term remedies such as cash transfers in the case of poverty, in the hope that “rehabilitated” individuals and groups will be energised to develop long-term mechanisms of generating livelihoods. The SEKN attributes such policies to practices in the Northern Hemisphere adopted by organisations such as the Department for International Development (DFID) in the United Kingdom and also by agencies of the United Nations, for instance, the International Labour Organisation (ILO).

A number of countries have adopted social security policies deemed to alleviate poverty and enable recipients to be included in mainstream society. Admittedly, the relief is noticeable as the mechanisms increase household assets and may trigger wider multiplier effects. For instance, in South Africa the social grant system has enabled recipients to feed themselves, send children to school, clothe them and, in addition, recipients feel that they are party of the wider society. The same occurs with respect to access to social services such as in health and education, where means-tested policies have resulted in wider coverage. However, critics of selected means-tested policies maintain that besides the fact that transferred assets are by definition limited and intended only as relief, in the main the system neglects other key dimensions of social exclusion, including the political and cultural dimensions. Further, social security practices have great potential for fraud, lead to poor governance, and can lead to perverse incentives for eligibility, and above all “targeted policies may reduce absolute poverty and disadvantage but leave inequalities between the poorest and the rest of society unchanged or, in the worst situations, widening” (SEKN: 2008: 175).

It is evident from the above critique that targeted policies of social exclusion do not ipso facto reduce or eliminate social exclusion, but rather offer temporary palliative treatment to a relational situation that goes deeper than the isolated variable targeted for treatment. Worse, in some instances

they can create dependency on the perceived benefactors, thus exacerbating the very exclusion they intended to remedy in the first instance. For example, take instances when conditionality seeks to increase participation in the labour market as what some countries refer to as the extended public works programmes, where government creates temporary projects to relieve unemployment. The temporariness of such projects neglects sustainability, thus encouraging further dependency on the perceived benefactor. As stated in the SEKN publication, “Conditionality can therefore be argued to create a form of second class inclusion and/or citizenship undermining any attempt to create greater social cohesion” (SEKN: 2008: 176).

The second approach to tackling social exclusion derives from a conception of social exclusion as a relational dynamic and multi-dimensional process driven by unequal power relations operating in a particular society. The main assumption behind this approach is that social exclusion is both cumulative and multi-dimensional, therefore, an improvement in one dimension affects the other dimensions as well. Sen’s capability approach is developmental and fits in well within this paradigm where access to one service has a ripple effect on the other services. For instance, access to education is considered as the most pivotal capability as it in turn imparts skills that promote or facilitate employability. Employment does not only enhance participation in the consumption of goods, but also participation in the resources necessary for consumption such as participation in social, political and cultural activities.

Policies emanating from this conception take cognisance of the universal imperative, i.e. emphasise universal provision of social services such as education, health, and social security funded through the national fiscus. As a consequence of these policies, a number of countries have legislated for increased spending in these fundamental functions to facilitate universal access to the services, thus reducing the quality gap in services between the rich and the poor and facilitating sustained development. As SEKN maintains: “Universal welfare systems played a key role in the economic and social development of OECD countries by reducing poverty, reversing exclusionary processes, promoting social cohesion and improving population health” (SEKN: 2008: 172).

Omtzigt traces the development of social inclusion in the European Community between 1989 and 2000, when the Lisbon Agreement resolved on the following “objectives and activities” to combat social exclusion:

- To facilitate participation in employment and access to all resources, rights, goods and services;

- To prevent the risk of exclusion;
- To help the most vulnerable;
- To mobilize all relevant bodies” (Omtzigt: 2009: 27)

The sum total, according to Omtzigt is that the Agreement recognised the four key processes that would lead to the elimination of social exclusion: “participation, prevention, assistance and political mobilisation”. Omtzigt continues: “So rather than concentrating on access to the labour market only, emphasis is placed on access to social services, (with social protection, housing, health, education and justice, among others, expressly mentioned)” (Ibid). The success of the Lisbon Agreement is probably a reflection of the tenacity of social exclusion as a function of power relations, rather than a flaw in the conceptual framework to eliminate inequalities arising from social exclusion.

6. Conclusion

The thrust of the discourse in this paper lies in the distinction between social exclusion as social engineering and social exclusion as a fortuitous state, where individuals and groups find themselves in a position where they are separated or isolated from mainstream society. In the former, the cause of social exclusion is deliberate and exclusion takes a multivariate or multidimensional character, whereas in the latter, because it is circumstantial, it generally manifest in or affects one variable or aspect of life through which it is identifiable irrespective of the complexity. For instance, while poverty may take a number of dimensions, the main distinguishing variable is economic incapacity. The tackling of social exclusion depends on how the latter is conceived or defined, but this is crucial as the remedy is conceptually dependent. The cause has to be identified, otherwise the solution is incomplete and may only yield unsustainable results.

The causes of social exclusion are mainly political, and this is significant to the understanding of the resultant inequalities, particularly in the developing world. Because the cases are mainly political, this makes it difficult to tackle social exclusion. However, suffering and potential instability are incremental. Over the past decades, especially in the new millennium, there have been increasing attempts at managing and minimising social exclusion and these have been partly successful, depending on the nature of social exclusion and the capability of the forces of social integration. Where social exclusion has been most tenacious, it has been in developing countries because of the political causes, the multi-dimensionality and the complexity of outcomes – the poverty, the existential helplessness and the powerlessness of victims.

Finally the sensitisation of the international community to social exclusion, the awakening of the excluded themselves and the organisation of the forces against social exclusion, essentially the social movements and civil society organisations, point to a new direction in the fight against social exclusion. The main partnerships against social exclusion have entailed collaboration at the official level between governments or between donor organisations and governments or NGOs. The success of social movements such as the Latin American ones, the Treatment Action Campaign and the #Fees Must Fall movements in South Africa points to a new direction where synergy between diagnosis and treatment can best be realised. And it is this new energy that forces of change could harness to strengthen the new partnership against social exclusion.

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THE ETIOLOGY OF ECONOMIC EXCLUSION: ITS GLOBAL DISTRIBUTION AND DIFFERENCES

JUAN J. LLACH

1. Introduction: globalization again in the dock

Even before fully recovering from the aftermath of the Great Recession, new discontents with the global economy have emerged. As before, their epicenters are in the U.S. and Europe. They come from society and politics, but express discontent with national economies and globalization, particularly with immigrants and imports that threaten local production. Their noteworthy expression has been the presidential election of Donald Trump, with its nationalistic – even xenophobic – and populist rhetoric but they were also manifested in the United Kingdom with Brexit and now threatens other European countries too. Nothing like this can be seen in Asia Pacific, but it appears in many countries of the Middle East – important sources of emigration to Europe – defrauded by the Arab Springs and hit by the fall of oil prices, fragile economies and Islamic fundamentalism. Criticism to globalization has been almost permanent in Latin America, but it is a matter of intense political debate nowadays.

Globalization is on the dock and, with more passion than reason, its results are being scrutinised. The debate has three characteristics of the risky, Orwellian world of “post-truth” in which we live. Passion and emotion predominate over reason, and data and information are left aside, or fabricated; the public and the media prefer to see the snapshots of the moment and not the processes that unite them.

This paper¹ shows and analyzes (sections 2 and 3) both faces of *economic exclusion and inclusion*, the static and the dynamic, defining them as the differences in access to *economic, i.e., scarce goods*, sometimes impossible to distinguish from *broadly defined social goods*. In section 4 an attempt is made to identify at least some of the causes of the economic exclusion, its etiology. The paper ends with some conclusions.

¹ This paper has continuities with previous works presented to PASS and PAS. See J.J. Llach (2008, 2013, 2014, 2015 and 2016).

2. Economic exclusion: the snapshots

Economic power and wealth. Snapshots show us a world with a clear pre-dominance of the great powers and an overwhelming incidence of poverty and other forms of exclusion. Home to only 17% of the world's population, developed countries generate 41% of total GDP (Tables 1 to 4)² and an even larger share of global inclusive wealth.³ For example, per capita wealth in Australia is more than a hundred times greater than that of Afghanistan, while per capita GDP is “only” 25 times greater (Table 5).

Standards of living (GDP PPP per capita). The standard of living of developed countries – measured by per capita GDP in Purchasing Power Parity (PPP) US dollars – is more than four times higher than that of developing countries.

Jobs, gender differences, unemployment, underemployment and forced labor. High quality jobs are concentrated mostly in developed countries. In contrast, developing countries account for the bulk of precarious jobs that amount 1400 million people, 42% of global employment. Youth are the most affected, with an unemployment rate of 14% in the world. It has higher incidence in developed countries (16.4%), especially in Europe (27.6% in the Euro area), compared to 13.5% in low and middle-income countries (with peaks of 30.4% in the Middle East and North Africa). Long-term unemployment is also very high and huge gender disparities in the workplace persist, with women being more affected than men by precarious employment, low wages and unemployment. Finally, a real shame for humanity, according to the International Labour Organisation (ILO), there are 21 million people who are trafficked and/or in forced labor in the world, of which 19.5 million are in the developing countries, and 60% of them in Asia Pacific.

Poverty. Nearly 700 million people, around 10% of the world population, still live in *extreme* poverty, on less than \$ 1.90 a day. There are no world averages regarding the poverty headcount population ratio at \$3.10

² See Section 6, Tables and Figures.

³ At difference with conventional approaches, inclusive wealth includes three dimensions of capital. Produced (its most traditional definition, i.e., “physical”), human and natural. The last one aims to register its depletion coming from environmental damages. Conceptually, inclusive wealth aims to measure countries' wealth in terms of progress, well-being and long-term sustainability. See <http://inclusivewealthindex.org/inclusive-wealth/#why> and *Inclusive Wealth Report 2012* (devoted to natural capital) and 2014 (human capital).

a day but some figures are useful to show this harsh reality. In 2014 it was 76.5% in Nigeria, 58% in India, 11.1% in China and 7.6% in Brazil.⁴

Hunger. Hunger affects 790 million people, 10.5% of the world population.⁵ Mainly because of wars, there are 20 million people at serious risk of starvation in Ethiopia – where 79% of the children suffer from acute malnutrition – Nigeria, Somalia, South Sudan and Yemen, the highest figure since World War II. According to IFPRI's Index of Global Hunger, two of the most populated subcontinents, Sub-Saharan Africa and South Asia are in a "serious" hunger situation.⁶

Health (life expectancy and infant mortality). Life expectancy in Sub-Saharan Africa is below 60 years old.⁷ In the poorest countries infant mortality is still higher than 50 per thousand, and in Latin America it is 15 per thousand.⁸ With regards to infant mortality under 5, the world average is 43 per thousand but in the least developed countries it still reaches 73 per thousand.⁹

Housing. In the poorest countries, two-thirds of the population live in precarious housing in slums that are also poor, and in Latin America still a fifth of the population is in such conditions.

Education. In the poorest countries, only two out of three students finish primary school¹⁰, only 43% are enrolled in middle school¹¹ and a meager 42% manage to complete the basic cycle of secondary education.

Income distribution. Income distribution is also worrying. In some developed countries, especially the Anglo-Saxon ones, 1% of the richest people account for 15% of total income (Figure 1). There are many developing countries where the poorest 10% earn only between 1.5% and 2% of total income, while the richest 10% accounts for more than 40%, a situation that is almost twice as worse than in developed countries.¹²

It would be possible to show and comment many more instances of this, but what has been shown is enough to find in developing countries,

⁴ All poverty that are from the World Bank Databank, <http://data.worldbank.org/topic/poverty>

⁵ World Hunger: <http://www.worldhunger.org/2015-world-hunger-and-poverty-facts-and-statistics/#hunger-number>

⁶ IFPRI Global Hunger Index 2016: <http://ghi.ifpri.org/results/>

⁷ World Bank: <http://data.worldbank.org/indicator/SP.DYN.LE00.IN>

⁸ Idem: World Bank: <http://data.worldbank.org/indicator/SP.DYN.IMRT.IN>

⁹ Idem: <http://data.worldbank.org/indicator/SH.DYN.MORT>

¹⁰ Idem: <http://data.worldbank.org/indicator/SE.PRM.CMPT.ZS>

¹¹ Idem: <http://data.worldbank.org/indicator/SE.SEC.ENRR>

¹² Idem: <http://wdi.worldbank.org/table/2.9>

especially in the poorest, flagrant situations of poverty and exclusion. On the other hand, in the most developed countries, inequality stands out and there is a widespread sensation that, because of globalization, the future will be worse than the present.

3. A deep global change, with relevant inclusion but much exclusion remaining: the film

In addition to showing the dynamics of some of the different forms of exclusion and poverty – it is impossible to show all of them – this paper follows by emphasizing the framework in which these forms of exclusion take place, i.e., global processes that in the last quarter of a century have led to changes that increasingly resemble a change of civilizations (see section 4.8). As such, they demolish walls of exclusion and generate new ones, with a favorable as well as insufficient balance for the poor.¹³

Narrower gaps. Although it is frequently repeated that the gap between rich and poor countries is expanding, the fact is that the distance between their levels of living (per capita income) has fallen by almost half, from about 8 times in 1990 to slightly more than 4 times today (Table 6). More than that, the standard of living of emerging countries has ceased to diverge and has begun to converge with that of developed countries, for the first time in at least five hundred years (Table 7).^{14,15}

The former “developing” countries already generate almost 60% of the annual world product (Table 8). This is mainly due to Asia, as China is leading this trend. But in this century Sub-Saharan Africa and, somewhat less, Latin America have also been growing at a faster rate than developed countries. These show big differences among them. Since 2007, before the Great Recession, Korea’s GDP grew 31.1%, Italy’s fell almost 8% and Greece’s 26.1%. Similar differences can be seen within countries, for instance, by comparing the now famous “Rust Belt” to California or the East Coast, where decaying versus rampant demography is one of the most striking.

¹³ The website *Our world in data* (<https://ourworldindata.org/>) has plenty of information on economic and social exclusion and inclusion processes that accompanied the last and previous stages of globalization. For a longer historical view see also Johan Norberg (2016).

¹⁴ The Maddison-Project, <http://www.ggdcc.net/maddison/maddison-project/home.htm>, 2013 and previous versions.

¹⁵ Limitations of the indicators of standard of living, particularly income per capita, are well known. However, alternatives proposed up to now – like happiness, social progress or genuine progress indicators – are very correlated with them.

Another relevant dimension of the same process is the evolution of the already mentioned “inclusive wealth”, which includes produced or physical capital but also human and natural capital. In its per capita dynamics during the recent global phase it is observed that this wealth in a good part of the developing countries increased more than in the developed ones (Table 5).

Poverty. Different are the perceptions of many people in Africa and Asia. Although these continents are home to 95% of the 705 million people living in extreme poverty, a quarter of a century ago, most of the 1850 million people affected by this scourge, representing 35% of the world population against 10% today, lived in those very same continents (Figures 2, 3 and 4). Another positive development is that the *poverty gap* has significantly decreased following the last wave of globalization, from 442 billion dollars in 1990 to 164 billion in 2013.¹⁶ “By 2015 the world had achieved some of what seemed to be daunting challenges 25 years ago. Even though the global population increased by 2 billion – from 5.3 billion in 1990 to 7.3 billion in 2015 – more than 1 billion people escaped extreme poverty, 2.1 billion gained access to improved sanitation and more than 2.6 billion gained access to improved sources of drinking water”.¹⁷ Finally, although there are no world averages regarding the poverty headcount population ratio at US\$3.10 a day, from 1990 to 2014 it decreased from 89.2% to 11.1% in China, from 78.9% to 58.0% in India, from 34.3% to 0.9% in Thailand and from 35.8% to 7.6% in Brazil. Africa was not as successful as Asia and, to a lesser extent, as Latin America. For instance, Nigeria still has 76.5% of its population below US\$ 3.1 a day, more than in 1990 (70.6%).¹⁸

Notwithstanding the recent positive developments in fighting poverty, the future could be more complicated. First, because 80% of those living in extreme poverty live in rural areas, where it could be more difficult to

¹⁶ The poverty gap is the amount of money that would be theoretically needed to lift the incomes of all people in extreme poverty up from the international poverty line of US\$ 1.90 a day, measured in international PPP dollars at the 2011 conversion rate (<https://ourworldindata.org/extreme-poverty/>).

¹⁷ *Human Development Report 2016*, p. 3.

¹⁸ Most conventional measures of poverty are based on household surveys that ask people for their income. There are growing evidences of serious income underreporting, that leads to overestimates of people living in poverty, at any monetary line. Using sophisticated devices, like cities’ photographs taken at night, is possible to measure the magnitudes involved (see Figure 5, taken from M. Pinkovskiy and X. Sala I. Martin) (2015).

leave poverty behind. Second, because 50.7% of those living in extreme poverty live in Sub-Saharan Africa. Although, the proportion of people in that condition decreased from 54% in 1990 to 41% in 2013, it actually increased in absolute terms – by about 200 million extra people. This is due to very rapid population growth (Figure 6). There are reasons to think that reducing extreme poverty in rural areas and in Sub-Saharan Africa could be more difficult than it was in China and even in India in the last thirty years.¹⁹

Hunger. Although hunger is not an exception and has also shown improvements during the last quarter century, some results are disappointing. The number of people who suffer from malnutrition decreased from 1010 million in 1990 (18.6% of world population) to 795 million in 2014 (10.9%). In Africa, in spite of a fall in the percentage from 27.5% to 20%, it increased in absolute terms, from 182 to 232 million people.²⁰ According to the IFPRI (International Food Policy Research Institute) Index (Figure 7), the Global Hunger Index (GHI) for developing countries fell by 40% between 1992 and 2016 but still remains – by a narrow margin – in the *serious* zone, the third category of hunger intensity according IFPRI. The GHI fell in all six regions of the emerging world, two of them went from alarming to serious (Sub-Saharan Africa and South Asia), one went from serious to moderate (East and South East Asia), two went from moderate to low GHI (Eastern Europe plus Commonwealth of Independent States and Latin America and the Caribbean), and the Near East and North Africa remained in the moderate zone. However, one person in nine in the world still goes hungry, and one in three is malnourished.²¹

Health. “The global under-five mortality rate was more than halved between 1990 and 2015 – from 91 per 1,000 live births to 43. The incidence of HIV, malaria and tuberculosis declined between 2000 and 2015”.²² The progress made in life expectancy, both in the long run and in the last quarter of century is also remarkable (Figure 9).

¹⁹ See hypothesis on increasing difficulties to eradicating extreme poverty in *The Economist*, March 30th, 2017.

²⁰ See <http://www.worldhunger.org/2015-world-hunger-and-poverty-facts-and-statistics/#hunger-number>

²¹ A longer historical perspective shows an amazing progress as regards the occurrence of famines (Figure 8).

²² Idem note 15.

Environment. “The global net loss of forested areas fell from 7.3 million hectares a year in the 1990s to 3.3 million during 2010–2015”.²³ “Worldwide, 18,000 people a day die because of air pollution”.²⁴

Housing. The proportion of people living in slums decreased in the averages of low and middle-income countries. However, 1784 million people still live in precarious conditions, and grew in absolute terms in the average of low-income countries.

Education. Worldwide illiteracy rates fell from 32% in 1990 to 15%, which is still very high. Mean years of education of the population aged 25 years and more increased by roughly the same amount in all socio-economic regions. This implies that huge inequalities remain: from 9.5 to 11.7 years in very high human development countries (HDC), from 5.5 to 8.1 in high HDC, from 3.4 to 5.5 in medium HDC and from 2.3 to 4.2 in low HDC. Secondary gross enrolment rates also increased everywhere but big differences remain between high-income countries (more than 100%), middle-income countries (76%) and low-income countries (just 41%).

Income distribution. It might be hard to believe, but the rapid growth of many poor countries since 1990 – especially China, because of its large weight in the averages – has lowered inequality in the world distribution of income, and the middle class worldwide has doubled from 1500 to 3000 million people in this century who are projected to grow to 5250 million by 2030 (Figures 10 and 11). At the same time, inequality has increased in many countries – and in almost all the developed world – with the aggravation of a huge concentration of income in the richest 1% – who own 15% or more of the national income – and even the richest 0.1% (Figures 12 and 13).

Jobs. Employment performances since 1990 have been positive, both in developed and developing countries, as the employment rate increased from 36.3% to 38.4% in the former and from 43.3% to 45.0% in the latter. Since the Great Recession, instead, that rate fell in developed countries from 39.2% in 2007 to 38.4%, while in the emerging countries it remained fairly stable, falling by a mere 0.1%, from 45.1% to 45.0%.²⁵

²³ Idem note 15.

²⁴ Idem note 15.

²⁵ Source, ILO: http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_234879/lang--en/index.htm

4. Economic exclusion and inclusion: the etiology

We have seen, in short, that it is so true that the world today has unacceptable poverty and vast inequality of income and wealth. On the other hand, it is also true that never before have global poverty and inequality been reduced as much as in the last twenty-five years. The objective analysis invites much more to the nuances than to black-and-white judgments, but the last are the ones that prevail. In this section the paper accepts that invitation, presenting some hypotheses about the causes of successes and failures in the economic and social inclusion in recent globalization, and then some very preliminary suggestions to pave the way to a more participatory global society.

4.1. Demography

What are the reasons behind the rapid progress of so many emerging countries in the last quarter of a century? One is, undoubtedly, demography. World population has increased by 2250 million people, reaching 9200 between the years 2010 and 2040 (Table 9). Only 50 million of this total would live in developed countries, increasing the trend observed in the last decades. More than that, “other” emerging countries – not including China nor India – would get 77% of the increase, and Africa would double its population, from 1031 to 2063 million people: another world. In contrast, Europe pursues the impossible trinity of very few children and immigrants, and excellent social security systems (Figure 14). If President Trump fulfills some of his threats, the U.S. could come close to an analogous utopia.

4.2. Economic development with “unlimited” supply of labor

Demographic vitality in Africa and Asia – with the relevant exception of China²⁶ – will help them to continue with the growth model first installed in Asia and now gradually in Africa. The model is based in a very abundant – almost “unlimited” – supply of labor in the cities, not only because of demography but also because of rural-urban migration due to falling agricultural productivity. New urban populations are mostly hard-working workers that earn very low wages at the beginning, which later improve rapidly, not only because of fast economic growth but also due to huge investments in education. Social security is very limited compared to

²⁶ China introduced a birth control policy in 1979 and began dismantling it in 2015. It is now under intense debate what was the real effectiveness of that policy as well as what would be the effects of its suspension, beyond an apparent initial increase in births.

Western standards, which leads to high saving rates and, very importantly, a gradual openness to trade, and a fast one to investment and technology. In addition, most of these countries perform sound macroeconomics through low inflation, attractive investment conditions and reasonably balanced external and fiscal accounts. All of this naturally results in the famous Asian export-led-growth. All of this described was predicted in the *Lewisian*²⁷ recipe for growth and poverty reduction. A recipe whose success could only prevent armed conflicts, even more serious ones than today's or, in the longer term, the continuity of the deterioration of the environment.

4.3. *International trade*

In a relatively open world economy, the Lewisian model will have three significant consequences for many other countries in the world. The first is that it will increase the trade balances surplus of the “Lewisian” countries and will reduce non-Lewisian ones. This is usually associated to a reduction in the level of employment in industries that compete with imports from countries with lower wages. The second consequence is that in the “importing” countries the price of labor relative to capital will fall, since the imports that will increase the most will be those of labor-intensive goods with not very high labor quality requirements. Ultimately, wages and employment in manufactured goods in the importing countries will probably fall.²⁸ Such seems to be the social landscape seen in the “Rust Belt” (or manufacturing belt) of the American Mid East but also, for example, in so many Italian cities which once hosted thriving medium-sized and internationally competitive manufacturers.²⁹ However, as in almost all human activities, there are relevant exceptions to “general laws”. In this case the exceptions are Germany and, to a lesser extent, several Central European countries. Thanks to innovation, investment and specialization in quality and differentiated products, they have a GDP share of manufacturing of 23% or more, against an average of 15% both globally and in developed countries.³⁰

²⁷ Incredibly foreseen in 1954 by W.W. Arthur Lewis, Nobel Prize in Economics in 1969.

²⁸ These are some of the conclusions of the very well-known Stolper-Samuelson theorem (1941).

²⁹ For an alternative approach, focused on lacking productivity and labor conflicts in the “rust belt” see S. Alder *et al.* (2017)

³⁰ In line with Stolper-Samuelson, D. Autor *et al.*, have written several papers (for instance, 2013 and 2016) on the damages that trade with China has inferred to the U.S

Another very relevant effect of the rapid growth of Asia Pacific countries, most of them with low endowments of natural resources per capita, has been giving strong impetus to the economics of Africa, the Middle East, Russia, Central Asia and Latin America. Contrary to Asia, all of them have a high endowment of natural resources per capita. In conclusion, the adoption of the Lewisian growth model, which emerged in one after another Asian country, opening up to private investment and (to a lesser extent) to international trade, ended up driving rapid growth in almost all the entire developing world. At the same time, it seems to have generated relevant problems in the traditional manufacturing regions of several of the developed countries.

4.4. The Great Recession and other failures of recent globalization

What has been said so far must not lead to the mistake of ignoring evidence about many failures of globalization. The dramatic Great Recession of 2008 was fueled by predatory financial excesses, which have not yet been fully fixed yet, and by insufficient global coordination, that remain in place in matters like balance of payments imbalances or exchange rates misalignments.³¹ Evidence of the deterioration of the environment, the increase in arms trade and drug trafficking are also growing and posing new and serious challenges.

It is not only utopian to think that today's national-populist reactions will correct these shortcomings. If they live up to their promises, the global economy and society, and especially the world's poorest, will ultimately be worse than if the current path is improved. These truths should invite us to reflect and to amend the approaches to those who accompanied the global stage that now seems to end with skewed diagnoses on the world economy and society, contributing to the breeding ground of the neo national-populism.

4.5. Technology

The accelerated technological changes applied to information, communications and, more recently, to artificial intelligence, carry two threats in terms of their effects on employment. On the one hand, a permanent drop due to the displacement of workers with low ICT skills. This argument is

economy, particularly to jobs in manufacturing. This was contested by K. Handley *et al.* (2017) and J. Rothwell (2017).

³¹ J.J. Llach (2008 and 2013).

not fully convincing since the U.S., one of the most technology-intensive economies, has created 2.3 million jobs per year since 2011. Moreover, it receives hundreds of thousands of immigrants and has an unemployment rate of 4.7%. On the other hand, there is the fear of robotics-based automation, still incipient but in rapid growth, regarding its effects on employment.³² These profound technological changes are already creating new sources of inclusion and exclusion. Quantitative evidence is not yet available. But it is clear that the main beneficiaries – or at least, the least disadvantaged – will be youth with higher educational or training levels and in the most dynamic regions and countries, either developed or developing. Those facing exclusion will be the older and less qualified generation of workers, living in less dynamic regions and countries, not necessarily the poorest ones. It is also clear that there is an urgent need for labor training policies, which, unfortunately, tend to be in short supply in the regions that are most in need.

4.6. Economic populism

Following their own idiosyncratic paths, Latin America has been the slowest growing subcontinent in the 21st century, with big differences among countries. It is a mistake to attribute these differences either to “neoliberalism” or to “progressivism”, because the main line dividing countries of good and bad performances is the one that distinguishes a rational and foresight economy from the economic populism that raffles the future by maximizing consumption and punishing investment, sometimes at all costs. Only the first approach succeeded in achieving sustainable forms of inclusion. In the first group stands out Peru, the Latin-American star of the 21st century, whose standard of living increased by 26% between the 2007 pre-crisis level and 2016. With very different models, but without populism, the other two are Bolivia, which increased by 16%, and Chile, by 9%. In contrast, the standard of living of those with economic populism decreased in the same period: Ecuador by 5%, Argentina by 7%, and Venezuela, the tragic masterpiece of this form of populism, by a 30% drop.

Faced with such truths, it is surprising that critics of globalization have been, at the same time, indulgent with the damage inflicted by populism in Latin America, that are worse than those of globalization *per se*. It is

³² A synthesis of these challenges can be found in McKinsey (2017).

also surprising because this is the region which most clearly shows that national-populism is not the way to eradicate poverty and achieve greater inclusion and equality, a relevant experience for some developed countries nowadays. Criticizing without nuances recent globalization, and ignoring populism at the same time, contributed to fattening the breeding ground of the revival of neo-national populism in developed countries.

4.7. Social and political cultures

Without intending to make this profane text sacred, it is enlightening to remind ourselves that only truth can give us freedom, even the freedom needed to find the best, difficult ways to build a more just, inclusive and equitable society, one without the apparently insurmountable cracks that proliferate nowadays in many countries. In other words, to help us to build the participatory society that gathered us here, looking forward to the “New Roads to Social and Cultural Integration”.

These “difficult best ways” require the constructive and also cooperative role of three actors: the civil society, the State and the market. Notwithstanding, political discussions and sometimes even academic ones, often simplistically focus on either “more state” or “more market”. This dichotomy has limitations, but it is relevant anyway. Even in the developed world we find very striking differences regarding the intervention of the State. Considering the ratio of public spending to GDP in developed countries, there are extremes of 57% in Finland and 21% in Korea, while the U.S. is in an intermediate position with 35.5%. Finland is a very unequal country which, before public policies, had a Gini coefficient of 0.47, i.e., too much inequality, which was reduced to 0.26 after State action, transforming it in one of the most egalitarian countries in the world. Korea, by contrast, is a “naturally” more egalitarian country: before State action it had a Gini of 0.34, which was reduced just to 0.30 after State policies. So it was more “naturally” equal than Finland before public policies, but less after them. The U.S., instead, is more unequal than Finland and Korea, both before (Gini 0.49) and after public policy (0.38).

Anyway, it is misleading to limit the discussion to just more or less market or State. Even the aforementioned sharp differences in inequality before and after public policies show us that economically relevant social relations are very different in Korea, Finland or the United States. Korean social ties lead to less “natural” inequality than in Finland and the U.S.; Finland’s society, instead, decided to have a very efficient State at the time of reducing inequality. The U.S., as it is (or used to be?) well known

is more tolerant with economic inequalities, considering them largely normal.³³

It seems to be the case that, even to get the same or similar goals regarding economic and social inclusion, different countries would need different recipes. Some societies might need more State and more market at the same time, as it is very evident in failed or almost failed States nowadays. Other ones, as is frequently the case in most emerging countries, might need better States and better markets at the same time, abating corruption, monopolies and lacking accountability in both of them. Also, public-private cooperation or Moncloa-type social agreements might be needed in some cases, either to get investment partnerships, to improve macroeconomic policies or to have at least some non-partisan State policies.

In short, it seems evident that Scandinavia does not need the same proposals as Sub-Saharan Africa, nor Latin America the same as the Eurozone or the Commonwealth of Independent States.

4.8. A change of civilizations?

Ten years ago, in a seminar at the Pontifical Academy of Social Sciences, Henry Kissinger said that the center of world economic power was inexorably shifting from the Atlantic to the Pacific. This is what has begun to happen in the last quarter of a century, and it will be very difficult to interrupt it (Table 8).

It is also relevant to recall the deep and widespread nature of the aforementioned demographic changes we are experiencing (Table 9 and Figure 14). Let us add that 88.4% of the increase in world population from 2010 to 2040, i.e., a total of almost 2 billion people, will be in non-Western countries, while just 11.6% of them (260 million) will be in the West. The share of world population living in developed countries is projected to fall from 32.2% of the world's total in 1950 to just 14% in 2040. It is very unlikely that these demographic shifts will not also cause, sooner or later, significant changes in the overall pre-eminence of different continents or sub-continents.

In a broader perspective, one might even think that the ongoing historical process shows signs of a change of civilization that can be seen as the reversal of the European conquests in Africa, part of America and Asia, that began more than five hundred years ago. But whether it is “just” a

³³ Some people think, perhaps rightly, that the problem is not – or not as much – inequality, but unfairness (C. Starmans *et al.*, 2017).

shift in the gravity of the global economy or a deeper change concerning actual civilizations, there is one point in which history does not offer much scope for optimism. With the very special exception of the United States replacing the United Kingdom as the center of the world economy, all such changes in the past have occurred through major wars. This is not a prediction, it is just a reminder of human history and it suggests that we should be alert and vigilant. Other signs suggest that a world in which political, economic, social and cultural ties between countries and continents with historical-cultural differences are preserved, will lead to less wars. On the contrary, a world permeated with the values and disvalues of neo-national-populism, in addition to other features, makes countries more prone to wars and armed violence, clearly increasing the possibility of history repeating itself.

5. Concluding remarks

We have seen that this last stage of globalization has led to breakthroughs, as palpable as they are insufficient, in different forms of economic inclusion. This advises an objective and nuanced balance, retaining its positive aspects and leaving aside the many negative facets it has.

Several criticisms to current realities in many developed countries contain truths. But this is not the case with the policies that these critics propose. Building fortresses simply by closing the doors to immigration, trade and international investment, and increasing military spending is not the way. Not only because it looks too much like the policies that finally led to the great wars of the twentieth century, but also because they will be ineffective, in the long or short run. They may bring temporary relief to the problems that are at the origin of the relative rise of the new national-populism, such as lower unemployment or the reactivation of some economically and socially deteriorated regions. They may also hurt most of the emerging countries, where the poorest people in the world live. But all these effects are most likely to be transient. Developing countries will continue to grow more than developed ones. This will benefit everyone in the long run, because of economic opportunities but also because it will mitigate increasing emigration and could even contribute to reducing the occurrence of armed conflicts.

Developed countries, especially in Europe, face profound dilemmas, not only socio-economic but also cultural. The outstanding problems seem to be the very low population growth and the tendency to limit immigration, which result in a dubious viability of health and social security

systems. The root of this conflict seems to lie in a clear preference of present well-being over future well-being. Since the economy cannot satisfy these preferences (technically, the intertemporal discount rate or, simply, the price of time), the result is lower economic growth, or even stagnation or decay. It is curious that neo national-populism proposes ways that can accentuate this conflict between the present and the future. This is clear in the limits to immigration, but also in economic nationalism which, paradoxically, could only work if economic agents changed their intertemporal preferences by accepting a lower standard of living to increase productivity through greater investments in physical and human capital and technology.

As I have said in previous meetings, as members of a Pontifical Academy we have the responsibility of devoting our best efforts to contributing to find ways that help to build a more integrated and inclusive world with greater peace and justice. This is what we are doing in this seminar. But perhaps it is important to emphasize that we are required not only accurate diagnoses, but also ideas that can generate effective proposals. To achieve these new ideas, we must start from the truth, whether we like it or not, and stop throwing figures to win discussions, and we must invest much more time, a cold brain and a hot heart in finding the way to full social inclusion and a fairer society.

6. Tables and Figures

	1980	1990	2016
World	11.137	23.216	76.321
Developed	8.358	18.123	45.894
Emerging	2.779	5.093	30.427
Source: IMF databank.			

	1980	1990	2016
World	100.0	100.0	100.0
Developed	75.0	78.1	60.1
Emerging	25.0	21.9	39.9
Source: IMF databank			

Table 3. Total GDP in trillion PPP USD

	1980	1990	2016
World	12990	26878	118.518
Developed	8293	17190	49.654
Emerging	4697	9688	68.864
Source: IMF databank.			

Table 4. Percentage shares of total GDP in PPP USD

	1980	1990	2016
World	100.0	100.0	100.0
Developed	63.8	64.0	41.9
Emerging	36.2	36.0	58.1
Source: IMF databank.			

Table 5. Inclusive wealth in constant 2005 USD

	TOTAL (million)		Per capita (thousands)		Times 2010/1990	
	1990	2010	1990	2010	TOTAL	Per capita
Emerging						
Afghanistan	73403	151524	5632	4824	2.1	0.86
Argentina	2371915	3129905	72664	77449	1.3	1.07
Brazil	12345895	16439769	82498	84330	1.3	1.02
China	18571020	31969803	16216	23834	1.7	1.47
India	9287027	15088491	10628	12321	1.6	1.16
Nigeria	1604302	1814508	16446	11454	1.1	0.70
R.Cent. Afr.	188370	186578	64185	42394	1.0	0.66
Russia	19691845	19464667	132450	136156	1.0	1.03
South Africa	2616273	3628541	71106	71379	1.4	1.00
Venezuela	3419948	4042649	173732	139499	1.2	0.80
Vietnam	451088	861705	6722	9809	1.9	1.46
Developed						
Australia	8264944	11484564	483439	515734	1.4	1.07
Germany	25747425	35855483	325513	435655	1.4	1.34
Canada	13181342	17109382	475846	502972	1.3	1.06
France	19443346	26686007	342866	425022	1.4	1.24
Italy	15739344	19661610	276943	324712	1.2	1.17
Japan	44161278	54693320	361234	432236	1.2	1.20
Spain	9309175	16074035	239377	348852	1.7	1.46
United King.	19766855	25377131	345487	409074	1.3	1.18
United States	104292941	143824201	411673	463375	1.4	1.13
Source: author's elaboration from Inclusive Wealth Report 2014						

Table 7
Convergence for the first time in centuries
GDP pc % ratio: Africa, Asia, LATAM / W. Europe + Western Offshoots

Year	Ratio
1	100%
1500	78%
1820	47%
1950	19%
1990	15%
2010	19%
2040	45%*

Source: own estimates based on Maddison Project (web) and R. Fogel (2007).

Table 8. Projected percentage shares in total GDP, PPP USD

	2000	2016	2040
DEVELOPED	53	41.8	23
European Union	21	16.8	5
Japan	8	4.1	2
United States	22	15.5	14
Others	2	5.4	2
EMERGING	47	58.2	77
China	11	17.9	34
India	5	7.3	11
Latin America	9	7.9	7
Others	22	25.1	25

Sources: a) 2000 and 2040, author's estimates based on R.Fogel (2007).

b) 2016: IMF databank.

Table 9. World population by regions, 2010-2040

	2010	2040	Increase	Share in the increase
WORLD	6916	9157	2241	100
Developed	1241	1288	47	2.1
Emerging	5675	7869	2194	97.9
<i>China</i>	<i>1360</i>	<i>1395</i>	<i>35</i>	<i>1.6</i>
<i>India</i>	<i>1206</i>	<i>1634</i>	<i>428</i>	<i>19.1</i>
<i>Others</i>	<i>3110</i>	<i>4840</i>	<i>1730</i>	<i>77.2</i>
- Africa	1031	2063	1032	46.1
- LATAM and Caribbean	596	760	164	7.3
- South and Central Asia	538	760	222	9.9
- Others	945	1257	312	13.9

Source: United Nations, Population Division

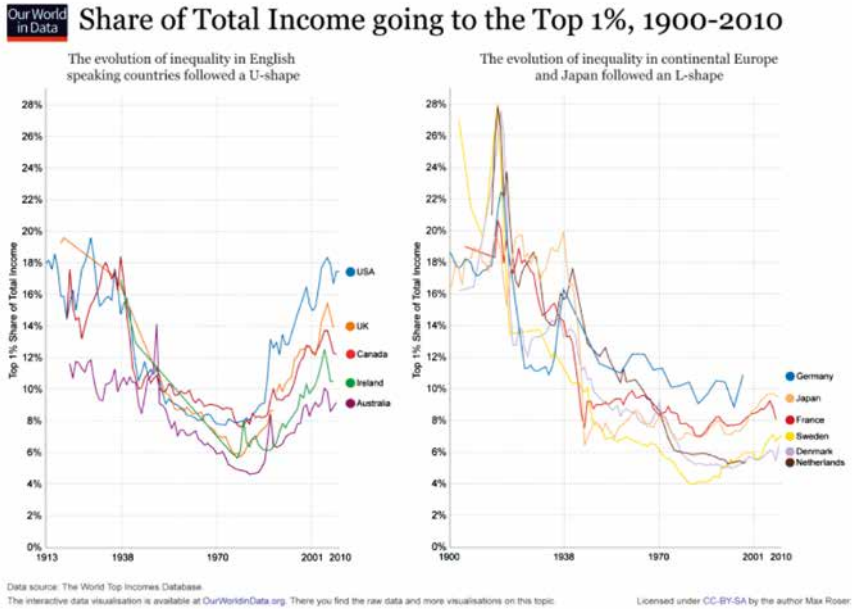


Figure 1. Share of total income going to the top 1%, 1900-2010.

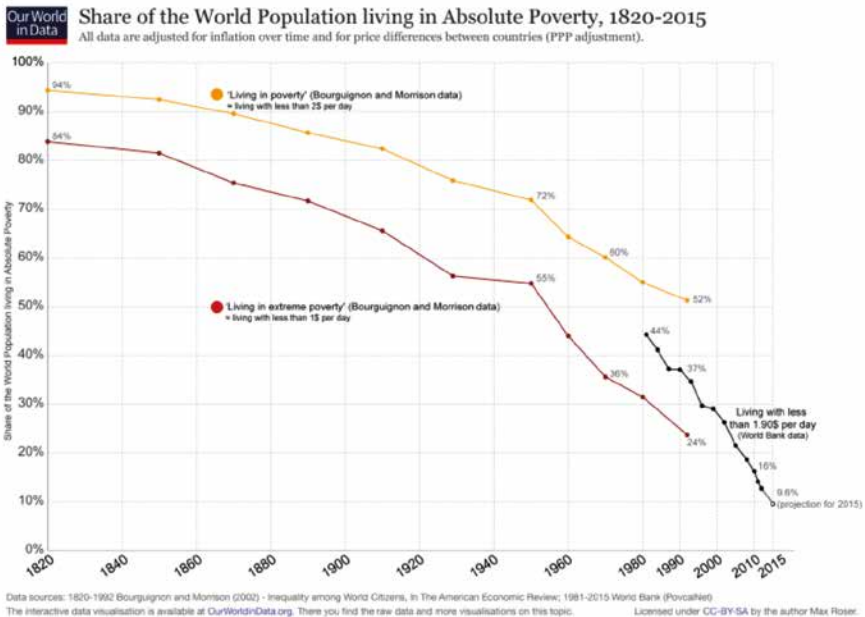


Figure 2. Share of the World Population in Extreme Poverty since 1820.

World population living in extreme poverty, 1820-2015 OurWorld in Data

Extreme poverty is defined as living at a consumption (or income) level below 1.90 "international \$" per International \$ are adjusted for price differences between countries and for price changes over time (intl

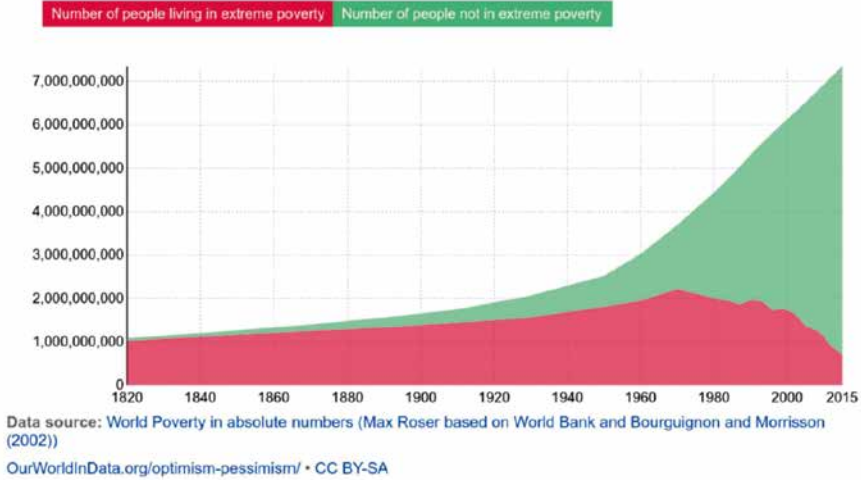
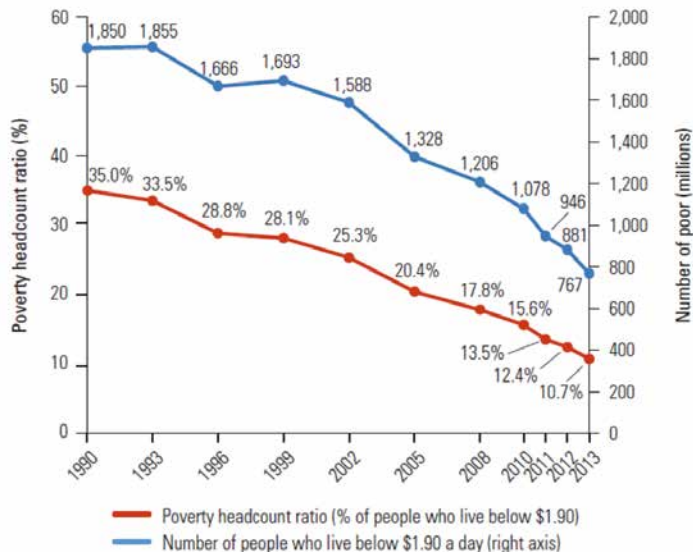


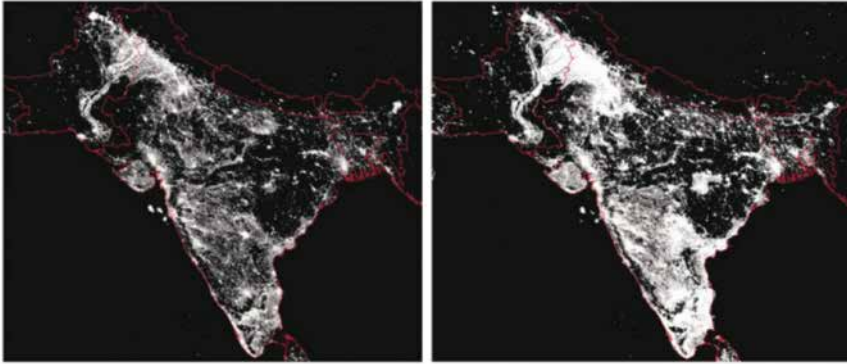
Figure 3. World Population leaving in Extreme Poverty since 1820-2015.



Source: Latest estimates based on 2013 data using PovcalNet (online analysis tool), World Bank, Washington, DC, <http://iresearch.worldbank.org/PovcalNet/>.
Note: Poverty is measured using the US\$1.90-a-day 2011 PPP poverty line.

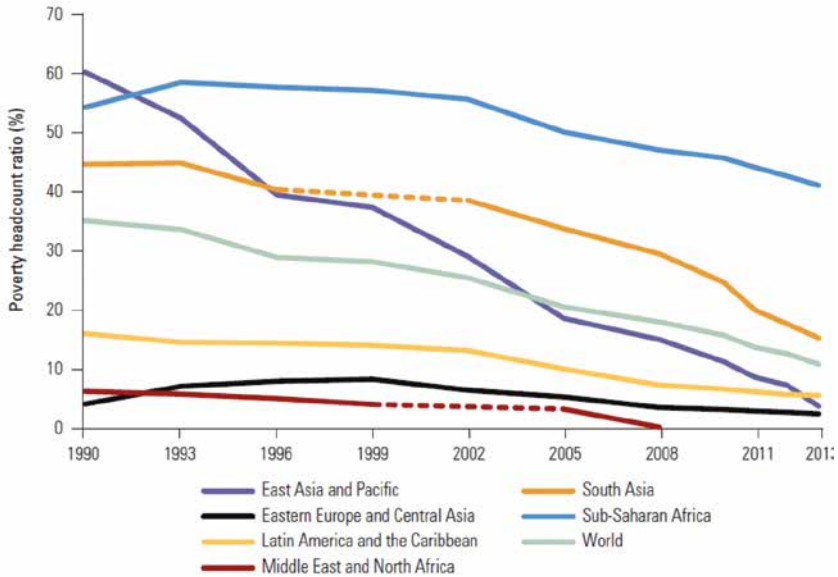
Figure 4. Trends in the Global Poverty Headcount Ratio and the Number of the Global Poor, 1990-2014.

Satellite images of South Asia by night



Images are taken from Maxim Pinkovskiy and Xavier Sala-i-Martin (2016) – *Lights, Camera ... Income! Illuminating the National Accounts-Household Surveys Debate*. The Quarterly Journal of Economics

Figure 5. Night Lights as an Indicator of Better Standard of Living.

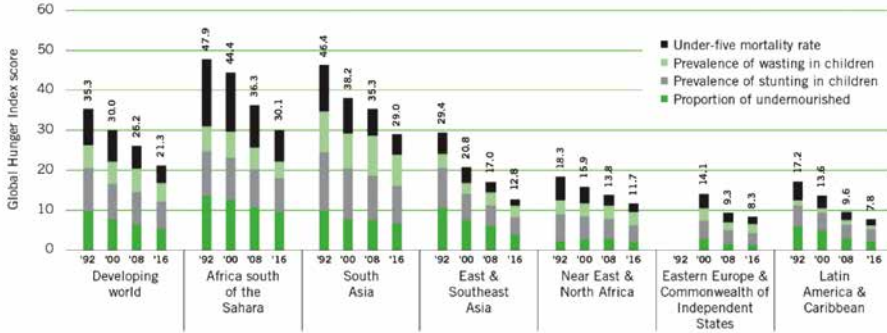


Source: Latest estimates based on 2013 data using PovcalNet (online analysis tool), World Bank, Washington, DC, <http://research.worldbank.org/PovcalNet/>.

Note: Poverty is measured using the US\$1.90-a-day 2011 PPP poverty line. Breaks in trends arise because of a lack of good-quality data.

Figure 6. World and Regional Trends, Poverty Headcount Ratio, 1990-2013.

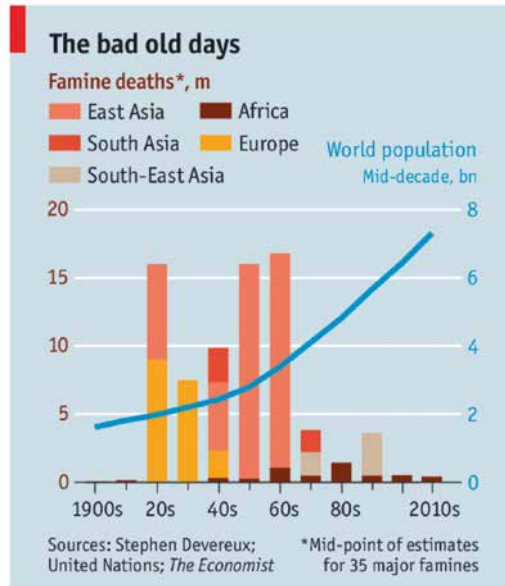
FIGURE 2.1 DEVELOPING WORLD AND REGIONAL 1992, 2000, 2008, AND 2016 GLOBAL HUNGER INDEX SCORES, WITH CONTRIBUTION OF COMPONENTS



Source: Authors.

Note: See Appendix B for data sources. A 1992 regional score for Eastern Europe and the Commonwealth of Independent States was not calculated because many countries in this region did not exist in their present borders.

Figure 7. IFRI Hunger Index.



Economist.com

Source, *The Economist*, April 1st, 2017

Figure 8. Famines since the beginning of 20th century.

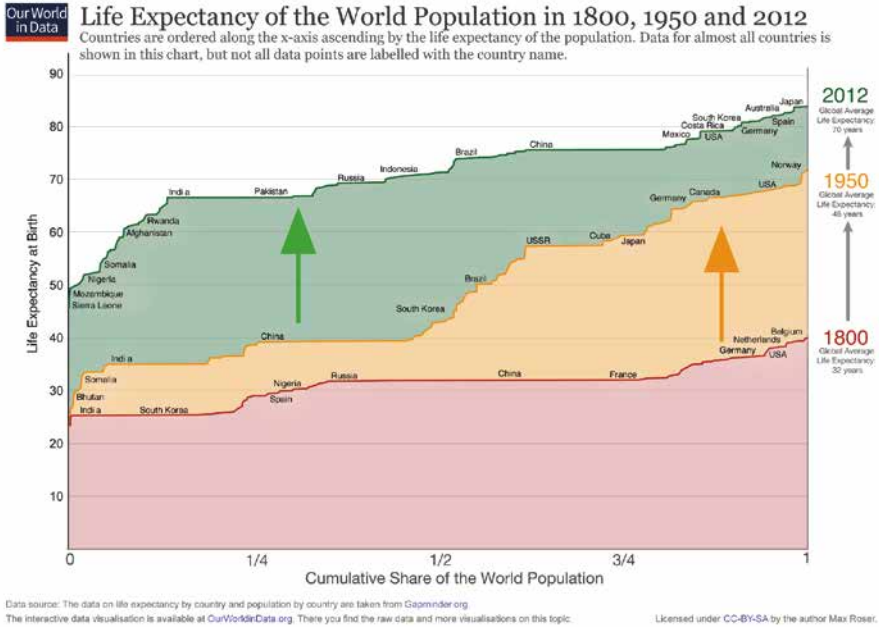
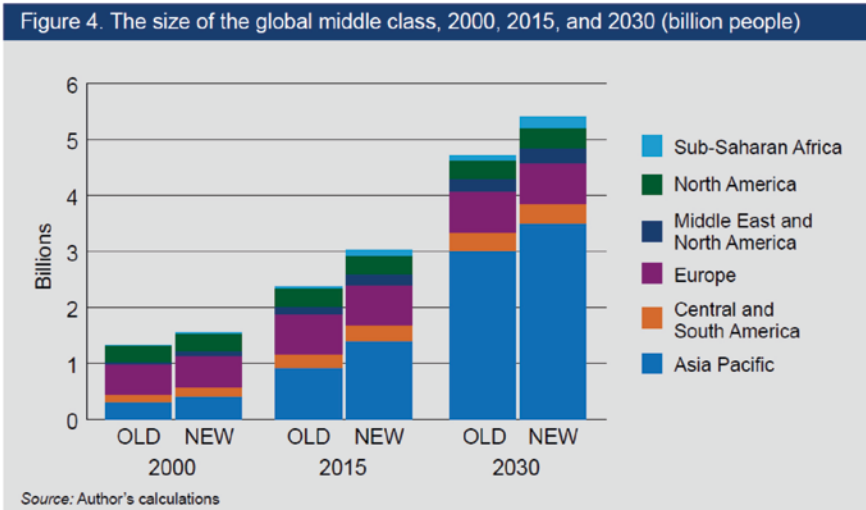
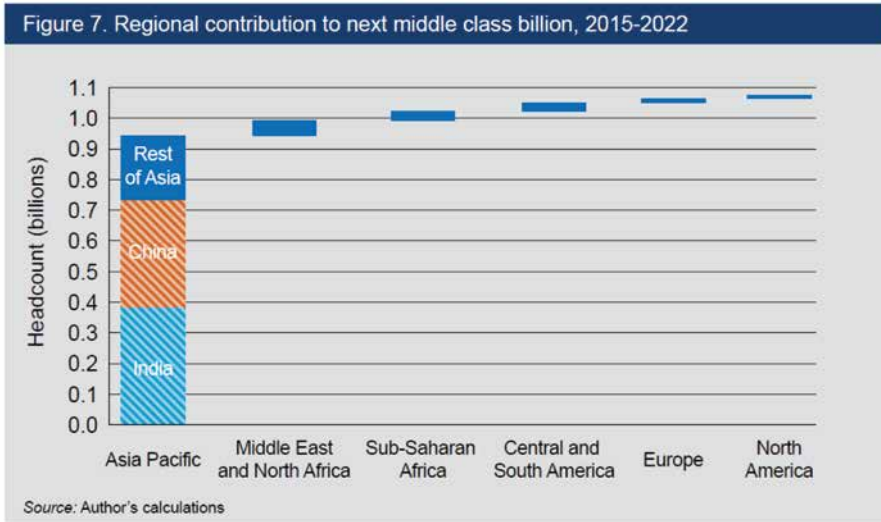


Figure 9. Life expectancy, 1800-2012.



Source: H. Kharas (2017)

Figure 10. The size of global middle classes, 2000-2030.



Source: H. Kharas (2017)

Figure 11. Regional contribution to next middle class billion, 2015-22.

Figure 8: Global income growth incidence curve if the relative size of each country had remained unchanged, 1988-2008

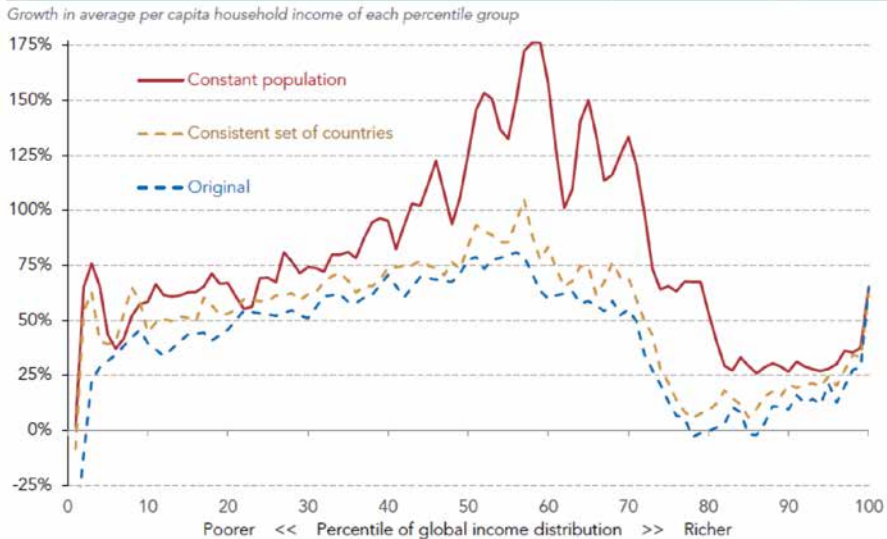
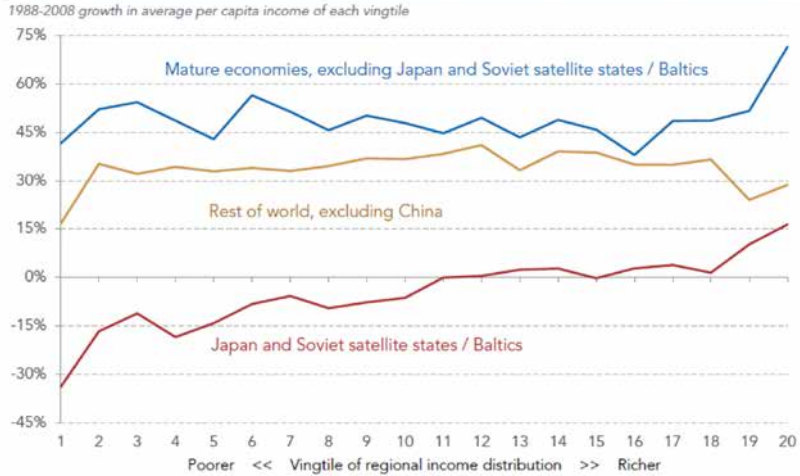


Figure 12. Global income growth incidence curve with constant country sizes, 1988-2008.

Figure 9: The Western economies as a whole have done well compared to other countries (excluding China), 1988-2008

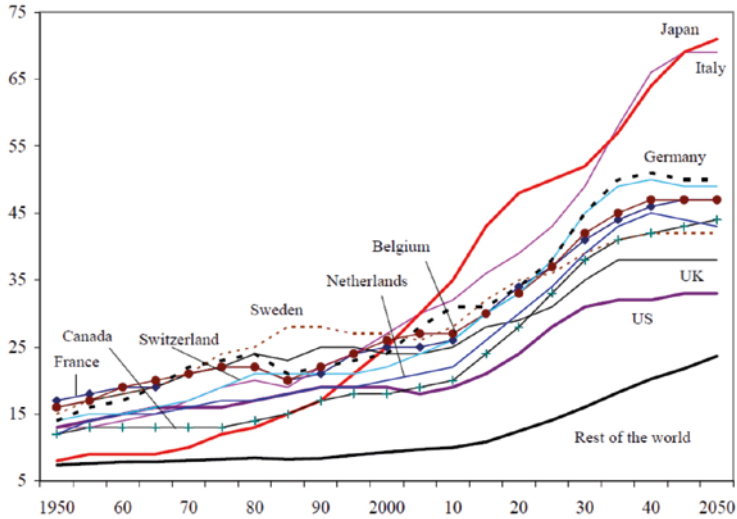


Source: RF analysis of Laline-Milanovic World Panel Income Distribution
 Notes: The red line group is Japan, Bulgaria, Czech Republic, Estonia, Germany, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia. The blue line is Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Greece, Ireland, Israel, Italy, Netherlands, Portugal, Slovenia, South Korea, Spain, UK and USA. Rest of world (excluding China) includes (only) 20 countries for whom data is available.

Source: A. Corlett (2016)

Figure 13. Western economies growth in per capita income, 1988-2008.

Figure I.1. Old-age dependency ratios are increasing sharply (ratio of the population aged 65 years or over to the population aged 15-64, in percent)



Source: I. Visco et al. (2005)

Figure 14. Developed countries, older and older.

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CULTURAL EXCLUSION AND CIVIL SOCIETY

ANA MARTA GONZÁLEZ

The general aim of this meeting, as stated in the introductory booklet, is to *“deepen our understanding and explanation of the reasons for social exclusion and... to suggest practicable steps for promoting a thorough-going social and cultural integration”*.

The same booklet recommends that we approach this task by outlining *“the characteristics of a participatory society capable of promoting the dignity of the human person in a context oriented to the common good and based on the principles of subsidiarity and solidarity”*, and therefore, to *“highlight the structural elements that would enable any given social system to develop into a more participatory community”*.

In order to do so, the programme distributes the topics by distinguishing between social and cultural exclusion. This analytical approach, however, should not prevent us from recognising ways in which both levels are interrelated in practice. Indeed, what should we understand by “cultural exclusion”? In ordinary speech, this expression is usually interpreted in at least two different ways.

1) For some, cultural exclusion designates the situation of “large populations with difficult access to the educational resources necessary to enter ordinary social circuits” who are, therefore, likely to live on the margins of society. Taken in this sense, cultural exclusion can be equated to, or at least initially compared to, “educational exclusion”, which, in turn, tends to reinforce other forms of socio-economic exclusion.

2) Yet, in other instances, the expression “cultural exclusion” refers to a specific form of social exclusion, namely that which takes place every time “people are discriminated against because of their perceived cultural differences with the culturally dominant group”. What we should consider as the “culturally dominant group” is of course open to discussion, especially in a late-modern and global context, which tends to favour cultural hybridity. Nonetheless, speaking of cultural exclusion immediately brings to mind the situation that immigrants, various diaspora communities (Roma, Jews, Africans, Armenians, Palestinians...), or indigenous populations often face: because of their cultural differences, their social progress has very often depended upon assimilation (i.e., hiding their own cultural background). Thus, ghettos should not be viewed only as “the result of racial

segregation, poverty and social relegation”, rather they also have a cultural side: they concentrate “a population that has been developing and creating its own way of life, a counter-culture, to protect itself from the outside world” (Lapeyronnie, 2008, pp. 11–12).¹

Both types of exclusion – educational and cultural exclusion – often come together in practice. To illustrate this point there is no need to resort to sociological imagination because in contemporary life it is, to a large extent, a matter of experience; it is actually a single story told from two different angles.

From one angle, we have people facing situations of deprivation or violence in their own countries who decide to migrate to a foreign land, only to find that, along with the hardships associated with migration, they have to confront an inhospitable, culturally prejudiced, social context. Understandably, they come together in their own cultural communities – in a move which possibly makes their socio-economic integration more difficult; poor socio-economic integration, in turn, can foster cultural estrangement and, in some cases, lead to illegal activity, which then projects social stigma upon the entire community, ultimately reinforcing cultural prejudice. While personal stories prove that this vicious circle can be broken at different stages, the social logic sketched so far suggests the existence of a persistent structural reality, which should be approached both at the local and the supranational levels given its transnational roots and global derivations.

Yet, this story can be told also from the local angle, from the perspective of people living in their own land and lacking the skills and education needed for employment in a global context, which has made knowledge instrumental to the economy. These people also feel excluded from ordinary social circuits and their own socio-economic exclusion is often channelled into a form of cultural exclusion towards foreigners. Thus, the upsurge of xenophobia and the confrontational attitudes we now witness in many Western countries cannot merely be explained by cultural reasons; at their bottom there is also a situation of economic hardship, which cannot be handled at the national level alone.

In the meantime, what all this indicates is the existence of *deep divisive forces within Western civil societies, which are not properly articulated through inherited political institutions, or at least through established political practice*. Some-

¹ Quoted by Landy, Frédéric, Saglio-Yatzimirsky, Marie-Caroline, *Megacity Slums: Social Exclusion, Space and Urban Policies in Brazil and India*, London: Imperial College Press, 2014, p. 12.

thing else is needed in order to foster truly participatory societies, in a position to overcome the feeling of alienation that nowadays invades so many relevant segments of the population, confronting political and cultural elites with a great number of people, who, for different reasons, feel underrepresented. Something else is needed, too, in order to *permeate civil society with the religious and ethical insights that lead many people to overcome political boundaries and show humanity towards the others.*

Both the introductory booklet and the letter from President Margaret Archer emphasise the need to explore the dimensions of a truly participatory society, from a bottom-up perspective. *In practice, this indication amounts to focusing on the nature of social bonds, i.e., how we create and develop bonds with one another.* Within this framework, however, we should be ready to ascribe a more relevant role to culture than is usually the case. Indeed, a bottom-up approach to participation cannot be coerced, but instead “can only grow” as a living thing “from an appropriate anthropological background”. And culture, rightly understood, is primarily an endowment of living human beings. Hence, quoting Pope Francis, the booklet recalls that, “culture is more than what we have inherited from the past; it is also, and above all, a living, dynamic and participatory part of contemporary reality, which cannot be excluded as we rethink the relationship between human beings and society”.

Indeed, as I would like to argue below, *human beings do not merely enact or reproduce existing cultural norms, but rather interpret them, negotiate with them, and recreate them whenever confronted with different situations.* The ability to inspire spontaneous cultural change from within shows the vitality of any given culture, which is to say: the vitality of the people sharing in that culture and their ability to make sense of the world at hand. By contrast, cultural sclerosis is a sign of decadence. Hence, *real preservation of any culture entails something more than artificially protecting an idealised image of our past, of our own selves, which can easily lead to the construction of barriers against the other. It entails the spirit and a kind of human conviviality that is capable of overcoming the dialectic between “us” and “them”.*

In what follows, however, I will start by addressing the first meaning of “cultural exclusion” indicated above. To this end, I will briefly sketch the global distribution of “educational exclusion”, according to the data released by the UNESCO Institute for Statistics² and the *Global Report on*

² <http://www.uis.unesco.org/Pages/default.aspx> About the collection of data:

Education in 2016. This mainly descriptive account of those findings will prepare the second, more reflective part of my text, where I will focus on cultural exclusion in a more specific way.

1. Global distribution and etiology of educational exclusion

If we take the adult literacy rate³ as a significant indicator⁴ of educational exclusion, we should note that according to data released in 2016,

“The global adult literacy rate was 85%, which means 758 million adults lacked any literacy skills. There were 91 literate women for every 100 literate men – and as few as 74 literate women for every 100 literate men in low income countries. The youth literacy rate was 91%, meaning 114 million youth lacked any literacy skills. The youth literacy rate was as low as 71% in sub-Saharan Africa” (*Global Report*, pages 278–280).

Illiteracy represents a very basic indicator of cultural exclusion, yet it is an important one, as it hinders all access to the ordinary paths of social progress. Now, its causes are complex, both of a structural and cultural nature. Legal guarantees of compulsory and free education are very different among countries. According to the *Global Report*, 12 countries with low literacy rates provide no data about compulsory education;⁵ seven of these are considered low-income countries (Cambodia, Burundi, Nepal, Ethiopia, Gambia, Malawi, Somalia), while other three are low-middle income (Bhutan, Ivory Coast, Zambia).⁶ Yet, on top of this economic situation, education systems can also be subject to a number of contingencies,⁷ such

http://www.uis.unesco.org/Education/Documents/Background_information_on_education_statistics.pdf

³ Number of literate persons aged 15 and above, expressed as a percentage of the total population in that age group. “Literacy” is understood not only as the acquisition of certain cognitive skills, but also as using those skills in ways that contribute to socio-economic development. See *Global Report*, p. 276.

⁴ In the *Report*, this indicator is broken down in more specific indicators about school enrollment, years of compulsory education, whether it is paid or free education, number of students who access secondary education...

⁵ Cambodia, Bhutan, Oman, Nepal, Botswana, Burundi, Ivory Coast, Ethiopia, Gambia, Malawi, Somalia, and Zambia. See Table 1: Background demographic statistics, legal guarantee of compulsory and free education and structure of national education system – part 1, pp. 401 and ff.

⁶ The fact that Oman provides no compulsory education may have other reasons, perhaps of a religious nature.

⁷ According to the same *Report*, “Politics, economics, health, water, sanitation, energy, migration, conflict and climate have direct effects on education systems. Poor air quality

as natural disasters or armed conflict,⁸ that have a negative impact on education.

1.1. Political instability and underdevelopment

Many countries in the regions with the lowest literacy rates – South and West Asia, and sub-Saharan Africa – have suffered armed conflicts in the recent past.⁹ The overall impact of such conflicts on the educational system is huge,¹⁰ not only because they provoke a significant number of internally

or extreme weather can destroy schools, force them to close or make learning nearly impossible. Groups such as people displaced by climate change or conflict, economic migrants and poor slum dwellers can place enormous pressure on education systems. Education is much affected by the context in which it operates”. *Unesco Report*, p. 162.

⁸ Four of the countries mentioned above (Nepal, Burundi, Ethiopia, Somalia), were regarded as conflict-affected countries in 2013 (*Report*, p. 399: “Conflict-affected countries (31 as of 2013): Afghanistan, Algeria, Burundi, Central African Republic, Chad, Colombia, Democratic Republic of the Congo, Ethiopia, India, Indonesia, Islamic Republic of Iran, Iraq, Libya, Mali, Myanmar, Nepal, Nigeria, Pakistan, Palestine, Philippines, Russian Federation, Rwanda, Somalia, South Sudan, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Turkey, Uganda and Yemen”).

⁹ The *Report* notes that “Two decades of conflict in Afghanistan up to 2001 resulted in a loss of 5.5 years on the total average years of national schooling; Burundi’s civil war cost the country over 3 years (UIS, 2010). Similarly, the 1992–1998 civil conflict in Tajikistan resulted in a decrease in school attainment for girls. Girls exposed to conflict were 12% less likely to complete compulsory schooling than older cohorts who completed their schooling before the conflict (Shemyakina, 2011)” (*Unesco Report*, p. 104).

¹⁰ By way of example, the *Report* notes that, “Most of Timor-Leste’s education infrastructure was destroyed in the 1998–1999 war, and 95% of schools required rehabilitation. In Iraq, 85% of schools were damaged or destroyed by fighting during the conflict of 2003–2004 (Buckland, 2005). Between 2009 and 2015, attacks in north-eastern Nigeria destroyed more than 910 schools and forced at least 1,500 to close. By early 2016, an estimated 952,029 school-age children had fled the violence (HRW, 2016). By 2016, the Syrian Arab Republic had lost more than one-quarter of its schools – more than 6,000 damaged by the violence, forced to close, or used for fighting or sheltering hundreds of displaced families (UNICEF, 2016)... During the Rwandan genocide, more than two-thirds of the teaching force in primary and secondary schools was killed or fled (Buckland, 2005). In Colombia, 140 teachers were killed over 2009–2013, around 1,100 received death threats and 305 were forced to leave their homes because their lives were at risk (Global Coalition to Protect Education from Attack, 2015). As of 2015, in Nigeria, where Boko Haram has targeted education workers and students, at least 611 teachers had been deliberately killed and 19,000 forced to flee since 2009 (HRW, 2016). The forced recruitment of children into armed forces, often through abduction, is widespread... (although) Reliable and recent data on the global number of child soldiers are not available” (*Unesco Report*, p. 104–105).

displaced people,¹¹ who cannot pursue usual educational paths, but also because it may take years to rebuild schools and re-establish educational practices. In order to tackle this problem, we should analyse the etiology of these conflicts and examine the reasons of their persistence over time. Indeed, from a global perspective, it makes sense to question the responsibility of first world countries, which are the biggest suppliers of weapons,¹² if not directly to the countries at war, then to neighbouring countries.¹³ Couldn't this be considered an essential form of material cooperation with war? Clarifying the structure of this cooperation might lead us to consider the idea of first world countries' "moral debt" to the people who ultimately suffer the consequences of local conflicts, a debt that increases as the arms trade contributes more and more to significant percentages of the GDP and economic growth in the countries in question. According to the *Stockholm International Peace Research Institute*, "world military expenditure is estimated to have been \$1676 billion in 2015, representing 2.3% of global GDP or \$228 per person. Total global expenditure in 2015 was about 1% higher in real terms than in 2014".¹⁴ The SIPRI Report also observes that, "Sustainable Development Goal 4 for 2030, on education, could be comfortably achieved at a cost of well under 10 per cent of annual global military spending, while eliminating extreme poverty and hunger (SDGs 1 and 2) would cost just over 10 per cent. A little less than half the world's

¹¹ "In Iraq, conflict between armed groups and government forces has escalated rapidly, resulting in around 3.3 million IDPs as of end of 2014 (IDMC, 2015b). In July 2015, out of 78,000 IDP children and adolescents aged 6 to 17 living in camps, only 45% were enrolled in schools, and only 30% of the 730,000 IDP children and adolescents not in camps had access to education (OCHA, 2015a)". (Unesco Report, p. 272).

¹² "The volume of international transfers of major weapons grew by 14 per cent between 2006-10 and 2011-15. The five largest suppliers in 2011-15 – the United States, Russia, China, France and Germany – accounted for 74% of the volume of exports". See Summary of SIPRI Report, 2016, p. 20: <https://www.sipri.org/sites/default/files/YB16-Summary-ENG.pdf>

¹³ "The ongoing conflicts in many parts of the world in 2015 often had direct links to arms acquisitions from abroad. The Middle East and North Africa (MENA) experienced significant growth in arms imports in the past five years. The use of arms imported by states in the MENA in the conflict in Yemen in 2015 led to discussion of the morality and even legality of exporting arms to states in the region". Summary of SIPRI Report, 2016, p. 21: <https://www.sipri.org/sites/default/files/YB16-Summary-ENG.pdf>

¹⁴ Summary of SIPRI Report, 2016, p. 17: <https://www.sipri.org/sites/default/files/YB16-Summary-ENG.pdf>

annual military spending would be sufficient to meet the majority of those SDGs for which additional economic resources are a central requirement”.¹⁵

Of course, this is easier said than done, as changing those figures means changing the way the economy actually works; after all, there is an arms trade because there is a *demand* for weapons, and recent political developments do not suggest that said demand will decrease any time soon. Yet, not long ago, Jeffrey Sachs suggested the possibility of creating a Global Fund for Education;¹⁶ transferring money from the weapons trade to this fund would be a significant step, as long as it not perceived as a legitimization of the trade.

1.2. Living in a slum

More generally, *cultural exclusion may be seen as a by-product of other forms of socioeconomic exclusion, which often find reflection in the organisation of rural and urban space.* This is certainly the case when it comes to people living in the slums of the so-called “megacities” or “hypercities” of the developing world, as well as in some ghettos of Western nations.¹⁷ We are talking about no less than 860 million people worldwide, and there are estimations that “the number of slum dwellers grew by six million each year from 2000 to 2010 (UN-Habitat 2012a). In sub-Saharan Africa, slum populations are growing at 4.5% per annum, a rate at which populations are set to double every 15 years”.¹⁸

In his 2006 book, *Planet of Slums*, Mike Davis provided an impressive account of the transformation of human space generated by this massive growth which has led to merge urban and rural spaces, giving place to what some have come to call “in-between cities”, “with neither traditional cores nor recognizable peripheries”.¹⁹

¹⁵ Summary of SIPRI Report, 2016, p. 18: <https://www.sipri.org/sites/default/files/YB16-Summary-ENG.pdf>

¹⁶ <https://www.project-syndicate.org/commentary/financing-education-poor-children-by-jeffrey-d-sachs-2015-03>

¹⁷ “Residents of slums, while only 6% of the city population of the developed countries, constitute a staggering 78.2% of urbanites in the least-developed countries; this equals fully a third of the global urban population”. Davis, M., *Planet of Slums*, Verso, 2006, p. 23.

¹⁸ Benjamin Marx, Thomas Stoker, and Tavneet Suri, “The Economics of Slums in the Developing World”, *Journal of Economic Perspectives*, Vol. 27, n° 4, Fall 2013, pp. 187-210.

¹⁹ Davis, M., *Planet of Slums*, p. 9.

“According to UN-HABITAT, the world’s highest percentages of slum-dwellers are in Ethiopia (an astonishing 99.4% of the urban population), Chad (also 99.4%), Afghanistan (98.5%), and Nepal (92%). Bombay, with 10 to 12 million squatters and tenement-dwellers, is the global capital of slum-dwelling, followed by Mexico City and Dhaka (9 to 10 million each), and then Lagos, Cairo, Karachi, Kinshasa–Brazzaville, Sao Paulo, Shanghai, and Delhi (6 to 8 million each).”²⁰

We can appreciate that these figures – especially in the case of Ethiopia, Afghanistan, Chad or Nepal – correlate to a great extent with the ones for illiteracy. Indeed, although there are socioeconomic differences between slums,²¹ as well as within each slum, it is generally assumed that the quality of educational resources for people living in slums is considerably lower. We lack clear data on this topic,²² but the fact is that most initiatives to improve life in slums are still focused on basic services, such as housing, water and sanitation, even if, as the UNESCO *Report* observes, education remains a priority for communities.²³

²⁰ Davis, M., *Planet of Slums*, p. 24.

²¹ “In most of the developing world... city growth lacks the powerful manufacturing export engines of China, Korea, and Taiwan, as well as China’s vast inflow of foreign capital (currently equal to half of total foreign investment in the entire developing world). Since the mid-1980s, the great industrial cities of the South – Bombay, Johannesburg, Buenos Aires, Belo Horizonte, and Sao Paulo – have all suffered massive plant closures and tendential deindustrialization. Elsewhere, urbanization has been radically decoupled from industrialization, even from development per se and, in sub-Saharan Africa, from that supposed sine qua non of urbanization, rising agricultural productivity. The size of a city’s economy, as a result, often bears surprisingly little relationship to its population size, and viceversa” (Davis, M., *Planet of Slums*, p. 13). Later on, he reflects: “From Karl Marx to Max Weber, classical social theory believed that the great cities of the future would follow in the industrializing footsteps of Manchester, Berlin, and Chicago – and indeed Los Angeles, Sao Paulo, Pusan, and today, Ciudad Juarez, Bangalore, and Guangzhou have roughly approximated this canonical trajectory. Most cities of the South, however, more closely resemble Victorian Dublin, which, as historian Emmet Larkin has stressed, was unique amongst “all the slumdoms produced in the western world in the nineteenth century ... [because] its slums were not a product of the industrial revolution. Dublin, in fact, suffered more from the problems of de-industrialization than industrialization between 1800 and 1850. Likewise, Kinshasa, Luanda, Khartoum, Dar-es-Salaam, Guayaquil, and Lima continue to grow prodigiously despite ruined import substitution industries, shrunken public sectors, and downwardly mobile middle classes”. Davis, M., *Planet of Slums*, p. 16.

²² Statistics are difficult to get. See Davis, M. *Planet of Slums*, p. 26.

²³ “For instance, new data compiled for the GEM Report 2016 collected from 130 slum settlement profiles in 12 cities and towns of Uganda to identify community

More generally, in order to prevent social exclusion,²⁴ sound urban policies should be implemented because, as Landy *et alia* point out: “living in a slum is a factor, not only a sign, of exclusion”.²⁵ While speaking of slums nowadays no longer carries the moral stigma that Victorian society projected on 19th century industrial slums, it often carries the stigma of insecurity that is associated with high crime rates in those areas.

In a fascinating book, which describes her research in Rio’s *favelas* during the 60s and then again in the 90s, anthropologist Janice Perlman reveals crucial changes in this regard:²⁶

“When I lived in the favelas in 1968–1969 I felt safe and protected, while everyone from elites to taxi drivers to leftist students foolishly perceived these settlements as dangerous. The community was poor, but people mobilized to demand improved urban services, worked hard, had fun, and had hope. They watched out for each other, and daily life had a calm convivial rhythm. When I returned in 1999, the physical infrastructure and household amenities were greatly improved. But where there had been

needs indicated that, while most settlement respondents agreed that students had access to pre-primary, primary and secondary schooling, in their qualitative responses they still highlighted the need to increase the number of schools, especially public schools (Shack/Slum Dwellers International *et al.*, 2016)” (Unesco *Global Report*, p. 118). “More than one-third of all urban residents in many developing countries live in slums or shanty towns in city centers or urban peripheries. Slums’ condition vary greatly within and between countries, but many are characterized by poor and crowded housing conditions, insecurity of land and housing, and poor access to basic services, including education (UN Habitat, 2009a). There has been increased recognition of the need to improve their livability since the Millennium Development Goals, culminating in a strong focus on the issue in SDG 11” (Unesco *Report*, p. 118).

²⁴ Indeed, “Various spatial and social patterns in most major cities – gentrification, slums, urban sprawl, housing discrimination, immigrant enclaves – separate residents in terms of wealth, access and privilege (UN Habitat, 2009a). These types of inequality are linked to income levels, the location of employers, transport options and spending policies (Kilroy, 2007), as well as current and historical legislation that institutionalizes ethnic and racial discrimination and segregation (Rothstein and Santow, 2012). Pockets of poverty in cities can evolve into persistent disadvantage as their populations become isolated from job opportunities, experience crime and violence more frequently and are physically separated from other income groups” (Unesco *Report*, p. 122).

²⁵ Landy, Frédéric, Saglio-Yatzimirsky, Marie-Caroline, *Megacity Slums: Social Exclusion, Space and Urban Policies in Brazil and India*, London: Imperial College Press, 2014, p. 11.

²⁶ Although she dislikes using the words *favelas* and slums interchangeably, for the purpose of this presentation, we can refer indistinctly to both.

hope, now there were fear and uncertainty. People were afraid of getting killed in the crossfire during a drug war between competing gangs, afraid that their children would not return alive after school, or that a stray bullet would kill their toddlers playing on their verandas. They felt more marginalized than ever – further from gaining the respect others assume (or are granted) as a birthright”.²⁷

Trying to make sense of the data, she “could not find convincing linkages between macro-level changes – such as the transformation from dictatorship to democracy, the progression from economic boom to inflation, (...) or the changeover from punitive to pro-poor public policies – and the ups and downs in the lives of the *favelados*”.²⁸

What she found was a more complex situation: while some grandchildren of the people she had met in her first visit had successfully moved through the divide and had established themselves in the city,²⁹ this was far from being the rule. After two generations, people who come from the favelas still struggle to be recognised as equals by other citizens. Apart from this, other social developments have resulted in a generalised atmosphere of fear, basically developed after “the entrance of drug and arms traffic into the favelas, beginning in the mid-1980s”.³⁰

Thus, while improving education for slum dwellers is critical in their attaining of full social inclusion and development, there are other elements beyond educational and sound urban policies that need to be holistically targeted in order to clear the path for their social integration. Transnational crime is one of them.

1.3. *Inclusion of indigenous cultures*

Yet, in addition to the structural and socio-economic factors mentioned above, which have an obvious impact on the resources devoted to education, in order to avoid educational exclusion specifically cultural factors need to be taken into account. The UNESCO *Report* refers to some research sustaining the view that,

“The strong Western focus of education systems and institutions around the world impedes meaningful inclusion of indigenous populations and

²⁷ Perlman, Janice E., *Favela: Four Decades of Living on the Edge in Rio de Janeiro*, Oxford University Press, 2009, pp. 21–22.

²⁸ Perlman, Janice E., *Favela*, p. 22.

²⁹ Perlman, Janice E., *Favela*, p. 5.

³⁰ Perlman, Janice E., *Favela*, p. 7.

their knowledge and practices within the formal schooling system. Factors involved include curricula that lack local relevance and devalue indigenous knowledge; use of the dominant language for instruction instead of the home language (Batibo, 2009); standardized assessment strategies (Barnhardt and Kawagley, 2005); and faculty attitudes about curricula (Radoll, 2015). These factors often clash with traditional teachings (Nakashima *et al.*, 2012)³¹.

By introducing this element, the focus of educational exclusion shifts from mere enrolment in the educational system to the *improvement* of this system such that, along with providing the education necessary to be competitive in the global market, other measures are taken that bolster indigenous traditions and culture. *How to do this is to a large extent, a matter of research and of imagination that can be tackled only through relevant participation by those directly concerned.* It is not easy to see, for instance, how inclusive education can meet the needs of nomadic and pastoralist groups whose lifestyle “conflict with typical schooling formats”³² or how traditional knowledge can be incorporated in the educational system.³³ This represents a challenge not only for underdeveloped countries, but also for developed ones that serve as host nations to indigenous populations, and are committed to multicultural policies, such as Australia or Canada.³⁴ To the extent

³¹ (Unesco Report, p. 29).

³² (Unesco Report, p. 9).

³³ In this regard, the *Report* refers the experience of an educational program in Botswana, which “provides teacher trainees with a system of nature based educational tools incorporating the traditional knowledge of the San, a major indigenous group in the region. The curriculum of Bokamoso Teacher Training Centre was developed collaboratively over two years by a team of parents, community members, curriculum experts and members of non-government organizations (NGOs). The project provides trainees with the tools they need to teach pre-school in the San language (Batibo, 2013). Using the mother tongue as the language of instruction has a positive impact on learning across the curriculum, not only in languages (UNESCO, 2016)” (Unesco Report, pp. 28–29).

³⁴ The *Report* quotes research carried out in countries such as Australia, Canada or the United States, which “show an unquantifiable loss of indigenous knowledge from the beginning of the 20th century, when indigenous children were sent to residential schools or put up for forced adoption in an attempt to assimilate them into the dominant society (Reyhner and Eder, 2015). Separating them from their families and consequently from their cultural roots caused ‘irreparable harm to the survival of indigenous cultures and societies’ (Stavenhagen, 2015, p. 255)” (Unesco Report, p. 29).

that inclusive education contributes to social integration,³⁵ exploring the possibilities of more participatory approaches should be welcome.

In this context, the UNESCO Report also warns us that,

Disputes over curricular contents have sometimes directly spilled over into violent conflict. In 2000, when overtly Sunni textbooks were introduced in Pakistan's Federally Administered Northern Areas, the local Shia population began to agitate for equal representation in textbook discussions of Islam. The conflict became acute in 2004–2005 as violent confrontations took place between Shia and Sunni communities, with the resulting curfews closing down schools for almost a year (Ali, 2008).³⁶

Cultural and ideological disputes on a variety of aspects related to curricular content, parents' rights in educational issues, or language policies in education, are also highly contested matters in Western countries, especially when policies are perceived, or framed, as ways of reinforcing social inequality.³⁷ Even if these disputes do not result in violent conflict, they point toward significant differences in how to approach social equality and its relationship with freedom. Always a difficult balance, promoting equality while respecting freedom becomes a particularly intractable problem within certain educational systems that *de facto* impose a monolithic, if not imperialistic, approach to social equality and cultural issues, creating cultural exclusion as a collateral effect. Thus, reflection on the limitations of current approaches to education invites reflection on cultural diversity and cultural prejudice.

³⁵ A recent study of the educational system in Germany can be relevant to show the importance of an inclusive education for achieving social integration of immigrant population. Maja K. Schachner & Fons J.R. Van de Vijver & Peter Noack & Katharina Eckstein, "Cultural Diversity Climate and Psychological Adjustment at School – Equality and Inclusion Versus Cultural Pluralism", *Child Development*, July/August 2016, Volume 87, Number 4, pp. 1175–1191.

³⁶ Unesco Report, p. 104.

³⁷ "Violent conflict has often followed group-based inequality exacerbated by language policies in education. In Nepal, the imposition of Nepali as the language of instruction fed into broader grievances among non-Nepali-speaking groups that drove the civil war (Murshed and Gates, 2005). Guatemala's imposition of Spanish in schools was seen by indigenous people as part of a broader pattern of social discrimination. Armed groups representing indigenous people demanded bilingual and intercultural education during negotiations on a peace agreement, leading to a constitutional commitment (Marques and Bannon, 2003)" (Unesco Report, p. 104).

2. Cultural exclusion and cultural prejudice

“Cultural exclusion” in the second sense advanced above – as discrimination based on cultural differences – needs not be explicitly articulated; it may be simply ingrained in social practices that explicitly or implicitly affirm the superiority of one’s own culture above others.³⁸ This kind of cultural exclusion very often finds support in persistent *historical narratives* constructed around the distinction between “us and them”, which pre-judge the way in which we approach people from other cultural backgrounds. Insofar as these narrative constructs become a factor of social exclusion, they are a matter of concern.

Cultural prejudice can operate both at the level of small social interactions and at more structural levels. Both levels are relevant in the context of contemporary migratory movements, which, especially in the West, are turning *cultural differences* into a matter of public debate, although the problems are by no means of just a cultural nature. By “cultural differences” I mean the variety of representations, habits, techniques, practices, customs, rituals, etc. developed by different human groups throughout time in response to various needs. Accordingly, cultural differences include both theoretical and practical elements, which, while unequally shared by the individual members of a given group, account for the different ways in which we make sense of and come to inhabit the world.

2.1. Culture as a work in progress

Starting with Franz Boas, cultural anthropology began distinguishing between cultural and racial differences, making it clear that race is a biological concept, whereas culture is not. Indeed, the word “culture” does not designate a biological reality, but rather it is a symbolic mediation of meaning and value. Thus, *culture is created and preserved by human beings interacting with each other*, in ways that do not exclude internal debate and critique. While this latter fact eventually leads to dissent and internal cultural change, individuals in a particular social group usually take for granted many elements of the culture inherited from their group as the “normal” way of interacting with the world. Precisely, such “normality” is spontaneously challenged and reflectively questioned whenever individuals confront other peoples and cultures or, more generally, when they confront

³⁸ Paul Crowther, “Cultural Exclusion, Normativity, and the Definition of Art”, *The Journal of Aesthetics and Art Criticism*, Vol. 61, No. 2 (Spring, 2003), pp. 121-131, p. 121.

problems that cannot be solved in their usual way. From this perspective, *every instance of cultural change demands the interplay of habit and reason by the relevant social agents*, who are in charge of developing innovative responses out of the material available to them.

To the extent that these responses are indebted to an inherited world of cultural resources and meanings, we can say that culture is socially created and has an objective existence. Yet, insofar as cultural change and creativity require personal appropriation and elaboration of existing materials, *culture constitutes an individual endowment, or a sort of second nature*, mediating between natural human needs and the rational realm of meaning and value. Hence, *culture is always a work in progress, permeable to the work of reason, both theoretical and practical, and in this way it becomes a vehicle for the expression of human subjectivity*. All this means that *individuals are not just passive carriers of socially created culture, but are also creative agents of culture themselves*, both individually *and by cooperating with others*.

2.2. Cultural prejudice and public discourses

Against this conceptual background, the advance of “cultural exclusion” might indicate social agents’ inability to reflectively elaborate their own culture, so as to make room for cultural difference. Yet *cultural exclusion is also an attitude that manifests itself in a variety of social acts*, which can be viewed both from the side of those who exclude as well as from the side of those who *feel* excluded on the basis of legitimate and/or reasonable social expectations.³⁹ At this point, attention should be paid to the social context because, in each historical instance, it is debatable that the reasons either for social exclusion or inclusion can be *solely* traced back to cultural differences. Thus, speaking of cultural exclusion in Europe nowadays immediately brings to mind migratory movements taking place in a complex social scenario due to the combination of three different factors: economic crisis, the European refugee crisis, and security

³⁹ Indeed, we would not talk of exclusion, were there no expectation of social interaction. Yet social interaction takes many different forms, governed by different sets of norms and expectations. At the same time, there is reason to say that the mere fact of human coexistence under the same law, in the same neighborhood, etc. brings with it certain social expectations. Even the relative “indifference” which signals modern urban life, gives way to reasonable concern for the other in certain cases, for instance when someone asks for directions in the street. Thus, refusing to give directions to someone, because of cultural difference, would be a form of social exclusion.

concerns – especially those associated with terrorist attacks by Islamic fundamentalists.⁴⁰ The combination of these factors can prompt people to cast suspicion on the cultural other. If we replace terrorism with other forms of organised crime, a similar damaging association is also in play in the migratory movements of Latinos towards the United States through the Mexican border. In such complex scenarios, *cultural prejudice, diversely articulated in a variety of public discourses, often operates as a catalyst for social fear and a factor of cultural exclusion.*

History shows that cultural minorities have often been used as scapegoats in times of great conflict, no matter how long they have been dwelling in a given place. The Gypsy community, who are sometimes characterised as the “eternal immigrants”,⁴¹ are a paradigmatic example in the European context. It has been argued that a similar narrative is being constructed in the United States when it comes to the Latinos.⁴² Almost every

⁴⁰ “As a new Pew Research Center survey illustrates, the refugee crisis and the threat of terrorism are very much related to one another in the minds of many Europeans. In eight of the ten European nations surveyed, half or more believe incoming refugees increase the likelihood of terrorism in their country”. <http://www.pewglobal.org/2016/07/11/europeans-fear-wave-of-refugees-will-mean-more-terrorism-fewer-jobs/>

⁴¹ “The Roma represent, in the words of James Goldston, Europe’s “quintessential minority” (2002:147; see also Tileaga 2006a). Without a “mother state” to represent them, historically marginalized and vilified, the Roma are the largest minority in Europe. “Their renown as musicians, dancers, and palm-readers” Goldston argues, “is surpassed only by the near-universal belief among the Gadze – or non-Roma – that Gypsies are also liars, thieves and cheats” (2002:146). In sociological terms, the Roma are Europe’s strangers. Simmel described the stranger as a social category of those who are simultaneously a part of society and marginalized (Simmel 1971; see also Foddy, Platow, and Yamagishi 2009; Schuetz 1944). The narrative of the Roma as eternal immigrants makes them strangers across Europe, if not, as Sigona argues, “inner enemies” (2005:747; see also Stewart 2012; Tong 1998). Traditional stereotypes of the Roma cast them as violators of basic values like honesty, hard work, and ownership (e.g., Culic *et al.* 2000; Hockenos 1993; Mac Laughlin 1998; Petrova 2003; Stewart 2011, 2012). Given this history, the degree to which Roma are accepted or “othered” (Woodcock 2007; see also Crowe 1996; Pons 1999) in contemporary European society reveals the degree to which traditional divisions continue to hold sway”. Matthew T. Loveland and Delia Popescu, “The Gypsy Threat Narrative: Explaining Anti-Roma Attitudes in the European Union”, in *Humanity & Society* 2016, Vol. 40(3) 329–352, p. 330. DOI: 10.1177/0160597615601715.

⁴² “The Latino Threat Narrative consists of a number of taken-for-granted and often-repeated assumptions about Latinos, such as that Latinos do not want to speak English; that Latinos do not want to integrate socially and culturally into the larger U.S.

nation has cultural minorities, whose presence has always been conceived of as “the other”, ingrained in the dialectical construction of a “dominant” narrative. Yet, when cultural prejudice is used to construct a systematic association of criminal activity with certain cultural groups, we run the risk of bypassing the most elementary considerations of individual human rights. In this context, the increase of xenophobia in Western societies’ public arenas⁴³ justifying social exclusion in the name of cultural identity – almost as if cultures were immortal essences instead of human, living realities –, is a matter of concern: a sort of moral myopia, which masks the fear and inability of our societies to face social and cultural change in the age of globalisation, starting with a revision of our inherited notions of citizenship.⁴⁴

society; that the Mexican-origin population, in particular, is part of a grand conspiracy to take over the U.S. Southwest (the *reconquista*); and that Latin women are unable to control their reproductive capacities, that is, their fertility is out of control, which fuels both demographic changes and the alleged *reconquista*” (Chavez, Leo, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*. 2nd ed. Stanford, CA: Stanford University Press, 2013, p. ix). As he notes, “The contemporary Latino Threat Narrative has its antecedents in U.S. history: the German language threat, the Catholic threat, the Chinese and Japanese immigration threats, and the southern and eastern European threat. In their day, each discourse of threat targeted particular immigrant groups and their children. Each was pervasive and defined “truths” about the threats posed by immigrants that, in hindsight, were unjustified or never materialized in the long run of history. And each of these discourses generated actions, such as alarmist newspaper stories (the media of the day), anti-immigrant riots, restrictive immigration laws, forced internments, and acrimonious public de-bates over government policies” (Chavez, o.c., p. 3).

⁴³ For instance, the National Front in France, Trump’s nationalism in the US or “Identitäre Bewegung” in Germany or Austria: “Es geht nicht um ethnische und kulturelle Reinheit, sondern erstens um die für jede Demokratie unverzichtbare relative Homogenität, zweitens um den Erhalt der kulturelle Unverwechselbarkeit in jedem Volk und drittens um ein generelles Nein zur Entwurzelung, egal wo sie stattfindet. Es geht darum, im eigenen Land als Staatsvolk das Sagen und die Mehrheit zu behalten. Ausländer sollen in diesem Weltbild folglich keine Menschen von geringerem Wert sein. Sie sollen nur nicht nach Deutschland komme”. Frankfurter Allgemeine Zeitung, August 28. Along these lines, it has been argued that much of contemporary Islamophobia is based on fears about the future of European civilization. Bunzl, Matti, *Anti-semitism and Islamophobia: Hatreds Old and New in Europe*, Chicago: Prickly Paradigm Press, 2007.

⁴⁴ Leo Chavez suggests the need of revision of the inherited concepts of citizenship: “What citizenship means in this changing landscape is not clear. But what is certain is that a legalistic definition of citizenship is not enough. Other meanings of citizenship – economic, social, cultural, and even emotional – are being presented in debates, marches, and public discourse focused on immigrants, their children, and the nation”

Ultimately, there is something reactionary in framing the debate about migration in terms of preserving one's cultural identity, when our societies are marked both by so many forms of social fragmentation and exhibit so many identity narratives. It is obvious that the magnitude of current migratory movements requires appropriately coordinated policies and institutional measures at the regional and global levels that confront existing abuses⁴⁵ and tackle the complexity of contemporary migration. At the same time, it is also clear that such *institutional measures should be sustained by a social ethics* that vigorously takes into account the human factor, and the relevance of culture for human flourishing, deconstructing the idea that the cultural other necessarily constitutes a threat to social security⁴⁶ and "cultural integrity".

2.3. Cultural integrity?

After all, has any culture ever constituted a completely coherent whole? People prone to think that way very likely harbour an approach to culture which is too theoretical and bypasses its deeply practical origins and its intrinsic openness to change over time for a variety of reasons. Even in the case of small and geographically isolated ethnic communities we should be prepared to find internal contradiction and dissent; yet, cultural homogeneity is simply not to be found in larger social units, such as modern nation-states,⁴⁷ much less in this stage of late modernity: our societies are deeply marked by internal differentiation, discussion, critique, and competing ways of approaching a variety of issues; forcing all this diversity into a single cultural form can only be done in the context of comparative analysis, and at the price of oversimplification.

(Chavez, L., *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*. 2nd ed. Stanford, CA: Stanford University Press, 2013, p. 5).

⁴⁵ The New York Times, 2016 http://www.nytimes.com/2016/08/11/world/australia/nauru-asylum-seeker-refugee-abuse.html?ref=world&_r=0

⁴⁶ While social perceptions usually have some basis in reality, they are easily distorted and magnified both by the media and our own fears. As a result they often result in unfair behaviors towards individual human beings, who happen to share some cultural traits with potential terrorists.

⁴⁷ See Campbell, C., *The Easternization of the west. A thematic account of cultural change in the modern era*, Boulder; London: Paradigm Publishers, 2007, p. 4.

Modern philosophers were fond of such simplifications. Reading what Hume,⁴⁸ Smith,⁴⁹ or Kant⁵⁰ had to say about national character is an entertaining exercise that only risks perpetuating pride and prejudice and, perhaps, prevents social change. A recent survey conducted to find out European attitudes towards “national identity” tried to break down this concept into features such as language, customs, being born in the country, or religion.⁵¹ Yet, important as these features may be, they do not constitute national identity; they only bear further witness to the complexity of that concept. Indeed, although based on certain historical facts, *national “identities”* have been constructed through a historically reflective process, which may or may not be equally shared by all its members throughout time. In particular, this is the case when national narratives are dialectically and tragically structured around conflicts with the other, as recent European history tragically showed in the Balkan Wars.⁵² In such cases, civil society is broken and inclusion of the other becomes impossible, unless a collective effort is made to develop a different attitude that projects a new light on-to history, both contrite and reconciliatory, and that helps the population move forward, and write a new, more nuanced chapter of social life.

Many cultural myths need to be dismantled or relativized. In a book devoted to analysing the question of integration, immigration and exclusion in Denmark, Karen Fog Olwig and Karsten Paerregard argue that the perception of Danish society as a culturally homogeneous reality that is only now threatened by migration is actually a result of some historical amnesia, which forgets a long history of cultural blending.⁵³ Nevertheless,

⁴⁸ Hume, D., “Of National Characters”, in *The Philosophical Works*, vol. 3, (eds) Thomas Hill Green & Thomas Hodge Grose, Aalen: Scientia Verlag, 1964, pp. 244–258.

⁴⁹ Smith, D., *The Theory of Moral Sentiments*, (eds) D.D. Raphael & A.L. MacFie, Oxford: Clarendon Press, 1976.

⁵⁰ Kant, I. *Anthropology from a Pragmatic Point of View*, tr. Victor Lyle Dowdell, Carbondale: Southern Illinois University Press, 1978, pp. 225–235.

⁵¹ http://www.pewglobal.org/2016/07/11/europeans-fear-wave-of-refugees-will-mean-more-terrorism-fewer-jobs/ga_2016-07-11_national_identity-00-04/

⁵² http://www.revistadelibros.com/articulos/yugoslavia-el-incendio-de-las-naciones?&utm_source=newsletter&utm_medium=email&utm_campaign=n120160907

⁵³ Until the 19th century, it was dominated by a German elite. Yet, the democratic movement emerging at the end of the 18th century expelled those foreigners. Throughout the 19th and 20th centuries, Denmark received many Swedish and Polish people, who occupied the lowest ranks in society. With this past, the idea of a culturally homogenous Denmark would be a sort of historical amnesia. With the loss of its empire, the country focused on internal affairs, and developed a cooperative mind, which has

it is a powerful idea because it is linked to a welfare state constructed by the middle class. Seen from a distance, one could argue that Hungary's historical role as Europe's frontier against the Ottoman Empire can perhaps explain its resistance to hosting immigrants from the East. Or, perhaps, that Germany's persistent will to repair its past is part of the reason why it initially exhibited the most welcoming reaction to an influx in immigrants. Or, similarly, that France's colonial past, as well as its secularist conception of republican government, explains its opposition to the Islamic veil...

Other examples could be given and argued.⁵⁴ From a practical perspective, however, the important thing is that *ideas about who we are can be revised in the light of who we want to be*, when confronted with a new social reality. In the emerging new social scenarios, more nuanced approaches to who "we" are should be examined both at the national and at the global level. Breaking through such simplifying and dialectical narratives is important in order to avoid the fantasy of cultural purity.⁵⁵ It is also important to construct societies that are hospitable to cultural differences. This is perhaps particularly necessary in countries comprised of different cultures going through a deep political transformation.⁵⁶ A more nuanced and practical view of culture should bring us to share in the intellectual and ethical elements that, ingrained in our own cultural traditions, can foster community instead of promoting division. This is what I like to call "topic-universalism", to differentiate it from the kind of "abstract universalism" imposed upon human agents from above, with no regard for the work of their own practical reason.

configured its present. Karen Fog Olwig and Karsten Paerregaard (eds), *The question of integration: immigration, exclusion and the Danish welfare state*, Newcastle upon Tyne, UK: Cambridge Scholars, 2011.

⁵⁴ See Jacqueline Laughland-Booÿ, Zlatko Skrbiš, Bruce Trante, "Narratives of nationhood: Young Australians' concepts of nation and their attitudes towards 'boat people', *Journal of Sociology* 1-15, 2017. DOI: 10.1177/1440783317704991.

⁵⁵ Gilbert Vincent suggests that this purist attitude shares some resemblance with contemporary obsession with hygiene. He also notes that solidarity movements represent a symbolic response to the obsession with purism in cultural matters: (*Hospitalité: la naissance symbolique de l'humain*, Strasbourg: Presses Universitaires de Strasbourg, 2015, p. 36).

⁵⁶ Rachel Busbridge reports in a review essay, about the relationship between Maoris and Pākehā in New Zealand, after decolonization. Busbridge, R. "Between continuity and change: Contemporary indigenous identities and Māori in Aotearoa New Zealand", *International Sociology*, September 2016 vol. 31 n° 5, 515-524.

Indeed, if, as pointed out above, culture is an endowment of individual human beings who do not merely enact existing cultural norms, but rather interpret them, negotiate with them and recreate them in light of new challenges, then it entails understanding the meanings and values transmitted in one's culture and finding ways to reproduce them in new circumstances. From this perspective, adopting a practical approach to culture invites everyone to contribute with his or her own cultural resources to the social conversation⁵⁷ and to creatively expand the modern ideal of civil society beyond its original European context, showing its potential to articulate cultural complexity in a global scenario.

3. Expanding civil society

While art symbolically provides beautiful examples of the richness that results from creative exchange between individuals coming from different traditions and cultural backgrounds, fostering cultural synthesis at the level of civil society requires something more than making room for artistic hybridity. It involves allowing everyone to bring his or her own cultural resources to the construction of a common social world.⁵⁸ What I mean

⁵⁷ Jeremy Hein and Tarique Niazi explain the fact that civil society shows more openness to refugees than the states arguing that all major religions have “a flight narrative about a divine escape. Moses, the infant Christ, Mohammed, the infant Krishna, and the future Buddha all fled from imprisonment or death threats. These faith-based flight narratives are thousands of years older than the state's political asylum policy and they continue to be commemorated in ritual and practiced through actual assistance to refugees. The primordial refugees in world religions partly explain why civil society can be more responsive to forced migration than the state”. Hein & Niazi, “The primordial refugees: Religious traditions, global forced migration, and state-society relations”, *International Sociology*, 2016, Vol. 31(6) 726–741. DOI: 10.1177/0268580916662388.

⁵⁸ Herein lies the difference between rights to culture and cultural rights: “In advocating cultural rights, the crucial link is the relationship between those rights termed as ‘cultural’ and other rights such as the right to education and development, and different freedoms in relation to the right to take part in cultural life. The ambit of cultural rights is larger than themes related to artistic expression and creativity, and therefore illustrates the necessity of finding defining mechanisms to uphold and promote social responsibility, and ways of assuring participation, access to culture, the right to express and interpret culture, and preservation and education as principles in policy-making. Furthermore, cultural policies based on cultural rights enable the art and culture sector to look for concrete implications in the relation between cultural practices and social cohesion and inclusion. Strengthening legal instruments and policies is an important necessary step in the recognition of cultural freedom. But more importantly, an enabling and proactive environment for access, participation and community action

by more *participatory societies amounts to societies that evolve out of human relationships, and recognise the human being behind his or her culture, not just at the political level, but rather at all levels of social interaction.*

From this perspective, then, fostering participatory societies is more than securing abstract “cultural rights”.⁵⁹ It requires recognising the value of culture in human life, without thereby compromising the centrality of the human person through her subordination to communal ties and cultural stereotypes. Indeed, while there is something unsatisfactory about speaking of culture merely in terms of individual rights, excessive stress on the role of communal ties can lead to assuming a much too homogeneous and rigid account of culture, which bypasses the complex way in which individuals ponder cultural values in the decisions they face. This complexity is present every time people decide to migrate: confronted with a difficult situation, individuals often subordinate cultural values to other, more pressing considerations.

And yet, in contrast to the assimilationist approach that was taken for granted during the 1950s until the 1970s,⁶⁰ we observe that contemporary migrants want to preserve their cultural background, and try to keep in touch with their communities of origin. Living in “transnational communities”⁶¹ they use communication technologies to develop and articulate “multiple belongings”.⁶² In other words, *they negotiate their way of life, generating a particular cultural synthesis of their own.*

On the other hand, however, *people in host societies have at least the same legitimate desire to preserve their own way of life, and a right to design the policies they deem more appropriate to do so.* This is why, traditionally, states

facilitates and fosters the sense of inclusion and enjoyment of rights, and at the same time the sense of responsibility towards the community itself”. Annamari Laaksonen, “Measuring Cultural Exclusion through Participation in Cultural Life”, in *Third Global Forum on Human Development: Defining and Measuring Cultural Exclusion*, 17–19 January 2005 Paris http://www.culturalrights.net/descargas/drets_culturals135.pdf

⁵⁹ Cultural rights, and the ‘Right to Take Part in Cultural Life’ in particular, first formulated in the Article 27 of the Universal Declaration of Human Rights.

⁶⁰ Mansouri, Fethi & Lobo, Michele, *Studies in Migration and Diaspora*, Farnham, Surrey: Routledge, 2011.

⁶¹ Mansouri, F. “The Multicultural Experiment: Premises, Promises, and Problems”, in (ed.) Mansouri, F. *Cultural, Religious and Political Contestations. The Multicultural Challenge*, Cham: Springer International Publishing, 2015, p. 8.

⁶² See Pfaff-Czarnecka, Joanna, “Multiple Belonging and the Challenges to Biographic Navigation”, ISA E-symposium for Sociology, 2013.

have not only a duty of hospitality that is narrowly linked to the duty of humanity, but also a right to determine the conditions of residence. Kant spoke of a right to visit, not to be confused with a right to settlement because the latter requires a specific contract.⁶³

Now, while political coexistence is built upon compromises of this sort, *social life requires more than mere juridical coexistence; it requires engaging everyone in the construction of a common world*. Indeed, the cultivation of multiple belongings by individuals living in the same country points at a transformation of the modern nation-state, with its somewhat problematic fusion of political culture and overarching national identity. Social reality is calling for a reformation of political institutions and political life, to be up to the task. This, however, means that the real challenge is at the level of civil society, as a space of dynamic social interaction, in which everyone, regardless of their cultural background, can find his or her own place, actively contributing to social life. Rather than hiding cultural differences, the idea is to capitalize on those differences to foster the progress of marginalized people, and the development of new social and cultural synthesis.

Addressing this challenge is not just a matter of remembering the virtues of democracy. While democracy is a political regime or procedure particularly adjusted to the equal dignity of all human beings, its substantive value is decided in each case by the values actually exchanged in civil society. This suggests that, in order to tackle the issue of cultural exclusion, we need to think beyond the formal, political level, and address informal culture and everyday life, shaped by public discourses and media representations. In this regard, too, education and ordinary social interaction have a critical role to play.

At any rate, talk of “cultural rights” can be useful insofar as it serves the purpose of making clear *both* the role of culture in personal development, as well as the role of people in the creation of culture. The realization of cultural rights depends on securing the participation of everyone in the construction of society. By contrast, disengagement from society, not being willing or able to participate in its construction, leads inevitably to (self-) exclusion of society⁶⁴ and/or construction of parallel societies, living under

⁶³ Kant, I., *Metaphysics of Morals*, 6: 353 (tr. Mary Gregor, Cambridge: Cambridge University Press, 1996, p. 121).

⁶⁴ Referring to “The Human Development Report 2004: Cultural Liberty in today’s diverse world” Annamari Laaksonen notes that “cultural participation has a direct relation with what may be termed cultural exclusion”.

the same political umbrella, perhaps inserted in different global circuits, in which cultural diversity is no longer a potential source of richness, but rather a sign of alienation and confrontation. We can think of the Maras, but also of young people recruited by ISIS in western countries.⁶⁵ The fact that many of these come from relatively well positioned families suggests that, at least in some cases, marginal sub-cultures should not be viewed merely as a by-product of economic and social exclusion, but also as the negative expression of identitarian concerns, concealing a nihilistic experience: no roots, no future. Insofar as individuals often search and find in those marginal groups the sense of belonging and purpose that is denied to them in the larger society, said groups also become a symbol of a fractured society: along with “normal” society, a marginal world emerges, which, in certain cases, is not marginal at all.

This kind of social exclusion comes into play whenever culture, itself a human mediation, no longer provides meaningful mediations. In this context, there is a need to remind that culture is not a closed and static reality existing above individual human beings; it is, rather, an open and dynamic reality that only emerges in and through the interactions and relationships that human beings establish with one another; a reality, therefore, shaped by the intellectual and ethical values that human beings manifest in their mutual interactions.

Marcel Mauss once designated as “civilisation” the cultural elements especially “apt to travel” from one group to another.⁶⁶ Of course, the implicit idea is that not every cultural element is equally “civilisatory”. Instead, many cultural elements are deeply rooted in the specific history of a particular people, inscribed in their social interactions, and hence difficult to transplant to other social settings. This is why self-uprooting from one culture and relocation in a new society, with its own cultural practices and expectations, is never an easy task. Even in cases in which there is a will to assimilate, migrants experience the difficulty of developing a genuine sense of belonging. Gillian Creese, in her study of African migrants in Canada mentions small details, such as accent, as permanent reminders of an alien origin.⁶⁷ Very often it is not until the second generation that migrants de-

⁶⁵ <https://www.brookings.edu/opinions/this-sudanese-schools-students-are-rapidly-joining-isis/>

⁶⁶ Mauss, M., “Las civilizaciones”, in *Sociología y antropología*, Madrid: Tecnos, 1979, p. 271.

⁶⁷ Creese, Gillian Laura, *The new African diaspora in Vancouver: migration, exclusion, and belonging*, Toronto; Buffalo: University of Toronto Press, 2011.

velop a sense of belonging to the host society. This suggests that developing a sense of belonging is largely a matter of practice and mutual adjustment.

To achieve this goal, efforts need to be made on both sides – on the side of migrants and on the side of host societies – because, even when grounded on different ideas, conflicts usually arise at the level of practice. Nowadays, those practices very often focus on the status of women. The participation of women as full subjects in all spheres of social life is perhaps the biggest challenge, but also a singular opportunity to create participatory societies that overcome cultural boundaries, paying tribute to our common humanity.

Love for one's cultural roots is something other than nostalgic love for a past that can no longer be expected to animate the present. Cultures are truly alive and reveal their vitality when they actually inspire valuable intellectual endeavours and responsible ethical actions. If talk of "cultural integrity" is to make any sense at all, it should be understood as an invitation to develop one's cultural resources in the quest for social inclusion and human conviviality.

▶ HUMAN RIGHTS & PARTICIPATION IN THE SPHERES OF SOCIETY

THE SUCCESSES AND FAILURES SYSTEMS IN COMBATING SOCIAL AND CULTURAL EXCLUSION

DOUGLAS V. PORPORA

In a 2013 article on world millennial goal performance, *The Economist* magazine illustrates what Professor Pierpaolo Donati (2015a; 2015b; 2015c) calls the “lib/lab” compromise in social policy. By millennial goals, I mean the eight international Millennium Development Goals formulated during the Millennium Summit of the United Nations in 2000 and subsequently enshrined in the United Nations Millennium Declaration. These goals were extremely ambitious, including the total eradication worldwide of poverty by 2015 and the achievement of universal primary education. Although by 2015 the world had not achieved these millennial goals, progress was at least impressive. World poverty has since been halved, and primary enrollment in education has now reached 91% (UN 2015).

The Economist's response to such success was to conclude that “the world now knows how to reduce poverty” (Economist 2013). *The Economist* admits that poverty was reduced in part by “a lot of targeted policies – basic social safety nets and cash-transfer schemes, such as Brazil’s Bolsa Familia” (Economist 2013). Such policies are what Donati means by a lab or labor approach to social problems. The lab or labor approach employs laws; bureaucratized services; and income transfers.

This lab or labor approach leaves economic conservatives uneasy, and *The Economist*, a conservative outlet, is no exception. It is rather a lib or liberal or neo-liberal approach that the conservatives favor. Such lib approach puts its faith in the economic market, the more unfettered the better. Thus, predictably, according to *The Economist*, “Most of the credit” for eradicating poverty “must go to capitalism and free trade, for they enable economies to grow – and it was growth, principally, that has eased destitution” (Economist 2013).

Donati sees limitations to both the lib and lab approaches and to the limited compromise between them. In fact, he argues that the limited alternation between lib/lab tendencies is part of what hampers efforts to deal adequately with social exclusion. Thus, along with Professor Margaret Archer (see Donati and Archer 2015), Donati calls instead for more input from the third, civil sector between market and government.

Although I am myself more partial to the labor side of things, I am going to draw on Donati's lib/lab understanding as I pursue my task in this paper. That task, as indicated by my title, is to describe the successes and failures of democracies in address to social and cultural exclusion.

I must admit I had to play a bit of catch-up to present this paper. I come from the United States, which was enclosed by walls even before Donald Trump. Thus, while Europe and, indeed, the rest of the world have been speaking for decades now of exclusion, outside of public health, that vocabulary is fairly unknown in the U.S. We follow more what the World Health Organization (WHO) literature review on exclusion calls the rights approach (see Matheison et al. 2008), which emphasizes rights and privileges, or disparities and inequalities. In relation to the poor specifically, we tend to speak not of exclusion but of insecurity as in food insecurity.

Coming from a rights approach, we in the U.S. do not connect exclusion specifically with the poor. On the contrary, when we in the U.S. think specifically of exclusion, we tend to think more of the non-poor. We have, for example, been more preoccupied with the so-called glass ceiling on women's advancement. In contrast with Germany and the United Kingdom, the U.S. has yet to elect a female head of state, and it is apparent from our last presidential election that there remains in the U.S. considerable uneasiness even among women with a woman in that executive position. We likewise have been preoccupied with the exclusion of gays and lesbians from the institution of marriage, which is a major way in which people participate in the social order.

None of which is to say that the U.S. has no problems with what can be called "the most excluded". The U.S. does have such problems. In fact, in comparison with many other democracies, American problems are actually worse.

Because how we talk about our problems is in fact part of our problem, I will begin by briefly rehearsing the history of this term exclusion and the multidimensional understanding of poverty it implies. I will follow that with a broad look at how democracies of the southern hemisphere achieved progress in the Millennium Development Goals and the difficulties facing them going further.

Then I will look more closely at the progress combatting social and cultural exclusion made by the nations of the European Union since their joint commitment toward that end at the Lisbon Summit of March 2000. In that analysis, I will use the U.S. as a benchmark, not because I share my compatriot's view of the U.S. as the world's greatest democracy but

because on the contrary, some of the problems show up starker in the U.S. and because accordingly some of the EU's successes show up better by that comparison.

Finally, I will return to Donati's lib/lab framework. From that perspective, I will comment on the call to more action on the part of the civil society that constitutes the third sector.

Exclusion as a concept

To address the problem of exclusion effectively, we must understand it correctly and measure it properly. Thus, how we talk about exclusion and what we mean by it is fundamental to the task.

Current talk of exclusion traces back to 1974 and the French Secretary of State for Social Action, René Lenoir. Lenoir spoke of the "most excluded", under which category he included the poor; the mentally and physically disabled; the suicidal and drug addicted; and those otherwise marginalized. It was a time when France was preoccupied with the problem of full employment, and Lenoir's classification evoked the concern of French sociologist Emile Durkheim for social integration (Matheison et al. 2008).

Exclusion was quickly picked up throughout Europe, somewhat displacing references to poverty. From there, the framework of exclusion was adopted by the International Labor Organization (ILO) and subsequently by the World Bank, the World Health Organization (WHO), and the Organization for Economic Cooperation and Development (OECD).

What accounts for the rapid appeal of exclusion as a socio-political category? A variety of explanations have been offered, some critical of the term (Beall 2002; Gore and Figueiredo 1997; Veit-Wilson 1998) and some appreciative (e.g., Estivill 2003). The critics charge that exclusion is a neo-liberal attempt to depoliticize poverty. The more appreciative commentators suggest that exclusion is less stigmatizing and less provocative than references to poverty and also that exclusion opens up analysis to a more causal orientation that is multidimensional in nature. Exclusion on this view is not just economic but social and cultural as well.

Silver (1994) perhaps has the right of it in observing that part of exclusion's appeal is that it is polysemic, taking on different meanings for different users, especially across the lib/lab spectrum. On the liberal or neo-liberal side, going back to Lenoir's original Durkheimian understanding, there is what Silver calls the *Solidarity* paradigm. This paradigm views exclusion as a "breakdown of a social bond between the individual and society that is cultural and moral rather than economic" (Mathieson et al.

2008: 17). Also called the *moral underclass discourse* by Levitas (2005), this perspective ends up laying the blame for exclusion either on the individual excluded agents themselves, who lack the moral gumption to do what is necessary to participate appropriately, or on their culture, which fails to pass on participatory norms to succeeding generations. The latter view, which American sociologists call *Culture of Poverty Theory*, is very prevalent in the United States but has also been picked up in Europe, as by the Tories in the U.K. (Levitas 2005).

On the other side of the divide, exclusion can fit into a labor framework via what Levitas (2005) calls the *redistributionist discourse*. This perspective counterpoises exclusion to full citizenship, understanding exclusion either as a discriminatory denial of rights or, as Sen (2000) puts it, an unintended consequence of social dynamics or policies.

To fully distinguish the lib/lab understandings here, it is helpful to draw on Professor Margaret Archer's (2013) acronym SAC – which stands for structure, agency, and culture. In much contemporary sociology, these three categories have collapsed into each other, with structure being swallowed by culture, and culture, reinterpreted as practice, being swallowed up thereby into agency (Porpora 2015). The result is the loss of crucial distinctions. Against this current, Archer has defended a pair of analytical dualisms, distinguishing agency first from structure and then from culture.

On Archer's (1996) view, culture refers to *intelligibilia*, or to what can be interpreted. It is that to which Max Weber applied the term *Verstehen* and which Anglophone philosophy distinguishes as requiring understanding rather than explanation. Included in this category are our intersubjective experiences, namely, shared values, beliefs, norms, and rules. Structure, on the other hand, refers not to what we necessarily experience but to the relations that organize our collective life – gender and class relations, for example, or the division of labor. In contrast with the *intelligibilia* that comprise culture, structural relations are more objective or material in that they often can exist even without anyone's notice. Agency, as the actions of specific human actors, is always culturally informed and social structurally positioned but is analytically distinct from both structural and cultural contexts.

The relevance of these distinctions with regard to exclusion pertains especially to the most excluded and, specifically, to understanding why they are excluded. Are the most excluded excluded by virtue of their own agency through personally poor choices and lack of initiative? Is the problem subcultural, with those living in segregated communities passing on

poor values and coping skills to their children? Or is the problem due to the objective opportunity structure, particularly a scarcity of well-paying jobs? Although the problem is likely a combination of all three factors – structure, agency, and culture – the emphasis tends to vary across the lib/lab divide with liberal sentiment favoring the agential and cultural factors and the labor sentiment emphasizing the opportunity structure.

Between the lib/lab approaches to exclusion described above, we see additional ambiguities in the concept of exclusion. Is exclusion a category or state or is it a process? Does it reference a binary or a continuum? And beyond the economic, what are the social and cultural aspects of exclusion, and how do they interrelate?

Our answers to these much debated questions affect what we consider the problem to be addressed. The suggestion of Lenoir's original formulation was that the excluded were a category of people, namely those whose life chances are most vulnerable. But even there, that most vulnerable category is constituted by multiple exclusions, each understood as a verb or process. If so, then there must be other people who are excluded in only slightly fewer ways.

Should we not also concern ourselves with exclusions beyond those typifying the category of the most excluded? Aside from moral concern for the injustices associated with such exclusions as the glass ceiling for women, Teichman (2016: 5) points out that attention beyond the most excluded is needed even just for policy reasons alone. She observes, for example, that when improvements occur more slowly for the working poor than for the poorest, inevitable resentments arise that pit social classes against each other. As an American, I can certainly attest to such destabilizing resentment in my country. There, the tension is exacerbated by perceived racial differences, that is, by rural, working-poor whites mistakenly associating the non-working poor with urban blacks. However much that mistaken association prevailed, the election of Donald Trump was partially fueled by the resentment of poor, rural working whites for a welfare entitlement program that neglects them.

Such considerations push us to understand exclusion not as a binary but as a continuum that applies to more than just those most excluded. At the same time and for the same reasons, we must understand exclusion not just as a state but as a multidimensional array of relations.

That multidimensionality is meant to direct us beyond economics to social and cultural factors. The problem is that when exclusion remains identified with the most excluded, the social and cultural factors consid-

ered stay narrowly circumscribed around economics. Consider the twenty or so indicators of poverty and exclusion adopted in 2001 by the European Council in Laeken. Eight indicators specifically measure risk of poverty in different forms. Another seven deal with joblessness or unemployment, which might be considered social indicators but essentially are also economic. Life expectancy and health, also measured, are as much physical as social, which leaves schooling as the one most social or cultural category.

The same applies to the Human Development Index developed by Amartya Sen. A composite of three main factors – life expectancy, education, and per capita income, only education is exclusively social – and even it has economic implications.

The Global Multidimensional Poverty Index (GMPI) developed jointly in 2010 by The United Nations Development Programme and Oxford University is better in this regard as it incorporates more measures of a social nature, such as access to plumbing, potable water, electricity along with educational and nutritional measures. Yet access to consumables also remains largely an economic consideration. Even more socially sensitive perhaps is the Bristol Social Exclusion Matrix (Levitas et al 2007; Matheison et al. 2008), which includes a range of clearly social indicators relating to cultural and political participation.

Political participation especially has not received sufficient emphasis. It is an important lacuna because, as Teichman (2016) argues, one of the factors that seems to account for progress among developing nations is political consensus on the parameters of that project. As long as such participation is incomplete and as long as powerful social partisans aim at keeping it incomplete, that consensus cannot be fully achieved. Even without intentional exclusion, inequality itself exacerbates it. Thus, one of the challenges facing democracies in their address to exclusion is dealing with forces that contribute to intensifying inequality.

I rehearse these various understandings or operationalizations of exclusion because a range of United Nations and multinational organizations affirm that what progress has been made on inclusion has depended heavily on better data collection (Matheison et al. 2008) so that what data we collect becomes vital. In the rest of this paper, I will cover what we know of how well democracies have fared in their address to social and cultural exclusion as it has been more narrowly understood in this literature but will also try to go beyond that narrower understanding to address forms of social and cultural exclusion that are not necessarily tied to poverty but to issues of sexuality and political participation that more fully relate to

the wider agenda of Pope Francis that this plenary is meant to assist. I will go next to the successes and failures associated with developing countries, turning from there to the United States and Europe.

Successes and failures with exclusion in developing countries

The number of democracies in the world is a matter of some dispute that depends on what one means by democracy. The U.S.-based Freedom House ranks two thirds of the world's countries as free or at least partly free, and Oxford University's *Our World in Data* likewise counts a majority of countries as democracies. Somewhat more conservatively, the *Economist* Intelligence Unit puts the number of full or flawed democracies at only 45%.

While for the developing world as a whole we do not have comprehensive data just on democracies, we have a good proxy in the data from the United Nation's (2015) final report on its Millennium Development Goals, which in the developing world apply to democracies and non-democracies alike. The Millennium Declaration, adopted by the UN General Assembly on September 8, 2000, identified eight different goals to be achieved by the world by 2015.

A number of the Millennium Goals, especially "development and poverty eradication", deal with the problem we are calling exclusion in all its multidimensional nuance. Specifically, beyond extreme poverty itself, measured as those subsisting on less than \$1.25/day, development and poverty eradication encompass such concerns as employment and vulnerable employment; food insecurity; education and literacy; and health and access to medical care. Sensitive to social and cultural considerations, the goal also gives special attention to women and ethnic minorities.

In broad measure, the Millennium Project was both broadly successful but not completely so in its address to those most economically, socially, and culturally excluded. If we measure extreme poverty as those living on \$1.25 per day or less, then even ahead of schedule, the percentage of people living in extreme poverty halved. Admittedly, a good part of that progress can be attributed to the People's Republic of China, which, despite its name, is not considered a democracy by any of the indices identified above. Even so, however, there has been progress elsewhere as well.

Among successes were general improvements worldwide in employment. The percentage of workers living in extreme poverty dropped from 50% to 11%, which suggests some improvement in basic pay. That suggestion is reinforced by the growth worldwide of a middle class, defined

as those in developing countries now living on at least \$4/day. Whereas in 1991 only 18% of the population in developing countries could be so categorized, today fully half are middle class by that definition. Women specifically have improved their situation. Outside of the agricultural sector, women in developing countries now constitute 41% of the paid workforce, which is up from 35% in 1990 (UN 2015: 5).

The situation of women has also improved considerably with regard to education, where they have largely narrowed the gap with men on educational attainment. In fact, now in South Asia, girls surpass boys in primary school enrollment. Looking at girls and boys combined, primary education has risen from 83% in 2000 to 91% today. That figure is edging toward the 97% level considered universal education. Literacy, similarly, among youth aged 15–24 has risen from 83% in 1990 to 91% today.

Global health statistics have also improved. The level of undernourishment in developing countries has been nearly halved from 23% to under 13%. Infant mortality likewise has been more than halved from 90/1000 to 43/1000. As about 84% of children worldwide have received at least one dose of measles vaccine, the number of annually reported measles cases have declined by 67%. Some 13.6 million people are now living with some form of antiretroviral therapy, and between 2000 and 2013 the number of people newly infected by HIV has dropped 40%.

Finally, there is greater inclusion of access to consumer goods. In particular, today there are about seven billion mobile-cellular subscriptions and some three billion Internet users.

How were these Millennium Goals achieved? First, it must be understood that the Millennial project followed and in some ways reacted to a regime in the world system that had been almost exclusively liberal or neoliberal in character. That regime culminated in what came to be called the Washington Consensus in reference to the convergent approach to developing countries of three Washington-based institutions: The World Bank; the International Monetary Fund (IMF); and the U.S. Treasury. Although according to economist John Williamson, who coined the term, the Washington Consensus had always included certain anti-poverty provisions, these had been mostly forgotten in an emphasis on marketization and privatization; liberalized markets; and fiscal discipline.

It must similarly be remembered that in contrast with what has been called modernization theory (see especially Rostow 1991), progress among the world's developing countries could never be understood in isolation. In the first place, developing nations have entered the modern world sys-

tem (see Wallerstein 2011) not in their original state but after a colonial remolding that converted many diversified economies into monocultures that served the needs of imperial powers. Developing nations consequently were not so much undeveloped as de-developed. Accordingly, they began modernization crippled in various ways, especially by rampant poverty, and forced to enter a world system that had prepared them only for a dependent development vis-à-vis the already industrialized nations (Gunder-Frank 1967).

There was thus an initial period in the 1960s when developing nations tried to nurture their own, indigenous industrial modernization through tariffs and import substitution. This strategy proved a failure, mostly because the tariffs caused rampant inflation and because the cost of the capital goods needed to supply the indigenous industries caused crises in balance of payments.

There then came a switch in strategy to export-oriented growth that soon coincided with the period we know as globalization. During this period, in search of cheaper labor, industry in the developed world began moving operations to developing countries. Erected thereby were extensive trade networks in intermediate goods called Global Value Chains (GVCs).

The position of the developing countries continued to remain fragile. Always strapped for cash and forced to choose in opportunity costs between growth and service provision, developing nations are especially susceptible to both natural disasters and such humanly produced crises as fuel hikes and financial collapses. Thus, in the 1980s many developing countries went into such serious debt that they became unable to service it.

There then followed the period of IMF-imposed structural adjustment, under which to receive IMF help in debt service, developing countries were required to liberalize their economies. Among other things, liberalization meant the elimination of tariffs; privatization of state firms and even services; and contraction of social services. Between 1980 and 1985, some 40 developing nations underwent some period of structural adjustment (Teichman 2016: 40).

The economic dislocation and government austerity associated with structural adjustment only worsened the quality of life in affected countries as did the overall neo-liberal regime governing the world system. Thus during the 1980s, 17 countries in Latin America declined in per capita income; extreme poverty rose from 13% to 17%; and job losses in the formal sector fueled an expanding informal economy (Teichman 2016: 42). In both Latin America and Africa, there were spikes in child malnutri-

tion (Teichman 2016: 44). In both El Salvador and Guatemala, for example, some 75% of children under twelve were to some degree malnourished (Porpora 1992).

With the anti-WTO protests in Seattle and other backlashes against neoliberalism, it finally became understood that cutbacks on government services hurt development (Mitchelle and Sparke 2015). Thus, the Millennium project marked a partial departure from the entirely liberal approach to development. In some ways, it marked a post-Washington consensus consensus (Mitchell and Sparke 2015), led by the IMF and especially the World Bank (Teichman 2016: 3). The new consensus was a realization that a one-size fits-all, lib-style focus on economic growth and open markets would not suffice on its own to lift people out of poverty. That approach had to be supplemented by new attention to inclusion, in the first place by lab-style, state policy that actively targeted poverty reduction.

The new consensus did not, however, just represent a new combination of lib/lab approaches. In some ways, it has sought to go beyond the lib/lab framework altogether. Specifically, it seeks to incorporate multiple stakeholders from the civil sector, like non-governmental organizations (NGOs) and even large scale philanthropic organizations like the Gates Foundation. The approach essentially has been 3P: a partnership of public, private, and philanthropic stakeholders. In addition, furthermore, to lab-style state efforts, the lending approach of the World Bank has also been to circumvent the state in partnership with local, micro collaborators.

There have been essentially four main prongs to the effort. The first was a lib-style mechanism but one that, unlike the former structural adjustment programs, was more carrot than stick. I am speaking specifically of the *Heavily Indebted Poor Countries Initiative* (HIPC), which has granted outright debt relief to nations pledging to liberalize their economies and exercise fiscal restraint.

The second prong was lab-style state-initiated programs that target poverty reduction. Among the most effective of these have been the Conditional Cash Transfer Programs. Brazil's Bolsa program, which I mentioned at the beginning of this paper, was an early model. Basically, Conditional Cash Transfer Programs provide poor households, often female-headed, with small cash amounts in exchange for fulfilling certain conditions like insuring that children attend school and receive vaccination. The cash transfer programs thus achieve several goals simultaneously: relieving some of the worst effects of penury, like hunger, and integrating children and families into the social system. These programs do reach the poorest, with 80% of

funding going to the poorest 40% of households (Teichman 2016: 57). With the success of the Bolsa program, Conditional Cash Transfer programs have spread throughout Latin America and also in parts of Asia and Africa.

Social investment funds have constituted a third prong of the effort. Drawing also on philanthropic agencies, these funds are given mostly to NGOs and community groups for labor-intensive projects to, among other things, relieve some unemployment. They are furthermore attempts to offset “market failures by using market tools to create market subjects” (Michelle and Sparke 2015: 3). In pursuit of grants and funds and in managing “return on investment” the poor are encouraged to buy into and become proper market subjects; being subnational, local initiatives, such funding is also supposedly post-political (Michelle and Sparke 2015). There are now over a hundred such investments in over fifty countries (Teichman 2016: 51).

The fourth prong of the millennial effort, which has especially drawn philanthropic participation, is investment in micro-financing institutions modeled after the Grameen bank in Bangladesh. In 2006, the Grameen Bank and its founder, economist Muhammed Yunus, won the Nobel Peace Prize. Operating on the principle that loans are better than charity, such micro-financing institutions or chit funds are particularly empowering of women, who constitute the majority of borrowers. Again, circumventing the government, the market, and an often failed welfare system, micro-financing seems to move beyond a lib/lab formulation.

As successful as all these measures have been, they have not been completely so. Certainly, in terms of well-being, moving people beyond \$1.25/day is a very low bar. Progress, moreover, has been uneven. In sub-Saharan Africa, some 40% of the population still has not attained that minimum standard. Almost a billion people still experience hunger due to unemployment, weather, and disasters. Throughout the developing world, women still face discrimination in work, pay, and other forms of participation. Although women have narrowed the gender gap in primary and secondary schooling, they still face a wide gap in tertiary education.

Other failures remain. Perhaps the most glaring is an urban-rural gap. To use the language of exclusion, in developing countries as in, we will see, developed countries also, rural areas have not been included in many social and cultural gains. In rural areas across the global south, only 56% of rural births are attended by skilled health care personnel as compared with 87% in urban areas. Many of the poorest, most remote children fail to receive needed vaccines, and half the rural population lacks improved sanitation as compared with only 18% of urbanites. And in many countries, like India,

inadequate attention to disablement means, among other things, that many disabled children fail to attend school.

One last notable failure concerns employment. As in the developed world as well, among developing countries, employment opportunities are not expanding quickly enough to keep up with the popular demand for jobs. In fact, the global ratio of employment to population fell from 62% in 1991 to 60% in 2015. As I say, and as is generally recognized, this problem is serious for both developed and developing countries. Despite progress, the Millennial Report (UN 2015:19) avers, almost half the world's "employed people are still working in vulnerable conditions" that do not amount to "decent" jobs. As I move now from the developing nations to those already developed, I think the time has come to seriously ask whether capitalism any longer can generate not only enough jobs but enough jobs to afford a decent standard of living, and if, not, what do we do about it.

The United States

I turn now to the United States, which, according to *Fortune Magazine*, is the world's richest democracy, at least in terms of personal wealth (Sherman 2015). I refer to the U.S. as a democracy, and it actually imagines itself the greatest such. It is thus interesting to see that Britain's *Economist Intelligence Group* lists the U.S. not among the world's 19 full democracies but only among its second tier of flawed democracies. Whatever else one makes of that assessment, it indicates how even great wealth does not guarantee successful democratic address to all problems of social and cultural exclusion. Indeed, some of such problems the U.S. fails to address successfully – or not address at all – compromise its very standing as a democracy. I am thinking here particularly of inequality.

But as much of what I will say about the U.S. will be critical, let me at least begin with a few ways in which the United States has done well combating social and cultural exclusion. First of all, in 1990, the U.S. passed the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in all areas of life. It has meant that many pursuits have become more accessible to people with disabilities so that they can participate. Among other things, it has meant lowered drinking fountains, widened bathrooms, and wheelchair accessibility on buses. The law has not solved all problems of accessibility for disabled persons, but it has been an important landmark.

Likewise, despite its great unpopularity in some circles, the U.S. still has a strong, national policy of affirmative action, encouraging greater social

participation among women and minorities. Again, the various initiatives associated with American affirmative action have hardly resolved the issue. The U.S., for example, still lags behind many other countries in the number of women on corporate boards and in government (CBC 2015). But at least America continues to move positively in this direction.

It is also worth noting that since a Supreme Court decision in 2015, same-sex marriage is now legal in all fifty states and that public support for this form of inclusiveness is now over 60% (Gallup 2016). And lastly, I note because of its great currency, that despite the continued opposition of the Trump administration, there are still many so-called “sanctuary cities” like my own Philadelphia that strive to remain hospitable to the social and cultural inclusion of undocumented immigrants and refugees.

I turn now to ways in which the U.S. is exemplary only in how even a great democracy can fail to pursue social and cultural inclusion. As observed by the *Fortune Magazine* article to which I referred above, the U.S. is not only the world’s richest democracy in terms of personal wealth, but also in those terms one of the world’s most unequal. The wealth concentration in the U.S. is such that the top tenth of a percent of the population has almost as much as the entire bottom 90%, with a small, nine percent, middle class having a comparable amount (The Guardian 2014). The concentration of wealth in America is so consequential that the latest issue of *Contemporary Sociology* (3/2017) reviewed seven recent books on the topic, one by Professor Joseph Stiglitz. I am accordingly going to organize the remainder of my remarks on the U.S. around the theme of inequality.

The inequalities extent in the U.S. is multidimensional and not just economic. I begin, however, with the ramifications of economic inequality, which ultimately, in terms of Professor Donati’s lib/lab distinction, makes the U.S. the kingdom of economic liberalism or what has been called market fundamentalism. Market fundamentalism is a particularly apt designation, as for many in the US, the market, connoting freedom, is practically an object of worship.

It is a basic point of Marxian social theory that economic power translates into cultural and political power. So it has been in the United States. Whether voice is direct or representative, democracy is supposed to mean that people enjoy equal say in the political decisions that affect them. Equal say, however, requires more than just equal vote. More important than voting on the items on an agenda of choices is what is called agenda-setting, the determination of the choices to be voted on (Lukes 2005). In the case

of general elections, agenda-setting refers not to voting for one candidate over another but determining who the candidates are.

As viable political candidacy requires substantial money, those with much more money can participate so much more than everyone else in candidate selection that equal say for all is effectively vitiated. If so, then America is indeed seriously compromised as a democracy. The effects are apparent. The money wielded, for example, just by the Koch brothers and their associates has effectively pulled the Republican party so to the right that Republican congressmen are terrified of admitting that climate change is real or humanly produced (Mayer 2017).

It is likewise due in large part to the unequal role of money in American politics that, as Bernie Sanders put it during our last electoral cycle, the U.S. is “the only major country on earth that does not guarantee health care to all people as a right” (Greenberg 2015). During the battle over America’s Affordable Care Act or Obama-care as it is known, the insurance industry alone spent over \$100 million to keep health care coverage completely privatized (Callaghan 2016). More recently, presented with a Republican party health care plan that would result in 24 million Americans losing their newly gained health coverage, the Republican right-wing balked, effectively because the plan even then remained for them and their moneyed backers too inclusive.

It is not just in terms of limited access to health care that the U.S. remains exceptional. It is exceptional as well among major democracies more fundamentally in limiting citizen access to political participation. In his last press conference as president, Barack Obama observed how the U.S. is “the only country in the advanced world that makes it harder to vote rather than easier” (Obama 2017).

In answer to a follow-up question, Obama affirmed that he was alluding to voting rights. As he went on to say, “The reason that we are the only country among advanced democracies that makes it harder to vote is – it traces directly back to Jim Crow and the legacy of slavery and it became sort of acceptable to restrict the franchise” (Obama 2017). “And”, Obama concluded, “that’s not who we are”.

Well, Obama quickly corrected, “That shouldn’t be who we are”, because in fact, it is who we are. The Voting Rights Act of 1965 was supposed to do away with all such barriers to voting within the fifty states, but states persist in playing what is called “whack a mole”, “imposing new discriminatory restrictions every time an existing one” is “whacked” or “ruled illegal” (Popp 2017).

It is one of the vulnerabilities of democracy that those elected to political power can use their political power to so subvert democracy that they stay in power. So it was with the 2010 U.S. Supreme Court decision in the case of *Citizens United versus the Federal Election Commission*. Effectively, the court, appointed by those that wealth placed in power, ruled that wealthy citizens could not be prevented from using their wealth to help decide elections or set the agenda of choices.

Likewise with voting rights. States desiring to limit the participation of certain voters, say black voters, have at least two major tools they use. First, they directly suppress voting via strict photo identification requirements or registration restrictions (Brennan Center for Justice 2017). In America's 2016 presidential election, 14 states had such restrictions in effect (Brennan Center for Justice 2017). The second way in which those in office inure themselves against popular vote is by gerrymandering, that is, redrawing legislative districts to ensure that in each a majority of voters will support those currently in office. Today, the Republicans have so successfully gerrymandered that the U.S. is now close to a one-party state.

Even beyond political participation, racial inequality is particularly acute in the United States. Latinos make up 17% of the American population and African Americans 13%. Whereas the poverty rate among non-Hispanic whites is only nine percent, the poverty rate is 21% for Hispanics and 24% for African Americans. Especially for African Americans, the disparity shows up as well in infant mortality rates. Among non-Hispanic whites in America, the infant mortality rate is only 5.3/1000 live births. For non-Hispanic black women, the rate is 13.3, almost three times higher (MacDorman and Matthews 2011; CDC 2014). That 13.3 rate compares with an overall infant mortality rate of 2.3 in Finland and in Germany of 3.4 (Ingraham 2014).

In the U.S., black people suffer another form of exclusion: mass incarceration. Seychelles aside, as of 2016, the U.S. has the highest per capita incarceration rate in the world, incarceration being the most total exclusion from society. Although, as previously mentioned, African Americans make up only 13% of the American population, they comprise 37% of the prison population. Between the ages of 20 and 34, approximately one out of nine African American men is behind bars (Liptak 2008). This condition has been called "the new Jim Crow" (Alexander 2012) because the ramifications of imprisonment function like the old Jim Crow, making it harder for those once imprisoned to find afterward legal, gainful employment. Thus, at nine percent, the unemployment rate for blacks is more than double the unemployment rate for whites.

The higher unemployment rate for blacks is due to multiple factors besides mass incarceration. In a competitive economy, education matters a great deal. In the U.S., however, where residential segregation has intensified over the past three decades (Fry and Taylor 2012), education is funded locally. Thus, lower income neighborhoods with smaller tax base have less funded schools. The poorest neighborhoods end up with the poorest schools. One consequence is that while 86% of white students graduate from high school, only 69% of black students do (Governing 2017), well below millennial ambitions.

Beyond race, there is another form of residential disparity that does not distinguish the United States. I mean the disparity between town and country, i.e., the polarity between urban and rural areas. As I think now is fairly familiar to the world, the U.S. is highly polarized in these terms. The polarity is partly economic. Although urban blacks and Latinos are disproportionately poor in the U.S., in truth most of the country's poor are white and rural.

Whereas America's urban centers tend to be cosmopolitan and tied more to the benefits of globalization, the rural areas remain parochial and bear much more globalization's costs. It is the rural areas particularly that have felt the decline in middle-income jobs. Whereas in 1980, 59% of households were between two thirds and double the nation's median income, by 2011, only 51% of households could be so classified, and the share of income going to the middle class declined from 60% to 45% (Tankersley 2014).

The middle class's loss of position is part of what has fueled the populist movement in the U.S. and elsewhere. In truth, though, the problem is only partially attributable to globalization. The percent contribution of manufacturing to U.S. GDP remains roughly the same now as it was in 1980. How can that be? The jobs have disappeared but no longer as in the 1980s because they have moved overseas. Instead, the jobs have disappeared because they have become more automated. American manufacturers are doing more with fewer. It is one of the unfolding capitalist processes identified by Marx, but it is not quite globalization. The jobs are simply not there for Trump to bring back.

The trend toward automation will continue. It has been estimated, for example, that the advent of driverless cars – taxis, limousines, trucks – could mean the disappearance of 4.1 million American jobs, which will hit rural white men disproportionately (Langlois 2016). Again, we must confront the prospect that we have reached a stage of capitalist development where

the vaunted market will not automatically, inevitably, necessarily generate enough decent, middle class jobs to go around.

The European Union

As I said, I employ the U.S. as a baseline not because I share my compatriots' view of it as the world's greatest democracy. If anything, the statistics I am about to present suggest otherwise. Rather, I make the U.S. a baseline because in comparison with the U.S., Europe looks good on many indicators that it might not otherwise count in the category of success. To begin with, in contrast with the U.S., Europe does not generally experience the threats to political inclusion we find in many American states. There are no outright attempts to discourage citizens from voting.

Likewise, almost all Europeans are included under universal health coverage. The effect shows up in health statistics. In terms of life expectancy, the U.S. ranks 43rd in the world with a life expectancy at birth of just under 79 (WHO 2016). Nineteen European nations rank higher, including Spain, where the life expectancy at birth is just over 82, and Italy where it is almost 83. At the other end of life, among OECD countries, the U.S. has the fifth highest rate of child (under five) mortality and is outperformed by 23 European nations with lower child mortality rates. Luxembourg and Iceland top the list with infant mortality rates of 1.9 and 2.0, respectively (Wikipedia 2017). From this perspective, the European community can be considered to be considerably more inclusive of more years of life.

Part of the problem for the U.S. is inequality, which, as seen in the previous section, via both race and class differences, affects, among other things, both infant mortality and life expectancy. In terms of income as well as wealth, the U.S. is now one of the world's most unequal societies, reflecting its lib emphasis on freedom over equality. Thus, for income after taxes and transfers, 24 European nations have lower Gini Indices than the United States (OECD 2017).

One of the other quality of life issues inequality affects is social mobility across income rankings, measured, for example, as the correlation between parents' and children's incomes. So defined, social mobility reflects how inclusive upper ranks of society are to those who begin life lower down. As signified by the so-called American Dream, the United States has long been thought of as the land of opportunity. According, however, to what has been called "The Great Gatsby Curve" (Corak 2013), we should no longer expect it to be. The Great Gatsby curve marks an inverse relation between economic inequality and social mobility. And sure enough, with

greater equality, when it comes to social mobility, nine European nations outperform the U.S., including, not just the Nordic countries but also larger countries like France and Germany (Gould 2012).

It might be argued that inequality and social mobility aside, the liberal approach of the U.S. nevertheless provides a higher standard of living. The evidence, however, suggests the opposite. According to OECD statistics, comparing across countries in terms of dollars, the earnings of the tenth percentile in ten European countries exceed the earnings of the tenth percentile in the U.S. (Gould and Wething 2012).

Compared with the U.S. emphasis on liberal market solutions, the EU is much more lab-oriented. The EU dedicated itself to greater inclusion at its 2000 summit in Lisbon and then then once again in 2010 when the European Commission adopted the Europe 2020 strategic plan. Thus, as a percentage of GDP, most European countries spend more on their safety nets than the U.S. (Spross 2015; World Bank 2006) and direct it more specifically toward the most excluded (Spross 2015). As a result, the taxes and transfer programs of some 17 European nations do more to reduce relative poverty than do the corresponding programs of the U.S. (Gould and Wething 2012).

One of the signature goals of Europe 2020 is to lift some 20 million Europeans beyond “the risk of poverty or social exclusion” (European Commission 2010). The risk of poverty or social exclusion is a composite of three factors: risk of poverty; material deprivation; and un- or under-employment. To be at risk of poverty is a relative measure defined against median income. Thus, to be at risk of poverty is to be living, after taxes and social transfers, at less than 60% of a society’s household-size-adjusted median income. Material deprivation refers to an inability to secure the minimal material requisites for social participation. These are indexed by nine specific lacks, among them, lack of a car; washing machine; television; phone (including a mobile); and the wherewithal for an annual vacation away from home. Although unemployment needs no explication, under-employment is equated with living in a household of low work intensity. A household of low work intensity is one where the combined number of months worked by all working age adults (exclusive of students aged 18–24) is 20% or less than the total combined months they could have worked.

On these measures, with economic crisis, conditions in Europe have somewhat worsened. According to the most recent data from Eurostat (2016), almost 24% of people in the EU-28 are at risk on at least one of the three indicators of exclusion. Social transfers do mitigate the risk, but that still leaves 17% at risk of poverty (Eurostat 2014: 26; 2016a).

Similarly, as of 2012, 20% of people in the EU-28 were materially deprived (Eurostat 2014) and as late as 2015, some eight percent were severely deprived – that is unable to pay for at least four of the nine items on the list of material deprivation (Eurostat 2016a). One of these items – being unable to face unexpected financial expenses – is experienced by some 37% of people throughout the EU-28, although there is considerable variation across individual countries. Generally, the problem is more severe in Eastern Europe as in Hungary, where 60% of the population report having been in this situation. But it is a problem as well in Western Europe, where, aside from Sweden and Norway, the problem still afflicts over 20% of the population in each nation (Eurostat 2016a).

Eurostat (2015: 59) reports that in 2014 for those between 20 and 64 years of age, the EU employment rate was 69%, short of the 75% Europe target for 2020. Most west European nations and the Nordic countries had rates above 75%, although some Mediterranean countries like Greece and Spain were below 60%. Even in those countries, employment rates among men exceeded 60%, which, however, then suggests a different issue, namely an employment gap between men and women. That gap has at least closed five percentage points since 2005.

The most recent statistics (Eurostat 2016a) indicate that 10.5% of the EU-28 population is living in households of very low work intensity. The figures were again highest in countries like Greece (16.8%) and Spain (15.4%) and lowest in countries like Poland (6.9%), the Czech Republic (6.8%), and Sweden (5.8%). When we remove factors like retirement; education or training; or illness or disability, the most frequent reason men offer for unemployment (12.4%) is the absence of jobs (Eurostat 2013: 135). Women offer that explanation 8.5% of the time but more frequently family or personal responsibilities (50.2%). Similarly over 36% of men and 23% of women cite lack of jobs for working only part-time (Eurostat 2013: 145).

Another way of looking at the same picture is in terms of unemployment, defined essentially as an adult not currently working but actively seeking work. As of February 2017, the seasonally adjusted unemployment rate for Europe stood at 9.5%, which is just over double what it is in the United States. The rate is particularly high for young people (between ages 15 and 24), standing at over 17% (Eurostat 2017).

Lack of jobs is not the only form that un- or underemployment can take. Thirteen percent of those working are still categorized as at risk of poverty (Eurostat 2014: 28). That figure is a possible indication that the economy is not providing enough jobs with adequate pay or at least not

enough such jobs at the skill level needed. Indeed, in 2012, some 17% of EU workers were low-wage, i.e., earning less than 66% of median hourly compensation (Eurostat 2013: 152).

The underemployment problem is no doubt partly due to a mismatch between population skills and job requirements. The figures for employment by education suggest as much. For people with tertiary education beyond high school, the employment rate was 84%, compared with a rate of 73% for people with just secondary education and only 54% for people who did not complete high school (Eurostat 2013: 136). Another way to put this point is that 41% of early school leavers are jobless (Eurostat 2015: 86).

One of the headline goals of Europe 2020 was to foster educational attainment generally and, specifically, to increase from 31% to 40% the share of the population aged 30–34 who have completed tertiary education. Toward that objective, the EU can count some definite successes. Early leaving from educational training has dropped from 17% in 2002 to 11% in 2015; and between 2002 and 2015 tertiary degrees grew from just under 24% to just under 39%, moving in well ahead of time on the Europe 2020 goal (Eurostat 2016b). Strikingly too, it has been especially women who have taken the lead here. In this age bracket, just over 43% have tertiary degrees as compared with 34% of men.

Regardless of how much un- and underemployment is due to mismatches between population skill levels and job requirements, some of the problem is again also likely due to there just being insufficient good jobs to go around. And with a new wave of automation upon us (*Economist* 2016), economic dislocation is likely to continue for the near future.

It is in part the resulting insecurity among middle classes along with attendant cultural changes brought by immigrants and refugees that makes indigenous reaction against them so pronounced. Because negative popular reaction to the current immigration and refugee problem is understandable, the Holy Father, Pope Francis has delivered what even *Breitbart News* (Williams 2016a) describes as a nuanced position: while allowing that each nation has a right to control its own borders and to take in no more refugees than it can handle, Pope Francis nevertheless exhorts all to do what they can to accommodate these most excluded among us. Pope Francis also called it hypocrisy to call oneself Christian and chase away a refugee (Williams 2016b).

Unfortunately, the world has not uniformly responded positively to the Holy Father's call. In the U.S., where people overwhelmingly call themselves Christian, some 30 governors resisted President Obama's plans to

resettle refugees in their states. Meanwhile, the U.K. has now left the EU in part due to the issue of refugees and migrants. The nations of continental Europe also struggle with the problem.

Conclusion

It is perhaps the refugee issue that most reveals the need to heed Professor Donati's call to move beyond a lib/lab framework. The problem that Donati sees in both approaches – the liberal and the labor – is their replacement of human feeling by external causal mechanisms. The liberal approach yields human feeling to market forces and the liberal approach to bureaucratic rules. Under both regimes, Donati argues, we individual citizens become more socially passive, ceasing to feel our social responsibilities and therefore abdicating our personal responsibility for the welfare of others.

The image Donati (2015a: 215) conjures of the modern welfare state is of a snake that “eats its own tail”. Behind the long processes of differentiation and specialization that characterize modernization, Donati argues, stand two central distinctions: that between state and individual; and that between the mass and the particular. With these distinctions, Donati goes on to say, society dissolves the social fabric on which it draws, separating its technical solutions from the fellow feeling and morality that gave rise to them.

In consequence, fellow feeling and morality both become privatized and withdrawn from the public sphere. It thus happens that individuals experience disbursements to needful others as impositions and come to resent those others on the receiving end. I have drawn attention myself to the privatization of morality as it relates to war and its conduct (See Porpora et al. 2013). Donati's concern for this issue has been more encompassing.

What Donati hopes to see and in fact thinks he does see coming into being is what he calls a new “caring society”, in which more social care-giving does not devolve on either the market or the political state but is an expression of more ethically-based organization in the civil sphere. It is a sector that actually in the U.S. since De Tocqueville, has always been strong. As has often been noted, while the U.S. government may be stingy with charitable giving, individual American citizens score very highly internationally in terms of charitable donations.

Donati (2015a: 227) himself refers to Tocqueville, but if America is a model of associational membership, then a strong civil sphere is not in itself enough. American charitable giving at the individual level is insufficient to

reduce poverty and tends to respond more fully to episodic disasters than to sustained problematic conditions. And there remains in America as we have seen, as sharply as in Europe, an ethical failure to countenance the needs of others without accumulating resentment.

Donati recognizes the problem. What he foresees is a greater feeling for social ethics sustained by the structures of a new moral economy based on new institutions and new networks of mutual benefit. What Donati thus hopes will emerge is a new relational society built around what he and Archer (2015) call relational goods. Such a post- or after-modern social formation, Donati believes, could overcome the binary opposition between “competition-profit vs. solidarity-social redistribution” conflicts.

Although I have studied it only in the U.S., at least there I can confirm what Donati says about public moral passivity. Thus, I can only share Donati’s hope for a new, more ethical successor to modernity.

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THE POSSIBILITIES AND LIMITS OF INTERNATIONAL HUMAN RIGHTS LAW TO FOSTER SOCIAL INCLUSION AND PARTICIPATION

PAOLO CAROZZA¹

In an era in which global norms, institutions, and processes of human rights law have begun to turn their attention to the challenge of social exclusion, it is helpful to ask what role we can reasonably expect human rights systems, particularly in their supranational dimensions, to play in bringing about a more comprehensively inclusive and participatory society. How does the concept of “social exclusion” relate to the idea of human rights and what does a human rights approach to social exclusion have to offer us? What are the possibilities and limitations of supranational human rights mechanisms in addressing and providing remedies for the problems of social exclusion?

In what follows, I will argue that we should not invest high expectations in the capacities of international human rights systems to bring about dramatic social transformations in the direction of inclusive, participatory societies. This is because of inherent, conceptual, and structural limitations in the apparatus of human rights protection, which makes it largely inapt for the goals we are aiming to achieve. However, human rights mechanisms do have an important, even if ultimately limited, part to play in overcoming widespread social exclusion.

1. The emergence of social exclusion as a focus of human rights law

The idea of and attention to the problem of social exclusion (or its converse, social inclusion), present in the social science literature at least since the early 1970s, has only much more recently begun to make its way into the discourse and practice of human rights law on the world stage. Certain constitutional systems have a longer history of engagement with the issue in their public law; in India, for example, the concept of social equality is embedded in the preamble of the Indian Constitution and in its Directive Principles, and the social inclusion of Scheduled Castes/Tribes has ac-

¹ University of Notre Dame.

cordingly been a constitutional theme there for decades.² In the broader context of international human rights law, it is more recent. We see the concept of social exclusion first introduced formally into the Council of Europe's system in 1996, but that reference received virtually no discernable substantive attention until 2011. In the Inter-American human rights system discussions of social inclusion/exclusion began to be heard about a decade ago, and similarly have acquired much more momentum only in the last five years. Today, however, there is an increasingly lively discussion of the issue in human rights scholarly and practice circles, especially in the Americas.

The heightened interest in and attention to the problem of social exclusion in this historical period has many causes; among them are the fallout of the financial and economic crises beginning in 2008; chronic unemployment, especially among youth; the challenges of integration of increasing numbers of migrants, particularly in Europe; the dysfunctional character of many contemporary democratic systems where clientelism and elite capture have provoked populist backlashes; and, more generally, a widespread perception of the failure of the promises of liberal internationalism to advance the well-being of large segments of the poor and middle classes.

Many of those reasons resonate in Europe even more than in Latin America, but in the latter region there are also additional bases for the surge in interest in social exclusion as a concern of human rights that are worth identifying here. The first has to do with the main purposes and mandates of the regional systems of human rights protection in Latin America in general. Broadly speaking, we might say that in the first era of the development of the regional human rights systems (from the 1960s into the 1980s), the norms and institutions focused heavily on exposing and opposing the military dictatorships that used the abuse of human rights as a systematic instrument of repression. In the second era of its work, after the so-called "third wave" of democratization starting in the 1980s in Latin America, the actors of the regional human rights system turned their central attention more to questions of transitional justice, accountability for past abuses, memory, and the consolidation of the basic liberties and institutions necessary for the consolidation of the newly-(re)established democracies of the region. By the early 21st century, however, the regional

² See The Constitution of India, Article 17 and 18.

consensus around the main purpose of the human rights system began to fragment considerably, with a significant number of states in the region beginning to question what the fundamental role of regional human rights protections should be in an era when the majority of states are now reliably democratic (at least at the level of their formal electoral legitimacy). In this uncertainty, the question of social exclusion arose as one of the central problems of the young and endemically weak democracies of the region. At the same time, the controversial but influential movement toward “Latin American neoconstitutionalism” characteristic of countries such as Bolivia and Ecuador made social inclusion one of the pillars of its experimental, post-liberal constitutional model, while in Venezuela “participatory democracy” became the hallmark of the Bolivarian Revolution’s attacks on the liberties and guarantees of classical liberal constitutionalism. In short, the point is that for a variety of reasons, in Latin America the relationship of human rights protections to discussions of social exclusion, social inclusion, and broad participatory initiatives has arisen in the context of significant political and ideological divergences. As I will discuss later, this has some negative implications for the possibilities of using the norms and processes of human rights law to foster social inclusion and broadly participatory societies.

2. Conceptual clarifications

The first puzzle we encounter in trying to frame properly the relationship between social exclusion and human rights as a conceptual one.

Social exclusion is often defined in terms of rights, but it is far from clear (at least in the area of law and legal sciences) whether social exclusion is better understood as an *outcome* condition in which certain social sectors are denied their human rights, or whether instead human rights violations should be seen as the *causes* or *sources* of social exclusion. As used (perhaps for the first time?) by René Lenoir in his book *Les Exclus: un Français sur dix* (1974) the term social exclusion was initially defined as the mechanisms through which persons and groups were denied participation and social rights; the absence of (social) rights was therefore understood as the outcome of a *process* of exclusion.³ Scholars such as Maryse Robert

³ René Lenoir, *Les Exclus: un Français sur dix*, p. 125 (Paris, Seuil 1974).

continue to describe social exclusion in just this way,⁴ as a process which ultimately results in a denial of human rights. If this is the case, then we might regard the respect for human rights as something of an indicator of levels of inclusion and exclusion. And in seeking to remedy the problem, we would therefore logically not so much fight social exclusion through the juridical guarantees of human rights as the opposite: seek to attain higher levels of realization of human rights by addressing the root causes of exclusion in the social, economic, and political spheres.

On the other hand, in the human rights literature the terms frequently are lexically ordered in exactly the opposite way: patterns of human rights violations – such as systematic discrimination that prevents individuals and communities from securing work and education, participating in political life, and accessing social benefits – are understood to cause or substantially contribute to a multidimensional phenomenon that is not defined in terms of rights violations but that includes such broad features as entrenched poverty, stigmatization, social rejection, a breakdown of social ties and bonds, disempowerment, and social conflict.

A different possibility altogether is simply to see social inclusion as itself a human right, and social exclusion as its violation. This approach is in some ways analogous to debates within fundamental rights about human dignity. While in most constitutional and international documents and jurisprudence, dignity is understood as the foundation of rights, as the basis on which to assert rights, in a few of them (for example, in German constitutional law, or in the International Convention on the Rights of Persons With Disabilities) the right to dignity is recognized directly as itself a human right.⁵

Which of these makes the most helpful sense of the phenomenon of social exclusion and the role of human rights in it? Let's begin with the last option: expressing social inclusion as itself the right at issue seems too broad and amorphous to be useful. It leads to problems much like those notoriously plaguing the “right to development” in international law. Ag-

⁴ Maryse Robert, *Inequality and Social Inclusion in the Americas: Key Drivers, Recent Trends, Way Forward*, in *OAS, Inequality and Social Inclusion in the Americas: 14 essays*, p. 37 (2 ed. 2014).

⁵ See Paolo G. Carozza, *Human Dignity in Constitutional Adjudication*, Tom Ginsburg and Rosalind Dixon, eds., *Comparative Constitutional Law*, p. 459-472 (Edward Elgar, 2011); Paolo G. Carozza, *Human Dignity*, Dinah Shelton, ed., *The Oxford Handbook of International Human Rights Law*, p. 345-359 (Oxford University Press, 2013).

gregating under that single right what are in fact a host of interrelated but nevertheless discrete problems effectively serves to obscure more than illuminate the problem as a whole. While there may be rhetorical and aspirational value in affirming a human right to development, forty years of legal experience have shown us that it is not a very useful construct, because we are hard pressed to identify the content of the right in practical terms, or the holders of whatever duties are correlative to the right.⁶ In important ways, the value of using the language of human rights at all is in large part because it helps us to disaggregate larger notions like “dignity”, “common good”, and “development” into more specific relationships of justice where the right-holder and the duty-bearer can be more easily identified and held to account.⁷ At a juridical level, at least, re-aggregating rights into larger concepts thus serves to deprive them of much of their force and utility. In short, social exclusion (or inclusion) expressed as a human right in itself is so difficult to give juridically specific content to that we are hard pressed to articulate what exactly it requires and of whom it would be required (for instance, who, exactly, is “doing” the “excluding”?).

Turning instead to the question of the lexical priority between rights and exclusion, two reasons favor the approach that sees violations of rights as contributing to a broader and multidimensional phenomenon of exclusion (that is itself not defined merely in terms of rights), rather than the opposite (i.e., exclusion as resulting in, and thus measured by, deprivations of social rights). The first is one of logic: if social exclusion equals exclusion from human rights, and conversely realization of human rights is elimination of social exclusion, then the addition of “social exclusion” to the concept of human rights is entirely self-referential and circular. It adds nothing to our analysis. Second and more importantly, social exclusion as a human reality has many facets that are in complex interrelationship and not easily reducible to the (relatively) wooden and artificial language of rights: psychosocial elements such as shame and humiliation and loss of a sense of self-worth; the breakdown of relationships at all levels, from families to neighborhoods to broader associations of civic life; barriers of communication and language; and so on. It is instead easier to capture reasonably (in the sense of accounting for the totality of its factors) the reality

⁶ See, Jack Donnelly, *In Search of the Unicorn: The Jurisprudence and Politics of the Right to Development*, 15 *California Western International Law Journal*, p. 473 (1985).

⁷ John Finnis, *Natural Law and Natural Rights*, Chapter VIII (Oxford University Press, 2nd ed, 2011).

of the phenomenon of social exclusion if we recognize that human rights violations can frequently trigger, exacerbate, and perpetuate the conditions of exclusion, but do not in themselves explain exhaustively the dimensions of the problem.

3. From concept to the positive law and practice of human rights

These reflections on the conceptual relationship between human rights and social exclusion are not merely formalities. The divergences are reflected in the existing attempts to address social exclusion through the positive law and practice of human rights, with differing tangible effects.

The Council of Europe has adopted the only explicit reference to the idea of social exclusion in a formal legal instrument of the positive law of human rights. Article 30 of the Revised European Social Charter (1996) begins with the recognition of social inclusion as itself a basic human right, stating that “everyone has the right to protection against poverty and social exclusion”. The official Explanatory Report⁸ accompanying the Revised Social Charter specifies further that Article 30

refers to persons who find themselves in a position of extreme poverty through an accumulation of disadvantages, who suffer from degrading situations or events or from exclusion ... Social exclusion also strikes or risks to strike persons who without being poor are denied access to certain rights or services as a result of long periods of illness, the breakdown of their families, violence, release from prison or marginal behaviour as a result for example of alcoholism or drug addiction.⁹

Here then we have a somewhat jumbled statement. First, protection from social exclusion is itself declared to be a right, but it is unhelpfully defined partly in terms that are circular (the protection from exclusion applies to persons “who suffer ... from exclusion”), partly as the consequence of the violation of other rights (“social exclusion ... strike[s] persons who ... are denied access to certain rights”), and partly as indicative of complex social and personal pathologies not necessarily related to the violation of rights at all, such as illness, family breakdown, and alcoholism. The internal ambiguities and contradictions do not take us very far.

⁸ European Social Charter (revised), Explanatory Report, [1996] COETSER 4 (3 May 1996), (ETS No. 163).

⁹ Id at par 114.

Looking instead at the interpretation and application of this provision in the practice of the Social Charter reveals a little bit more. Article 30 has been invoked by the European Committee on Social Rights in only a very small number of individual cases, all of them dating from 2011 to 2013. In examining a complaint by the *European Roma and Travellers Forum v. France* (2012), the Committee concluded that discriminatory rules in France regarding residency affected the voting rights of Travellers of French citizenship, and found that “the right to vote, like other rights relating to civic and citizens’ participation, constitutes a necessary dimension in achieving social integration and inclusion” within the scope of Article 30.¹⁰ In a different case brought that same year, *Médecins du Monde v. France* (2012), the Committee concluded that France’s failure to adopt “a coordinated approach to promoting effective access to housing” for the Roma population in France violated Article 30’s right to protection from social exclusion.¹¹ And in *International Federation for Human Rights v. Belgium* (2013), Committee determined that the State’s failure to collect reliable data and statistics in respect of highly dependent persons with disabilities prevents an “overall and co-ordinated approach” to the social protection of these persons and the development of targeted policies concerning them, in violation of Article 30.¹² Two other cases found there to be no violation of Article 30. In one (*European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France* (2012)), the Committee explored the policy of family allowances in France, which are conditional on children’s regular school attendance and suspended for truancy. The Committee concluded that:

the possibility of being placed in uncertain economic and social circumstances through the partial withdrawal of family allowances may result in a reduction of the economic and social protection of families under Article 16 [...]. However, as such, this measure cannot be seen to undermine the coordinated approach of the protection against poverty and social exclusion that should be afforded under Article 30 of the revised Charter.¹³

¹⁰ Complaint No. 64/2011, Council of Europe: European Committee of Social Rights, 24 January 2012, at par 71.

¹¹ Complaint No. 67/2011, Council of Europe: European Committee of Social Rights, 11 September 2012, at par 106.

¹² Complaint No. 62/2010, Council of Europe: European Committee of Social Rights, 21 March 2012, at par 201.

¹³ Complaint No. 82/2012, Council of Europe: European Committee of Social Rights, 19 March 2013, at par. 59.

And finally, in *Defence for Children International (DCI) v. Belgium* (2012), the Committee held that although Article 30 essentially requires states to adopt an overall and coordinated approach consisting of measures to promote access to social rights (including in particular employment, housing, training, education, culture, and social and medical assistance), it does not apply universally to all persons present in society but only those specifically mentioned in paragraph 1 of the Appendix – thus excluding unlawfully present foreign minors from their protections. The Committee concluded that the Charter’s fundamental purpose is not “to secure the most fundamental human rights [such as the right to life] and to safeguard the persons covered by the provisions in question from serious threats to the enjoyment of those rights”.¹⁴ In other words, the obligation to address social exclusion under the Social Charter, does not have the same universality as, say, the right to life under the European Convention on Human Rights but instead is contingent on a person’s legal status.

What can be drawn from these few examples? First, it is notable that where there has been a determination of a violation of Article 30 with regard to actions restricting access to housing and political participation, the Committee has reached conclusions that are no different in scope or analysis than what would have been arrived at using the right to housing or the right to vote alone. In these cases, establishing a new right to protection from social exclusion, and framing these existing rights in the larger context of social exclusion, adds nothing more to our understanding of the problem or to the remedies prescribed. Secondly, in two other cases the Committee’s decision on the requirements of Article 30 turns on the existence or absence of an “overall and coordinated approach” to social protection. And lastly, it is made clear that “social exclusion” in the Charter in general is not simply a synthesis of all other fundamental rights, as the Committee refers the protection of life and physical integrity to other norms.

It is not surprising that after the initial flurry of cases five years ago, Article 30 has essentially ceased to be relevant to the Committee’s case law. What have we gained by analyzing the problem in terms of social exclusion, or by bringing the language and mechanisms of human rights to bear on the problems of social exclusion put before the Committee? Essentially, it consists only of a requirement that states take an affirmative

¹⁴ Complaint No. 69/2011, Council of Europe: European Committee of Social Rights, 23 October 2012, at par 36.

and coordinated approach, rather than an *ad hoc* or case-by-case one, to the realization of the other rights guaranteed by the Social Charter. That is not a bad thing, and it does imply a recognition that social exclusion, having systemic aspects, demands a systemic approach. But does the Social Charter's approach really help enhance participation and agency in society by those who are socially excluded? Not discernably. Based on the limited European experience, then, it is hard to conclude that adding the concept of social exclusion to the human rights systems, or bringing a human rights approach to the problem of social exclusion in general, has provided any useful analytical or remedial tools.

The Inter-American system has fared a bit better in this regard. While not necessarily using the term "social exclusion" as such in its jurisprudence, both the Inter-American Commission on Human Rights (in Washington, DC) and the Inter-American Court of Human Rights (in San José, Costa Rica) have decided a number of contentious cases that are widely seen as addressing problems that lead to and entrench the social exclusion of certain vulnerable and marginalized groups. These cases include, *inter alia* (in the interests of space I include only ones from the Court of San José):

- Abandoned "street children" in Guatemala (*Villagran Morales*, 2001);¹⁵
- Ethnic (indigenous) minorities inhibited from participating in the electoral process in Nicaragua (*Yatama*, 2005);¹⁶
- Women in Ciudad Juárez, Mexico, subjected to aggravated risk of "femicide" (*González*, a.k.a. The "Cotton Fields" Case, 2009);¹⁷ and
- Irregular migrants detained in inhumane conditions in Panama (*Vélez Loor* 2010).¹⁸

And most salient of all are a series of cases, starting in 2001, involving the well-being and integrity of indigenous peoples in Nicaragua, Paraguay, Suriname, and Ecuador.¹⁹ All of these cases address the exclusion of indige-

¹⁵ Series C. No. 63, Inter-American Court of Human Rights, 19 November 1999.

¹⁶ Series C. No. 127, Inter-American Court of Human Rights, 23 June 2005.

¹⁷ Series C. No. 205, Inter-American Court of Human Rights, 16 November 2009.

¹⁸ Series C. No. 218, Inter-American Court of Human Rights, 23 November 2010.

¹⁹ Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Series C. No. 79, Inter-American Court of Human Rights, 31 August 2001; Caso Comunidad Indígena Yakye Axa v. Paraguay, Series C. No. 125, Inter-American Court of Human Rights, 17 June 2005; Caso Comunidad Indígena Sawhoyamaya v. Paraguay, Series C. No. 146, Inter-American Court of Human Rights, 29 March 2006; Saramaka People v. Suriname, Series C. No. 172, Inter-American Court of Human Rights, 28 November 2007; Caso Comunidad Indígena Xákmok Kásek v. Paraguay, Series C. No. 214,

nous communities from the possession and control of their ancestral lands, which in turn has led directly to widespread malnutrition, lack of education, poor health, harm to the traditional religious beliefs and spiritual practices of the communities, and eventually the loss of cultural memory and cultural integrity altogether.

In cases such as these, the Inter-American human rights system has taken aim at forms of social exclusion through the application of human rights norms in ways considerably more comprehensive and relevant than the European institutions have. Note, first, that it is not creating a “right to protection from social exclusion”, nor simply conflating social exclusion with the violation of rights per se (both problems that characterize the European approach). Rather, the Court has in each case considered the way that patterns of human rights violations are part of a much broader, multidimensional, and structural problem of vulnerability and marginalization. While not themselves exhaustive of the problem of social exclusion as such, these patterns of violations are understood by the Court as helping to produce and reinforce the broader problem in important ways. And this, in turn, leads the Court to draw up multifaceted remedies. The Inter-American Court is in general known for its very creative and assertive use of its remedial authority – compensating victims not merely in pecuniary terms, like the European Court of Human Rights does, but also ordering a variety of moral and symbolic actions and various “guarantees of nonrepetition”, from training programs for authorities to criminal prosecutions of violators, to major legal and constitutional reforms designed to address broad social problems.²⁰ The Court has made full use of these remedies in what I call the “social exclusion cases” described above, going far beyond the direct compensation of immediate victims and ordering the creation and alteration of significant social programs, such as the establishment of trust funds for the education of children from the affected communities.²¹

Inter-American Court of Human Rights, 24 August 2010; *Kichwa Indigenous People of Sarayaku v. Ecuador*, Series C. No. 245, Inter-American Court of Human Rights, 27 June 2012; *Caso Pueblos Kaliña y Lokono v. Suriname*, Series C. No. 309, Inter-American Court of Human Rights, 25 November 2015.

²⁰ See Dinah Shelton, *Remedies in International Human Rights Law* (Oxford University Press, 3rd ed. 2015).

²¹ See for example *Saramaka People v. Suriname*, Series C. No. 172, Inter-American Court of Human Rights, 28 November 2007

4. The promise and the limitations of human rights

Precisely in the Inter-American cases, we can see both the promise and the perils or limitations of seeking to use international mechanisms of human rights protection to tackle social exclusion in a comprehensive way.

On the one hand, they help to illustrate exactly the common core of principles at stake, flowing from a recognition of the universality of human dignity: principles of the moral equality of all human beings, of the demands of justice, of the protection of various forms of participation in society such as rights to vote, to work, to be educated, or to believe and worship. All of these help to specify the content of the common good and therefore to give useful detail to what we should be seeking, at least in part, when we seek to realize participation and inclusion in our societies. Respect for human rights is not coterminous with social inclusion in these cases, but it is an essential aspect of building genuinely inclusive and participatory societies. For all these reasons, relying on the path opened up by human rights problems like those in the social exclusion cases, some Latin American legal scholars such as Victor Abramovich and Óscar Parra have strenuously argued that international systems of human rights protection should even more self-consciously dedicate themselves to combating social exclusion by reinterpreting rights to focus on achieving substantive equality, addressing patterns of discrimination, and reducing systematic violence.²²

On the other hand, it is important to note that the more aggressive and creative Inter-American approach to the challenge of social exclusion is in many ways problematic as well. For one thing, we must acknowledge honestly the fact of the relatively limited practical impact of the Inter-American Court's remedial interventions. In general the states party to the disputes have paid the reparations due to the immediate victims, and often provided measures of symbolic and moral reparations (such as public apologies, for instance). But by far the most difficult measures of reparation have been those seeking to ensure the non-repetition of the violations – i.e., exactly those remedial measures most centrally related to

²² See Victor Abramovich, *De las violaciones masivas a los patrones estructurales: nuevos enfoques y clásicas tensiones en el Sistema Interamericano de Derechos Humanos*, Revista SUR, Revista Internacional de Derechos Humanos, Vol. 6 No. 11, (2009); Óscar Parra Vera, *Derechos humanos y pobreza en el Sistema Interamericano: El rol del análisis estructural a partir de informes y siete escenarios estratégicos basados en la responsabilidad internacional*, Revista IIDH, p. 279 Vol. 56, Julio-Diciembre 2012.

the impact that the violations have on the more general systemic problem of social exclusion. When the guarantees of non-repetition involve training programs for the “sensitization” of civil servants or police forces, they are as commonly complied with as they are seemingly ineffective at producing real change. The much harder and rarer steps to take are those requiring substantial legal and constitutional reforms. By the Court’s own assessment in its ongoing supervision of compliance with its judgments, these are rarely implemented.²³ Even in the few cases where there has been some partial implementation by the states of the structural legal reforms envisaged by the Court, the ongoing prevalence of the underlying social problems (such as violence against women in Ciudad Juárez Mexico,²⁴ or the detention of migrants throughout Central America)²⁵ would suggest that the Court’s remedial prescriptions have not had a significant ameliorative effect. We might suppose that it is just a question of giving them more time, perhaps, but even in the few cases in which there have been more substantial levels of state compliance with requirements of legal reform, such as *Villagran Morales v. Guatemala* and *Rodriguez v. Mexico* (“Cotton Fields”), date from 2001 and 2009, respectively, and still lack evidence of having brought about any deep changes. In the case of the Awas Tigni indigenous community in Nicaragua, even though the Nicaraguan State did, after more than a decade, provide the indigenous community with collective title to a portion of their ancestral lands in compliance with the Inter-American Court’s 2001 order,²⁶ severe social conflicts over the protection of those lands persist unabated today.²⁷

²³ With regard to the details of compliance with the Inter-American Court of Human Rights’ judgments, see *Annual Report 2016 of the Inter-American Court of Human Rights* available at <http://www.corteidh.or.cr/index.php/en/court-today/informes-anales>.

²⁴ Kyle Swenson, Hundreds of women disappear in Ciudad Juárez each year. A smartphone app could help, *The Washington Post*, 10 July 2017 available at <https://www.washingtonpost.com/news/morning-mix/wp/2017/07/10/hundreds-of-women-disappear-in-ciudad-juarez-each-year-a-smartphone-app-could-help/>

²⁵ Catholic Relief Services, *Child Migration, The Detention and Repatriation of Unaccompanied Central American Children from Mexico*, Research Study, January 2010, available at <https://www.crs.org/sites/default/files/tools-research/child-migration.pdf>

²⁶ *Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Report Monitoring Compliance with Judgment*, Order of the Inter-American Court of Human Rights, 3 April 2009.

²⁷ Frances Robles, Nicaragua Dispute Over Indigenous Land Erupts in Wave of Killing, *The New York Times*, 16 October 2016, available at <https://www.nytimes.com/2016/10/17/world/americas/nicaragua-dispute-over-indigenous-land-erupts-in-wave-of-killings.html>

This brings us directly to the limitations of international human rights mechanisms to address the problem of social exclusion or to bring about substantially higher degrees of inclusion and participation in society. Even when the conceptual relationship between the two is reasonably oriented, and even when the institutions of law do attempt to take very seriously the role that human rights violations play in sustaining the conditions of social exclusion, still we see the positive outcomes to be limited in their scope and tangible impact.

To some extent, we have run up against the limits of law in general in bringing about substantial social change. At the margins, law sometimes leads and often follows societal attitudes and mores, but rarely is it dramatically different from them. So, to expect from law the eradication of social exclusion, and the generation of inclusiveness and participation, is already necessarily a semi-utopian project at best.

I would like to go beyond that baseline problem, however, and suggest some structural reasons why international human rights norms, processes, and institutions, are even more hampered, beyond the limitations law in general, in their capacity to bring about major changes in this area. I will briefly mention four of them.

The first begins from the self-evident observation that social exclusion is a complex, deeply rooted, and multidimensional phenomenon. This may seem to be banal, but I am not aiming to make a point about the phenomenon of social exclusion so much as a point about the language and practice of human rights, especially in its supranational instantiation. Precisely what has made human rights a politically and juridically powerful practice is its ability to take problems of justice, writ large, and situate them in an analytically more manageable triadic form where there is a right-holder or claimant, on the one hand, a duty-bearer (often but not always the State), on the other, and a specific norm of justice applicable between them.²⁸ This allows us to focus on the value of each person (or sometimes group) as a bearer of rights, and to make specific demands of what is owed to the claimant by the duty holder, while at the same time abstracting to a high degree from the particularities of the claimant's history, social status, environment, etc. The universality in theory and the effectiveness in practice of human rights claims, especially in the transnational context, relies heavily on this dynamic. It is what allows us to say with sufficient clarity

²⁸ See Finnis, *supra* note 6.

and categorical force, for instance, that no one shall be subject to slavery or torture. Yet, these same characteristics which give the language of human rights their rhetorical and political potency make the apparatus of human rights less well-suited to articulating the demands of justice where the social problems are highly diffuse, and where the demands of justice are less susceptible of being framed in the triadic form of claimant/norm/duty bearer – as is the case in addressing the problem of social exclusion.

Second, but related to the first reason, is the difficulty of moving from specific human rights violations to general conditions of “the right”, and vice versa. The problem is analogous to the thorny divide existing today between our growing knowledge of the dynamics of economic development at micro-levels and our need to address development at the macroeconomic levels if we are to succeed in having a significant impact on global poverty levels. Even when we are able to identify that a specific development intervention has a positive outcome on the well-being of its particular beneficiaries, we often know strikingly little about how the same intervention, when scaled, would affect the general equilibrium conditions of the economies in which they are situated. So it is with human rights’ focus on remedies for individual violations. Internationalizing access to justice by individuals has been one of the most powerful and transformative developments in international law of the last seventy-five years. But that same dynamic does not obviously yield generalizable solutions to the “general equilibrium conditions” of social inclusion and exclusion. Moving between these levels is highly uncertain and debatable.

The third challenge is one of institutional competence and legitimacy. Even in the best of domestic circumstances, judges and courts are not particularly well-suited to untangling complex, multidimensional problems using various disciplinary perspectives (as we are attempting to do here). They frequently lack the expertise to analyze the situation adequately, judge its causes and dimensions, and to be able to act on it appropriately. Transposing that to an international plane magnifies the problem even more, because it becomes not only a question of relevant competence (in the sense of substantive expertise, not merely formal legal competence), but also of social and political legitimacy.

International human rights institutions are deliberately removed from direct accountability to individual states, and even more from their populace. Designed to provide external checks on the possible abuses of nation-states, they displace local political life in favor of external, elite, and putatively expert decision-makers. It becomes paradoxical, then, to rely on

them to enhance authentic participation in the local political, economic, and social environments. They are frequently perceived, in fact, as precisely designed to depoliticize those environments and to remove from the local context the power to make collective decisions over certain basic rules of social life. Not surprisingly to any political scientist, such conditions also frequently make international institutions vulnerable to interest group capture. Note that I do not mean to say that the anti-political nature of international human rights systems is necessarily a bad thing – in many ways it is exactly what we would want, where we are concerned about the threats of dictatorship, the suppression of minorities, and so forth. My point is merely that specifically as institutional tools for broadly enhancing social *participation* there is a deep internal contradiction at their very root. That contradiction in international human rights law in general is mediated by the structural principle of subsidiarity,²⁹ and any attempt to use its institutional mechanisms to achieve greater social inclusion would have to take subsidiarity quite seriously in order to avoid the problem of imposing greater “participation” from the outside. Furthermore, the problem of institutional legitimacy is heightened in a situation like that of Latin America, where (as described at the beginning of this paper) there is not at present a clear consensus around the core purposes of the regional human rights system and where the very idea of social exclusion currently has a clear and unfortunately partisan ideological valence. I think it is not accidental that the regional institutions’ delving into the complex questions of social exclusion coincides in time with a significant questioning, on the part of the member states, of the institutional legitimacy of the Commission and Court.

Fourth and finally, a more contingent but no less powerful objection comes from some of the particular features of international human rights discourse in the contemporary era. The critique of “rights talk” and the kind of society that it generates is not new, tracing its roots at least to Karl Marx on the left and Edmund Burke on the right. Today, various versions of that critique come from many sides: postcolonial contexts where European and North American rights ideologies are perceived to clash with autochthonous cultural beliefs and practices; a variety of religiously-grounded understandings of rights; and many different forms of communitarianism.

²⁹ Paolo G. Carozza, *Subsidiarity as a Structural Principle of International Human Rights Law*, 97 *American Journal of International Law*, p. 38-79 (2003).

Especially in the secular, liberal, North–Atlantic dialect that has a fairly hegemonic grip on international human rights orthodoxy today, the practice of international human rights at present tends strongly toward extreme forms of individualism and finds relational goods very hard to account for. So, for instance, even though the family is provided for as the “natural and fundamental group unit of society” in the Universal Declaration of Human Rights,³⁰ in contemporary human rights practice the family appears almost exclusively as a locus of domination and suppression of individual autonomy, never as a place of education toward participation, inclusion, and personal flourishing. And yet, contrary to that individualistic paradigm, at the heart of the challenge of inclusion and participation is in fact the structural human need for relationship and belonging. Similarly, dominant human rights discourse today tends strongly toward negative forms of freedom as autonomy and almost never toward positive understandings of freedom and responsibility. Instead, a consumerist *mentalité* favors transposing any strong desire or preference into a human rights (witness, for instance, the new right of being able to artificially create human beings, as now recognized in both the European and Inter–American human rights systems).³¹ Finally, contemporary human rights talk tends toward a statism and thus is not well equipped to account for the civil economy or for horizontal subsidiarity.

I refer to all this laundry list of problematic features of rights talk all together as “contingent” because unlike some antiliberal rights-skeptics I do not find it *necessarily* the case that the language of rights needs to be dominated by an ethic of individual autonomy and consumerism. But today, it is undoubtedly so in fact. It is telling that even Pope Francis, in his many exhortations to us to make our societies more welcoming, inclusive, and open, very rarely resorts to the language of human rights to articulate his position. On the contrary, he has become probably the fiercest Papal critic of rights-talk since the 19th century. Speaking to the Food and Agriculture Organization in 2014, for example, he pointed out that:

Nowadays there is much talk of rights, frequently neglecting duties; perhaps we have paid too little heed to those who are hungry. It is also painful to see that the struggle against hunger and malnutrition is

³⁰ Universal Declaration of Human Rights, Article 16.

³¹ *Costa and Pavan v. Italy*, No. 54270/10, European Court of Human Rights, 28 August 2012; *Artavia Murillo v. Costa Rica*, Series C. 257, Inter–American Court of Human Rights, 28 November 2012.

hindered by “market priorities”, the “primacy of profit”, which have reduced foodstuffs to a commodity like any other, subject to speculation, also of a financial nature. And while we speak of new rights, the hungry remain, at the street corner, and ask to be recognized as citizens, to receive a healthy diet. We ask for dignity...³²

Speaking to the European Parliament, he pressed the point even further:

Care must be taken not to fall into certain errors which can arise from a misunderstanding of the concept of human rights and from its misuse. Today there is a tendency to claim ever broader individual rights – I am tempted to say individualistic; underlying this is a conception of the human person as detached from all social and anthropological contexts, as if the person were a “monad”, increasingly unconcerned with other surrounding “monads”. The equally essential and complementary concept of duty no longer seems to be linked to such a concept of rights. As a result, the rights of the individual are upheld, without regard for the fact that each human being is part of a social context wherein his or her rights and duties are bound up with those of others and with the common good of society itself.³³

In short, Francis sees the practice and ideology of rights, in their contemporary forms, as being frequently at odds with an ethic of radical solidarity with the poor and the marginalized, and at least at times as more likely to be an obstacle to greater participation and unity in the common good than as a means to facilitate them.

5. Conclusion

Does all of this mean that human rights, particularly as embodied and practiced through the norms, processes, and institutions of international law, are not helpful to advance our goal of a more inclusive and participatory society? Not at all. For the reasons mentioned earlier, they can be useful and important instruments, provided, however, that we understand their role to be limited. Thus, human rights mechanisms can identify and help remove specific barriers to participation – for example, a prohibition

³² Pope Francis, *Address to the Plenary of the Conference*, 20 November 2014, par 1, archived at https://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco_20141120_visita-fao.html

³³ Pope Francis, *Address to the European Parliament*, 20 November 2014, par 12, archived at https://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco_20141125_strasburgo-parlamento-europeo.html

on new political parties aimed at bringing more voters into the democratic process, or on public expressions of religious pluralism in society. They can even address some of the more systemic forms of discrimination, such as the legal incapacity of women to provide legal testimony or to own property or to exercise certain professions. But beyond this (admittedly hard-to-define) core of concerns with direct and overt kinds of exclusion, human rights are perhaps best directed not to the utopian project of transforming society but instead to the more modest and realistic one of maintaining the conditions of openness within which persons and groups can have the conditions to exercise their moral agency, room to develop new social initiatives generative of greater inclusion, and the space to dedicate themselves to the good of one another in community.

Human rights mechanisms can in other words serve the aim of social inclusion by protecting the dimensions of freedom – the freedom to speak, to organize, to educate, to worship – that permit new forms of solidarity and responsibility to arise from the bottom up. Or, as again Pope Francis has put it, the spaces and freedoms that allow people to “become the artisans of their own destiny”.³⁴ The mechanisms of human rights can’t make the seedlings of participation and inclusion germinate, but they can nourish the soil in which they sprout and protect them from being trampled so that they have the opportunity to grow strong and flourish.

³⁴ Pope Francis, Participation at the Second World Meeting of Popular Movements (Bolivia), *Address of the Holy Father*, 9 July 2015, par 3.2, archived at http://w2.vatican.va/content/francesco/en/speeches/2015/july/documents/papa-francesco_20150709_bolivia-movimenti-popolari.html

SOCIAL INCLUSION BEYOND EXCHANGES AND DISTRIBUTIONS

RUSSELL HITTINGER

Introduction

Social capital theorists suggest that resources of social participation should be evaluated in three dimensions: the *type* of society (sports club vs. a political party), the *scope* of memberships (few vs. many affiliations), and the *intensity* of participation (very active vs. compliant). By design, the social capital methodology is committed to a very weak typology regarding the kinds of social life, their respective ends, and internal modes of union intended by common action. For this method of analysis, social capital (trust and cooperation) is a surplus created by individual actions that are in a general way social as measured by trust and cooperation. What matters is not a ranking of social orders in an order of ontological or anthropological importance, but rather the individual's skills and morale built up through diverse social engagements.¹

Whatever the benefits of “social capital” analysis, it will usually prove to be rather disappointing on the question of social inclusion and exclusion. The social and moral consequences of inclusion or exclusion from a transgenerational society, for example, will be quite different than inclusion or exclusion from a society that requires weak collaboration for transient ends. To be excluded from a social form that is non-substitutional, such as a family, is in the ordinary course of things more serious than exclusion from a voluntary club for which there is a suitable alternative of the same type. By the same token, access is not necessarily the same thing as inclusion, for one can enjoy access to airline clubs, data networks, financial markets without supposing inclusion in a society.

A non-substitutional society has the following properties: 1) There is no social equivalent; 2) Inclusion means full inclusion or no inclusion at all; 3)

¹ Dag Wollebæk and Per Selle, “Participation and Social Capital Formation: Norway in a Comparative Perspective”. *Scandinavian Political Studies*, Vol. 26 – No. 1, 2003, 67–91. The authors conclude that “the most productive form of participation with regard to the formation of social capital seems to be not only participation in several associations, but multiple affiliations in associations with different purposes”.

Membership is irreducibly social, which means that the social relation(s) do not come into existence simply by virtue of exchanges and distributions; rather, exchanges and distributions presuppose the social union; 4) Members intend for the society to be transgenerational. In the case of societies having these properties, trust and cooperation do not adequately capture the social virtues needed to sustain a common life.

I am referring to the domestic, political, and ecclesial societies. In Catholic social doctrine these societies have morally normative features with regard to their respective mode of union and the ends that their members ought to pursue. They are deemed societies “necessary” for human flourishing. We can also say that they are exemplary, insofar as these societies are primary analogates of social inclusion. Thus, the domestic, political, and ecclesial societies have traditionally conjured the metaphor of living bodies, which is probably drawn from the fact, or at least the aspiration, that these societies have not only common action and cooperation but a common life. Their members live together. Since living together is usually regarded as something so concretely and irreducibly “social”, it is not surprising that we take note of the health or decadence of social life in general by focusing and refocusing on domestic, political, and ecclesial orders.²

Solidarities

In view of the Holy Father’s address to this Plenary Session, I will begin by outlining various meanings of the term solidarity and then distinguish some of these meanings from fraternity. I take fraternity to be a social bond loved for its own sake.³

Societies formed in the tradition of Roman law once had a clear social, moral, and juridical meaning for solidarity. One had an *obligatio in solidum* insofar he was responsible – which is to say, liable – for the debts or actions

² For example, the Princeton economists Anne Case and Angus Deaton suggest that recent patterns of mortality and morbidity “move in tandem” with withdrawal (exclusion) from marriage, children, religious congregations, and political society. Case and Deaton, “Mortality and Morbidity in the 21st Century”, conference version prepared for the Brookings Panel on Economic Activity, March 24, 2017.

³ “Again there is a union, which is the effect of love. This is real union, which the lover seeks with the object of his love. Moreover this union is in keeping with the demands of love: for as the Philosopher relates (Polit. ii, 1), ‘Aristophanes stated that lovers would wish to be united both into one’, but since ‘this would result in either one or both being destroyed’, they seek a suitable and becoming union – to live together, speak together, and be united together in other like things”. I-II 28.1 ad 2.

of another. A legal and moral “presumption of solidarity” depended upon one’s membership in a society (nation, family, religion, guild) that persists over time, allowing everyone else to deem them members of a corporate whole. The uncle, for example, could be responsible for the actions and debts of his niece, and Jews could have obligations *in solidum* by virtue of being Jews. Liberation from presumptions of solidarity – especially the odious one pertaining to Jews – was one of the works of the democratic revolutions that spread from France to the rest of Europe and her former colonies. Indeed, the Napoleonic Code forbade the presumption of solidarities because it threatened to dilute the solidarity *of citizens* based upon the new creed of liberty, equality, and fraternity. To be sure, citizens engage in exchanges and in relations of credits and debts, and so the Code permitted liabilities freely contracted by private parties for limited purposes and times.

It was presumed, however, that civil fraternity cannot be assembled nor disassembled by commercial exchange.⁴ To be sure, some features of a political common good are amenable to negotiation, provided that the negotiation satisfies the principle of political reciprocities proper to its constitution. A regime that buys and sells, or otherwise privatizes the *res publica* would be regarded as a deviant regime.⁵

By so strongly asserting that civil fraternity is an indivisible fraternity, the Revolution unintentionally emancipated the word *solidarity* for purposes other than citizenship. It swiftly acquired a plethora of moral and ideological meanings in the 19th century: class and occupational solidarity, solidarity of political parties or movements, sex and gender solidarity, the solidarity of humanity itself. Indeed, it often marks modes of association underneath, above, or across state sovereignties – perhaps a “human-rights patriotism”.⁶

⁴ And thus, to preserve the distinction between civil solidarity and other dependencies, the Code (1804) permitted only those liabilities freely contracted by individuals for limited purposes and times (Art. 1202). 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 Concept’, in *The Journal of Modern History*, Vol. 74, No. 1 (Mar., 2002), 33–61. The more global history is provided by Steinar Stjernø, in *Solidarity in Europe: The History of an Idea* (Cambridge: Cambridge Univ. Press, 2004).

⁵ V. Bradley Lewis, “Is the Common Good an Ensemble of Conditions?” *Archivio di Filosofia*, Il Bene Comune, Vol. LXXXIV, No. 1-2 (2016), 128.

⁶ Hauke Brunhorst, *Solidarity: From Civic Friendship to a Global Legal Communi-*

Catholic Social Doctrine appropriated word “solidarity” long after it had mutated into these diverse moral and social desiderata. To my knowledge, John XXIII was the first to use “solidarity” in a magisterial document. Both “workers and employers”, he said, should regulate their mutual relations in accordance with the principle of human solidarity and Christian brotherhood. Unrestricted competition in the liberal sense, and the Marxist creed of class warfare are clearly contrary to Christian teaching and the nature of man.⁷ Pope John was chiefly interested in having solidarity signify benevolent inclusion rather than partisan loyalty. For his part, John Paul II put solidarity under the category of a moral and supernatural “virtue”.⁸

In this way what we nowadays call the principle of solidarity ... is clearly seen to be one of the fundamental principles of the Christian view of social and political organization. This principle is frequently stated by Pope Leo XIII, who uses the term “friendship”, a concept already found in Greek philosophy. Pope Pius XI refers to it with the equally meaningful term “social charity”. Pope Paul VI, expanding the concept to cover the many modern aspects of the social question, speaks of a “civilization of love”.⁹

Denuded of its 19th century partisan colorings, solidarity amounts to a rather traditional understanding of social virtues and friendship. To put it more exactly, it is a friendship that enjoys a common good. There is no other way to have it, so to speak, except by participating in it.

I find at least four distinct, yet interrelated, meanings of solidarity in magisterial documents since the early 1960s. The following enumeration is my own construction. My intention is not to belabor the details and nuances, but rather to highlight what I earlier called the “focal” case of social inclusion *in a common life*.

- The first meaning of solidarity is anthropological: Our common ontological perfections as human. These perfections – notably rational, free, and communicative animals – are the wellspring for philanthropic recognitions. Perhaps we can say that love of beings of one’s “own kind”

ty (Studies in Contemporary German Social Thought) (Cambridge: The MIT Press 2005), 3.

⁷ *Mater et Magistra* (1961). The context (§§ 23, 146, 155, 157) is social relations that ensue upon economic activities: by individuals, networks, families, and nations. The pope’s language is keyed to the European Social Charter (1961).

⁸ *Sollicitudo Rei Socialis* (1987), §§ 9, 40.

⁹ *Centesimus Annus* (1991), §10.

marks an important threshold, allowing us to love other persons we scarcely know, and with whom we live in no specific or familiar social order. Hence, the beginning of duties of beneficence and benevolence even from afar.

- The second is called “interdependence”, consisting of common goods that need to be exchanged and distributed. In the words of *Gaudium et Spes* §5, to recognize “needful solidarity” is to understand that we are in the same boat together, even if we do not engage in common action much less live in the same intimate domestic, political, or religious community.
- The third is communicative and irreducibly social. We might call it solidarity of common action, which can encompass quite diverse modes of cooperation and team work for common ends. In *Centesimus Annus*, John Paul speaks of the “an expanding chain of solidarity” among workers, by which he means that habits of solidarity in one social sphere tend to diffuse themselves in others.¹⁰

The fourth marks another threshold. What the magisterial tradition calls *communio* or *koinonia* denotes a society whose common good includes not only common action of its members but also three other notes that constitute a unique matrix of social inclusion: (a) perpetuity, which is to say that the members *intend* a transgenerational society; unlike a military unit or a team that needs a very high level of cohesion for a special purpose, the members of a society having *koinonia* *intend* to realize goods beyond those of mutual and transient needs;¹¹ (b) and most importantly, they share a common life in the concrete sense of living together.

In his Message to this Academy, for example, Pope Francis emphasizes the difference between “bonds” and “links” – the latter could amount to only the “social” instrumentalities of individual liberty rather than a specifically fraternal bond.¹² In a similar vein, Stefano Zamagni writes: “[It] is proper to distinguish between social interaction and interpersonal relations. Whereas in the case of the latter the personal identities of the persons involved are a constituent of the relation itself, social interactions – as they are

¹⁰ *Ibid.*, §43.

¹¹ Aristotle seems to have believed that although all human societies begin in neediness and interdependence only polity completes itself by excellence of friendship beyond what was required to meet the initial needs. (Pol. I.2 [1252b25-30]).

¹² *Legami, vincoli*. Message of the Holy Father to the Participants in the PASS Plenary Session (27 April 2017), see p. 19 of this book.

studied in the literature on social capital – can perfectly well be anonymous, impersonal”.¹³ Indeed, the term “common good” is often used equivocally, to stand for divisible goods that are distributed *or* for the indivisible good of a social bond or friendship. As Zamagni notes, when “common good” is identified with “democratic freedoms or rights or with the generic object of redistributive policies”, the concept is readily affirmed. However, when it is “presented as a good that not only is shared by citizens but also exists in its own right”, common good is not so easily accepted. In the latter case, common good indicates a “bond” that transcends social instrumentalities pooled ultimately for private purposes, such as a municipal water system.

Equivocation might belong to the art of rhetoric, but without serious analytical precision the discourses of “solidarity” and “common good” are apt to become lazy gestures of little use to either the philosopher or the social scientist.¹⁴

Our “housed existence”

In an earlier era, societies of common life were called “necessary” societies – that is, societies necessary for human flourishing. Pius XI stated: “Now there are three necessary societies, distinct from one another and yet harmoniously combined by God, into which man is born: two, namely the family and civil society, belong to the natural order; the third, the Church, to the supernatural order”.¹⁵ To paraphrase and revise the Aristotelian dictum, *the human person is a matrimonial-familial (a domestic) animal, a political animal, and an ecclesial animal.*

There are other associations than these three that enjoy a truly social principle as well. But they are more transient, revisable, and subject to the free designs of human ingenuity. Should these societies wither, we would have social problems. A demise of the necessary societies would mark a social calamity. We are to dwell-in (*inhabitare*) societies taken in this focal sense of the term.¹⁶

¹³ Stefano Zamagni, “Enhancing Socio-Economic Integration: The Civil Economy Perspective for a Participatory Society”, see p. 624 of this book.

¹⁴ We use the term “civil society” to cover everything that stands between the legal force of the state and the spontaneous forces of the market. Unless one really wants to claim that social forms are “intermediate” to two alien forces, it’s worth thinking twice, and hard, about the utility of this category civil society.

¹⁵ Casti (1931) §11, 52.

¹⁶ In contrast to social movements, political parties, field hospitals, Starbucks, or in “culture” without boundaries.

The theme of social inclusion by way of common dwelling is perhaps the most ancient of all social tropes.¹⁷ It has reappeared in interesting and useful ways in recent Catholic theology, especially in the teachings of Pope Francis, who tends to look more carefully at concrete social life than institutions denominated by legal generalities.

I take the expression “our housed existence” from the International Theological Commission’s work in “Communion and Stewardship: Human Persons Created in the Image of God”.¹⁸ The Commission set out to study the “relational being” of *imago Dei*, which, according to Genesis is visibly manifest in personal communion and stewardship.

Indeed, we could say that a properly Christian theology of ecology is an application of the theology of creation. Noting that the term “ecology” combines the two Greek words *oikos* (house) and *logos* (word), the physical environment of human existence can be conceived as a kind of “house” for human life. Given that the inner life of the Blessed Trinity is one of communion, the divine act of creation is the gratuitous production of partners to share in this communion. In this sense, one can say that the divine communion now finds itself “housed” in the created cosmos. For this reason, we can speak of the cosmos as a place of personal communion.¹⁹

These two senses of the dwelling or economy – personal communion and stewardship – are developed at greater length by Pope Francis in *Laudato Si’* in terms of “integral ecology” that is both social and environmental.²⁰ The focal meaning of “social”, he insists, is “the capacity for living together and communion”.²¹ While he has said many things about more extended and complex social institutions, Francis is remarkably insistent about the primacy of “common life”. (think for example, “shepherds living with ‘the smell of the sheep’”).²²

In the family, we learn closeness, care and respect for others. We break out of our fatal self-absorption and come to realize that we are living with and alongside others who are worthy of our concern, our kindness and our affection. *There is no social bond without this primary,*

¹⁷ Cf. 2 Cor. 5:1.

¹⁸ CDF (2004), signed by Joseph Cardinal Ratzinger. §76.

¹⁹ CDF, §74.

²⁰ *Laudato Si’* (2015), §§62, 124.

²¹ LS §228. Capacità di vivere insieme e di comunione.

²² Churches as “home” for the poor, *Evangelii Gaudium* (2013) §199.

*everyday, almost microscopic aspect of living side by side, crossing paths at different times of the day, being concerned about everything that affects us, helping one another with ordinary little things. Every day the family has to come up with new ways of appreciating and acknowledging its members.*²³

The family is to Pope Francis “the principal agent of an integral ecology”,²⁴ because it is a nursery of learning-by-practice social inclusion that transcends mere social instrumentalities, or what he calls “links”.

We might add that domestic society exhibits and anticipates the nuclei of solidarity shared by any society that has a “common life”. In the first place, membership cannot be bought or sold. Indeed, any notion of buying, selling or exchanging membership for an equivalent value is – for common moral sense – a corruption of marriage/family, polity, and ecclesial community. Furthermore, their unity is not merely aggregative. When a new member is added he or she is “included” by default as a participant in an indivisible social unity.

Societies enjoying communion always have a root in gratuitous beneficence because the principle of inclusion does not originate in satisfying debts by exchange or distribution.²⁵ Traditionally, distributive justice presupposed what “we” owe to “our” members on the basis of merit or need. Distribution operates within an already given social inclusion. One does not become a member by the fact of being given something. Hence, from a truly social point of view that we are elaborating, the term “redistribution” is misleading. The weak meaning of redistribution amounts to a redundancy. Within a social order, distribution is dynamical and proportional, so it must be done over and over again with due adjustment. But within modern societies that begin by default with goods exchanged in market relations, redistribution carries not a weak but a very strong meaning. Namely, that of methodological individualism. At any given, and rather abstract, slice of time, distribution is nothing other than the net aggregate of goods (real or imagined) held by virtue of innumerable exchanges. Thereupon,

²³ *Amoris Laetitia* (2016), §276 [Emphasis in original].

²⁴ AL §277; see also §44.

²⁵ In the late 19th century, Leo XXIII worried that all of the so-called “necessary societies” would be gradually reduced “to the genus of commercial contracts, which can rightly be revoked by the will of those who made them”. *Humanum Genus* (20 April 1884), §21. He imagined how liberal contract theory could create public authority entitled only to protect commutative justice – such as protecting the contractual rights of those who paid for the service of a fire department.

the social principle emerges *ex post facto*. The original “distribution” (sum of exchanges) is deemed politically or morally insufficient. Some power, most likely government, must re-distribute what was already neutrally accomplished by choices within the market. On this scenario, social membership would seem to be created by redistribution. My point is that it is the social bond that makes the distribution something other than a payout or a benefit yielded by exchange.

Finally, societies enjoying communion are orderable, one to the other, without prejudice to their own specific common life. Every temporal society is orderable beyond itself because human flourishing requires more than being a good spouse, child, citizen, or churchman. As Francis points out, it is not only the church, but also the family, that is “on mission”,²⁶ at least in the sense that it “sends” its members into other societies. The historical record shows that this ordering of one society to another is easier said than done.

At stake here is the principle of subsidiarity viewed somewhat differently than the way it is usually presented. Ordinarily we understand subsidiarity in terms of authorities or powers “from above” and “from below”. While this picture is not necessarily wrong, it can prove misleading because the obligation to give *subsidium* (aid, assistance, etc.) is assigned exclusively to a relatively higher power. But it cannot be true that domestic and ecclesial societies are merely recipients rather than givers of assistance to the political community. Unless that implication is foreclosed, the regulative principle that protects societies other than the state would also deny the agency and efficacy of those very societies with regard to the social whole. Pius XII insisted 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”.²⁷

On the supposition that we are dealing with a relatively complex social whole in which two or more societies are nested, we can affirm two things. First, that every social agent (high or low) provides assistance to the others, albeit in ways proper to their own union. Second, that the giving of assistance has a limit, namely it must not destroy or undermine the social unity

²⁶ AL §44.

²⁷ La elevatezza e la nobiltà (20 Feb. 1946), AAS 38, 144f.

belonging to the other. This cybernetic (for Zamagni “circular”) model is especially apt for describing how domestic, political, and ecclesial societies are subsidiary to one another without existing in an assembly-line type of hierarchy. In fact, a multi-lateral and communicative hierarchy would seem to follow from the very idea that domestic, political, and ecclesial communities are “necessary” for human *eudaimonia*. Members who dwell in one society dwell also (and not in a strictly serial order) in others: those living in the domestic society are also members of a polity and members of a church. This principle has been called “hierarchical complementarity”.²⁸ *We might call it the principle of inclusion pertaining to the social order of plural societies.* Society is made up of different social orders, having relations that are “truly mutual”. They need each other, but one cannot replace the others. Francis, for example, refers to the family as a primary communion, but also as a “setting” and a “hub” for further solidarities.²⁹ The family, polity, and church exist for themselves (the perfection of their members) and for the others (whose members overlap with the family). Such mutuality of social life, sustained over time (and not just in emergencies) is what the ancient tradition meant by tranquility of order – plural societies living with one another for their mutual benefit.³⁰

The field hospital

Pope Francis famously said: “Sometimes, I speak of the Church as if it were a field hospital”.³¹ He did not mean that ecclesial communion is something merely instrumental – an association without a common life. It is an especially apt metaphor for thinking about what a demographer has

²⁸ Charles Taylor, *Modern Social Imaginaries* (2004), 10.

²⁹ AL §181.

³⁰ The top-down model of subsidiarity was developed in modern times to counter the claims of nation states to have a monopoly on fraternity. Reasons were also drawn from rather clumsy applications of Aristotle regarding societies “perfect” and “imperfect”. Even on the terms of Aristotelian scholasticism, however, the virtue of giving resides chiefly in the giver. Matrimonial society and the family give subsidium to the rest of society by way of efficient, material, and especially by exemplary causality. Indeed, one important reason for respecting communities other than the state is the dignity and efficacy of their subsidium. The top-down picture of subsidiarity needs adjustment, among other reasons because it has become a stumbling block for understanding how international solidarities can be “givers” without constituting yet another level of rectilinear top-down authority or power.

³¹ Homily Casa S.M. (5 Feb. 2015), Vatican Radio.

recently termed “our miserable 21st century”, in which miseries arise not so much from plagues and natural disasters as from exclusions from the basic and necessary social forms of living-together.³² A great deal of suffering belongs in the category of brutal exclusion. On this score, we can think immediately of the United Nations (UNHCR) report that tallies some 65.3 million displaced people, comprising refugees, asylum seekers, and people displaced within their own countries.³³ Wars, civil wars, and religious persecution (among many other causes) deprive a staggering number of people of their “homes” in a specifically social sense of the term: spouses, families, religious communities, national life, and even the most minimum political participation. As the U.N. report emphasizes, these homeless come from regions in which there is a strong correlation between political failure and economic underdevelopment.

Social misery is on full display in the affluent nations as well. Here, the patterns of exclusion from common life are not immediately brutal so much as slowly inflicted from within; even so, the effects are appalling. In conclusion, I want to make a few observations about social exclusion in our “gilded age”.

Let us first consider two revolutions: neither was instigated by higher ruling powers, though political and social authorities surely accommodated them. The revolutions probably had no single cause, but they are inter-related in origin and cumulative in impact. Each is utopic. I do not need to describe them in detail, because even if we do not comprehend all of the causes or the future course they might take, we know quite well what the revolutions are.

First, the cultural revolution of 1960s – not the one in China, but in the spirit of new things that sprang from the West and manifested itself internationally. It had a generational focus but by no means a generational limit. To put it bluntly by way of generalization, the three necessary societies were deemed to be unendurable by the better part of two generations. In a paradoxical acknowledgment of the complementarity of the three societies, domestic, ecclesial, and political society were perceived as a single repressive hierarchy – an Establishment, so to speak. Perhaps the social and institutional authorities had the same thought because they soon reconfigured themselves as permissive hierarchies. Institutional authorities faced a

³² Nicholas N. Eberstadt, “Our Miserable 21st Century”, *Comm.* (Feb. 15 2017).

³³ UNHCR Report (2015). <http://www.unhcr.org/en-us/news/latest/2016/6/5763b65a4/global-forced-displacement-hits-record-high.html>

generation that really could imagine polity, marriage, and church as merely optional. Domestic, political, and ecclesial were not to be abolished so much as deflated. By deflation, I mean that the life-in-common societies were seen as potentially useful social utilities for one's own life plan rather than normative and formative institutions in which we live a life and achieve perfections over generations. Deflation also required both the law and moral authorities to mitigate the obligations of membership, to make them easily revisable in order to promote more fluid social relationships in culture.

Eventually, a newer generation had second thoughts, aspiring to a deeper immersion in family, polity, and church. As it turned out, success in connecting with these social institutions is strongly correlated with high levels of education and affluence. Social scientists have carefully (even if incompletely) tracked the steep decline in matrimony and church attendance – not to mention mistrust of political institutions – among the remnants of the middle class in the United States.³⁴ After the upheavals of the 1960s, virtually no one would have surmised that a few decades later white, middle-American males would “trend” to being unpatriotic, drug addicted, divorced or not even married, not merely unemployed but uninterested in working, bankrupted, and with ever-falling participation in churches or in benevolent voluntary associations.

Case and Deaton propose a “preliminary but plausible story in which cumulative disadvantage over life” began prior to the impact of the globalized labor market”. Changes in the 1960s allowed people much more freedom to structure their careers, intimate relationships, religious life – in all domains, seeking identity more than membership. “When such choices succeed”, they point out, “they are liberating; when they fail, the individual can only hold him or herself responsible”.³⁵ Social isolation of the losers was already at work when the full effects of the new economy were manifest in job losses and decline of real wages. The larger and most relevant point is that when the focal societies of common life are deemed life style options, the deepest patterns of social inclusion and exclusion fall, by default, to the logic of exchange.

The second revolution, to use Pope Francis's terms, is techno-economic. In late spring 1992, Justice Kennedy delivered from the bench of the U.S. Su-

³⁴ Cf. Eberstadt's “Our Miserable 21st Century”, and Case and Deaton, “Mortality and Morbidity in the 21st Century”, op. cit.

³⁵ Case and Deaton, op. cit., 30.

preme Court his famous summary of civil liberty: “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life”. Three months later, Deng Xiaoping proposed an answer to the “meaning of life”. “To get rich is glorious”. He explained that there is only “one thought”, “one firm rule [hard truth]”, which is economic development, just as it is understood in the West. Some get rich more quickly, others lose. But in view of aggregate sums, the people will be happier.³⁶

Counting the social costs of a highly financialized global market is no easy task. Deflation of polity would seem to be the most important. After three generations of constant public mobilization in response to wars and economic depression, it was at least plausible that private social life should be less burdened by duties to the state. But the post-1989 deregulation, polity by polity, of political and legal limits on the financial and labor markets rather swiftly introduced a principle that could have catastrophic consequences for what I’ve called the ordinary life-in-common societies: profits will be privatized and losses socialized. Since such measures are taken by the laws and policies of the political society itself, only the most authoritarian regimes could hope to survive the social costs of privatizing profits and socializing losses. The first casualty of post-1989 neo-liberalism is polity itself.

States are the target of blame. Pope Francis does not hesitate in this regard: “the economic and financial sectors, being transnational, tends to prevail over the political”.³⁷ Indeed, “global system” leaves in suspense the agency and efficacy of the nation state because it has been compromised, suborned. Claiming to enrich rather than protect its citizens, states joined the global casino; like any casino, most of the players will lose. It is a world system that renders familiar institutions empty shells of technocracy in the service of the “empire of money”.³⁸

What is to be done? If polities are suborned, having become clients of the rich, it does not make very much sense to accelerate demands for international “governance”. Why should we think that international order emerging under our present condition of deflated polities will have a moral character different than its principal players? It makes more sense to

³⁶ See Johan Lagerkvist’s *Tiananmen Redux: The Hard Truth About the Expanded Neo-liberal World Order* (Lang, 2016).

³⁷ LS §§53, 175.

³⁸ World Meeting of Popular Movements in Old Synod Hall, 28 Oct. 2014.

reform polities according to the founding principles of full participation of citizens as members rather than customers. The first task of a polity is to be a real political society. Admittedly, will be difficult to do while at the same time taming the forces of nationalism, nativism and xenophobia.

Moreover, restoration of polity has to avoid the simplistic policy of what Donati called “compensations” or redistributions. This is not to say that there isn’t much work that needs to be done by way of distribution. But caution is in order. For one thing, it would be impossibly complicated to compensate citizens for the damages wreaked by three decades of the global casino. More importantly, periodic redistributions will not solve the sorest problem of “inclusion” if the system is rigged. The first thing must be the restoration of real, participatory citizenship. Alleviating widespread distemper about government by “pay offs” only reinforces suspicion that we are dealing with a deviant regime that allows the common good to be an instrument of private enrichment ... the winners get most of the spoils, but some of it might trickle down to the losers.³⁹

³⁹ There is plausible social science evidence for this principle of priority of membership to external outcomes. Case and Deaton, for example, say that they are unable to show that decline in real wages is a more fundamental cause of new patterns of mortality and morbidity than a welter of other forces suggesting social exclusion. A team of psychologists at Yale surveyed studies on income inequality in some forty-four countries. In both lab studies and real world interviews, most people report that income should be “more equal” than the status quo. The researchers at Yale, however, contend that inequality and unfairness are confounded, and when subjects are allowed to distinguish between the two they are most averse to unfairness. Of course, unfairness can pertain to different things: processes, particular exchanges, particular persons. But by common sense and experience, unfairness is usually predicated of social institutions in which we can identify a morally significant relationship between unfair measures of membership and unequal outcomes in income. Colloquially, we call this a “rigged system”. Starmans, C., Sheskin, M. & Bloom, P. “Why people prefer unequal societies”. *Nat. Hum. Behav.* 1, 0082 (2017).

PRINCIPLES OF MORALS, NATURAL LAW, AND POLITICS IN DEALING WITH REFUGEES

VITTORIO HÖSLE

Doubtless the political issue that has received the most attention in Germany, and probably in several other European countries, in 2015/16 is the issue of how appropriately to deal with the refugees looking for shelter in Europe. (I use the term “refugee” at the beginning of this paper and occasionally later to refer to all people who flee to another country in order to escape from great hardships, not in the more narrow juridical sense). This issue is not only explosive on a political level, having the ability to end the current coalition government in Berlin, to accelerate the disintegration of the European Union, and to create increasing dissent among nations in the future; for one does not need prophetic abilities to hazard the guess that the problem will intensify in the next decades. Beyond its practical dimensions, the problem is also theoretically extraordinarily complex, and I must confess that I do not know sufficiently precise answers. Much more than in the case of many other moral-political issues, the aporetic nature of the problem resists attempts at clear-cut solutions. I can only reject some simple solutions and offer some general reflections that must be taken in consideration when dealing with the issue. I do not claim at all that I have been able to muster all the relevant categories and even less that I know how to weigh the various arguments pro and con. I will begin by addressing the problem on moral grounds, that is, considering the duties that moral individuals should recognize with regard to refugees (I). I will then look at the issue from the point of view of natural law. Natural law, as I intend it, is the proper subset of moral norms that, on moral grounds, may, and often even ought to, be enforced by institutions with the monopoly of the legitimate use of physical force, that is, states.¹ It is a proper subset, since not everything that is morally obligatory ought to be enforced; for it is morally decisive that free decisions to engage in moral activities not prescribed by the state remain possible. Natural law is thus narrower than the realm of moral norms; but it transcends positive law, since it offers a standard against

¹ See Vittorio Hösle, *Morals and Politics*, University of Notre Dame Press: Notre Dame 2004, 631-654.

which the latter can be measured. This does not mean that positive law has to be deficient. On the contrary, fortunately a large amount of the international law dedicated to the rights of refugees is inspired by moral principles and the tradition of natural law, and thus we can find in these texts important insights into what natural law ought to demand – texts, which furthermore enjoy the two advantages of being quite precise and of being valid law. But the political compromises to which they inevitably owe their existence render it a priori likely that they deviate in part from what natural law would ask for in an ideal world (II). Third, moral policies have to be implemented in the political arena; and it is quite obvious that the difficulties of the political process will be higher than usual when the fate of refugees is at stake. This will be so for two reasons. First, the refugees do not vote in the state that welcomes them; thus, politicians working for their interests are not helped by them in the next election. On the contrary, they have to convince their voters why they are allocating resources to other persons that otherwise would flow to the voters. Second, refugees can travel to different countries; and thus their settlement easily becomes an issue of international politics. In this context, I want to look more in detail at some of the problems that the new politics of the German government concerning refugees has faced since the spectacular changes in 2015 (III).

I.

A sign of the intricacy of the moral problem that refugees represent is the following fact. When Peter Singer published in 1979 the first edition of *Practical Ethics*, certainly one of the theoretically most debated and practically most influential books in applied ethics from the last few decades, it did not yet contain a chapter on refugees. This was added, together with a chapter on “The Environment”, in the second edition of 1993. It bears the title “Insiders and Outsiders” and draws on a paper co-authored by Peter and Renata Singer in 1988. But the third edition of 2011, while adding a new chapter on “Climate Change”, no longer contains the chapter on refugees (it dropped as well the appendix “On Being Silenced in Germany”). Peter Singer justifies his decision in a lengthy passage, which is well worth quoting: “This is not because the issue of admitting refugees has become any less important than it was in 1993. On the contrary, it is probably more significant now and will become more significant still, in coming decades, as we begin to see increasing numbers of ‘climate refugees’ – people who can no longer live where their parents and grandparents lived, because

rainfall patterns have changed or sea levels have risen. But I had become dissatisfied with the chapter as it stood. This is partly because the issue is one to which the facts – for example, about the possibility of a country taking in large numbers of refugees without this leading to a racist backlash that would harm minority groups within the country – are highly relevant. I had also become more aware of differences between countries that are relevant to this issue... If the issue cannot be treated adequately and in a properly nuanced way, I decided, it would be better not to include it in this book, especially as it is one of those issues on which governments must set policy rather than one on which individuals <sic> actions can make a significant difference”.² But even if Singer now rejects the argument of the second edition, I want to begin by sketching it, for it is enticing, and the analysis of the simplifications that characterize it can help us to develop a more complex view.

Singer starts his essay with a thought experiment. After a nuclear war in 2002, there is a fortunate group of people who own shares in fallout shelters built before the catastrophe, whither they have fled and where they have the capacity of controlling access to their facility. Each such underground village has enough food for the next twenty years for the 10,000 people that own shares. But new research shows that already after eight years people may safely return above the ground. Since the villages were conceived as luxury facilities, they also have enough space for an additional 10,000 people who could be reasonably fed over the eight years, even if this means limiting the luxury of the inhabitants. Should they let in additional 10,000 people, none, or only 500? Clearly, Singer suggests, only the first answer is the morally correct one. Analogously, he argues, if we give equal consideration to the interests of all people, we should recognize “that more pressing or more fundamental interests take precedence over less fundamental interests”.³ Therefore, a rich country should allow access to refugees, for their often miserable life can be considerably improved with only a modest diminution of the standard of living of the people hosting them. It is wrong to consider generosity to refugees an *ex gratia* approach – or, as we could say with a term not used by Singer, a *supererogatory* act that goes beyond our strict moral duties. It is morally obligatory to act in

² Peter Singer, *Practical Ethics*, Cambridge University Press: Cambridge 3rd edition 2011, X f.

³ Peter Singer, *Practical Ethics*, Cambridge University Press: Cambridge 2nd edition 1993, 256.

this way. “So there is a strong case for Australia to double its refugee intake. But there was nothing in the argument that relied on the specific level of refugees now being taken by Australia. If this argument goes through, it would also seem to follow that Australia should be taking not an extra 12,000 refugees, but an extra 24,000 refugees a year. Now the argument seems to be going too far, for it can then be reapplied to this new level: should Australia be taking 48,000 refugees? We can double and redouble the intakes of all the major nations of the developed world, and the refugee camps around the world will still not be empty”. But, Singer argues, this can never show that the original argument is invalid – even if it is true that at some point – “perhaps when the refugee intake is four times what it now is, or perhaps when it is sixty-four times its present level – the adverse consequences that are now only speculative possibilities would become probabilities or virtual certainties”.⁴

My own metaethical stance is quite different from Singer’s utilitarianism: I defend a material value ethics, centered on the concept of person, on the basis of the principle of universalizability, an ethics inspired by both Kant and Max Scheler. But I do share the concrete starting point of Singer, concerning both this and other issues, that it is morally wrong to satisfy luxury needs when, with some limitations of one’s consumption, human lives can be saved. Singer’s famous essay “Famine, Affluence, and Morality”⁵ remains inspiring: living in affluence while other people are starving is not morally respectable. While in earlier times there was hardly any technical possibility to help out in famines or refugee crises occurring in distant countries, the new information and transportation technologies render an omission of help in cases of severe distress deeply immoral. For doubtless morality cannot limit itself to condemning evil actions, it must also condemn culpable omissions. If the prohibition on killing humans ultimately rests on the value of human life, this value must also justify the moral command to save human lives whenever possible. Still, there is little doubt that there are crucial differences between actions and omissions and, within omissions, between omissions of a concrete duty that one owes due to one’s own earlier behavior and omissions of generic duties. For while the idea has to be condemned that helping starving people is supererogatory in the same sense in which giving a particularly generous tip to a waiter is (for the goods at stake are of different relevance), it is true that even helping the

⁴ 260 f.

⁵ *Philosophy & Public Affairs* 1 (1972), 229–243.

poorest is subordinated in urgency to other acts. We have first to repay our debts before we can begin to think about being generous; for concrete obligations toward our creditors, which we voluntarily undertook, are more urgent than the unspecific ones toward people in need of help. Even the obligation toward our parents, although not based on a voluntary contract (for we were not asked before we were born), has the nature of a debt; for we would not be what we are if they had not invested energy and money during the time of helplessness in our childhood, and it is only fair that we repay their help during the time of their helplessness in old age.

Similarly, if we have caused damage, we have first to pay compensation for it before we can begin to think about other duties; for we have violated our duty to refrain from positive damage and thus owe to the victims of our action something more than what we owe to people for whose suffering we are not responsible. When we have children, our duties toward them, for whose existence we are directly responsible (even if the latter is not damage), trump our duties toward other people. (This claim is compatible with morally favoring the decision to have less children in order to be able to be more generous toward unfortunate people). Still, balancing our duties toward people for whom we have a specific responsibility with our duties toward distant persons whose misery asks for help remains a crucial moral task; and it is certainly morally right to refuse buying luxury goods for one's children in order to help people in dire misery (also, but not only, because this will help one's children grow morally).

We have preferential duties also concerning people to whom we are bound by promises, even more if these have been reciprocal. Do fellow citizens also enjoy such a preferred status? One can plausibly argue that we are connected to each other by an implicit social contract, and that the common duty to risk one's life in the case of an attack by a foreign power is a strong bond that trumps more generic duties. Yet when my fellow citizens are no longer plagued by unsatisfied elementary needs, it is not only permissible but morally obligatory to help people whose needs are far more urgent.

While a prohibition on actions – “do not kill” – can easily be satisfied by refraining from actions of killing, a prohibition on generic omissions – “do not omit to help humans in dire need” – is much more difficult to implement. If it means “Help all indigent people”, there is no way anyone could satisfy it; and if it means “Help as many people as possible”, the question remains: What does “as possible” mean? We may for example ask: in the short term or in the long term? If Bill Gates had early on distributed all

his disposable income to the poor and had not saved and invested money in order to co-found Microsoft, he would not have become the billionaire, who, with the Bill & Melinda Gates Foundation, has created the largest private foundation in the world. But even such a wealthy foundation must select among potential beneficiaries, and the discretion that it enjoys in its choice distinguishes its situation morally from the cases previously mentioned. While it is clearly absurd to claim that one should not give to anybody since one cannot give to everybody, it is important to look at moral criteria that partially justify one's selections. The following criteria seem to me morally relevant, even if they benefit different people and I am not able to recognize any clear rank ordering among them. First, help should be directed to those most desperately in need, whose life, for example, is in danger. For by helping them, one decreases the probability of premature deaths; and one diminishes the most exorbitant forms of inequality. This is in accordance with John Rawls's difference principle,⁶ even if the extension of it to the international order transcends the author's intention.⁷ But if we assume that the situation in which the principles of justice hold must be based on the high number of interactions, one can argue that with increasing globalization these principles have to extend beyond one's state.

Second, one should help those who by the help afforded will be rendered able to help themselves. These people will only rarely coincide with the members of the first group; but it is reasonable to help them for three reasons. First, by doing so, one can reach with the same resources more people than in the case in which long term help has to be allocated for a longer time to the same individuals; second, the persons who become able to help themselves may then also, motivated by their own life story, become able to help other people; and, third, it is good also for the person who has been helped to become autonomous and no longer be in need of support from others. The third criterion simply states that people who are not responsible for their difficult situation deserve more help than those who are. This seems in itself fair; and it furthermore has the positive

⁶ See John Rawls, *A Theory of Justice*, Harvard University Press: Cambridge, MA 1999, 52 ff.

⁷ For an attempt to apply the difference principle to questions of international solidarity, see Paul Weithmann, "Natural law, solidarity and international justice", *Free Movement*, edited by Brian Barry and Robert E. Goodin, Routledge: London/New York 2013, 181-202.

consequence that it creates a disincentive against bringing oneself into a situation where help is needed.⁸

Since our resources and our altruism are limited, we ought to strive for efficiency in allocating our help. Some people may object to introducing economic categories while speaking about moral issues, but there is no moral alternative to it. Probably misconceptions about economy play a role here. Some people conceive the economic realm as the sphere of rational egoism and rightly insist that moral obligations cannot be reduced to egoistic interests. But the economic system serves the satisfaction of material needs, and while it often uses the appeal to rational egoism to achieve its ends, nothing in the concept of the economic excludes the orientation toward self-transcending goods. Every charitable institution that does not limit itself to fostering good feelings among its members wants to change something in the outside world; and clearly it is better if, given the resources that it has, it can achieve more rather than less of the goods at which it aims. Thus every respectable charitable foundation must check its performance and try to enhance its efficiency. The refusal to do so shows indifference concerning the ends one pretends to achieve. A mature person must furthermore recognize that, under conditions of scarcity, every action has opportunity costs because it prevents us from embarking upon the second best alternative.

After this general introduction to the ethics of helping in cases of distress, let us look at the concrete issue particularly at stake today, the refugees arriving in Europe. Is a benevolent individual duty bound to prioritize their help? No doubt, many of them are plausible candidates for help. They often flee from terrible hardships and even life-threatening situations; for otherwise they would not undergo their journey, which often enough is dangerous and not rarely ends with death, particularly if travel occurs by sea but also when they have to traverse a desert. Only in few cases can the suspicion arise that they are responsible for their plight. (One exception would be members of a criminal political party that abused a country and has now been overthrown). Regarding the other two criteria, however, the issue becomes more complex, and their appeal to help does not necessarily trump the appeal of possible competitors. Let us look at the first criterion. Many of the people left behind in a war-torn country

⁸ Concerning refugees, this principle is explicitly mentioned by Grotius, *The Rights of War and Peace*, II 21.5. Grotius quotes many sources, among which are Greek tragedies dealing with suppliant people.

are usually worse off; for they could not afford the flight. Without a military intervention, which, however, is rarely advisable, there are limited possibilities to help them. So unfortunately some of the victims are not real competitors. Yet compared with the Syrians who managed to get to Germany, not only those Syrians who could not escape from the civil war ravaging their country, but also those Syrians who could cross the border to the neighboring countries but did not make it to a camp of the UN Refugee Agency (UNHCR) and even the ones who live in these scandalously underfunded camps are, albeit in decreasing degree, considerably worse off than those who have arrived in Western Europe. On purely moral grounds, it is not immediately clear why the latter are more entitled to help than other groups. This applies also when we confront them with other people living in very poor countries who cannot afford basic health services or primary education. It is not at all evident that we should decrease developmental aid in order to help refugees, as, for example, Sweden and the Netherlands (but not Germany and France) have done in 2015. Sweden and the Netherlands belong with the United Kingdom, Denmark, and Luxembourg to those countries that in 2015 gave 0.7% of their GDP to developmental aid. Germany gave only 0.52%, although a higher level of developmental aid will bring us more quickly to the implementation of the first two goals of the 2030 Agenda of Sustainable Development, namely, to eradicate extreme poverty and hunger everywhere. In the long run, developmental aid will furthermore diminish the causes that drive people out of their countries, even if in the short term it probably will increase the number of people who can think about, and pay for, leaving their country. (Similarly, the reduction in infant mortality first raises but relatively soon helps stabilize the birth rate).

Psychologically, of course, it is true that we find ourselves more bound to help the person who knocks at our gates and whose face we have seen than people who are far away, anonymous, and without their faces visible to us. But it is not evident that following moral instincts instead of general principles is the best solution. If one can save more human lives by investing in refugee camps than by hosting refugees in one's own country (which is likely, given the fact that the costs of maintaining people are considerably less in such camps), it could be morally legitimate to do so. Singer's thought experiment suffers considerably from the fact that he discusses only three possible alternatives, which indeed vary considerably in their moral value. But in real life there are far more; and opening the borders, even if it were politically feasible, may not be the one by which we achieve most good.

Second, concerning the issue of achieving the capacity to help oneself, an indiscriminate admission of refugees is not necessarily the best strategy either. Two more targeted approaches are, first, letting in people according to the criterion that they have the capacity to integrate themselves quickly in the new society, based, for example, on linguistic knowledge and the professional skills needed by the new country, and, second, investing in the educational system, either of the countries of origin in the case of potential migrants motivated by economic hardships, or of the neighboring countries that already host them in the case of war refugees. (It may be, however, that the concerned states for whatever reasons resist or are unable to deal with offers of help). But is the first approach not often in the interest of the country to which the refugees want to go? It usually is but it is an error to believe that it therefore cannot achieve something objectively good. While we should ascribe a specific value concerning the subjectively moral dimension to an act that is absolutely disinterested, it is a fallacy to believe that only such acts can achieve something which is objectively good. On the contrary, often enough institutions based on mutual interest prove to be more lasting than those that are built on self-effacing altruism, which occurs not too frequently among humans. When we discuss the political dimension, we will see that it is crucial to distinguish between immigration policies based on the self-interest of the country and those that are primarily altruistically motivated. While moral persons should not limit their actions to what is in their rational self-interest, moral politicians who want to change the world should realistically recognize that they will be more successful if they can connect moral demands with the concrete interests of the people to whom they owe their support.

There is a further issue ignored in Singer's shelter scenario. Singer himself recognizes that unlimited immigration cannot be allowed, even if his remarks about the amount of migrants a country like Australia could afford are deliberately vague. But a politics of letting in people without naming clear criteria beforehand, which would help them predict the success of their asylum request, awakens the desire to reach that safe haven in millions of other people. Since it is economically unfeasible to accept all of them, one elicits a behavior that is very risky (also because human trafficking is often in hands of criminal gangs) and, even if it leads to a safe arrival followed by a quick repatriation, hardly helps the poor country to develop and also causes the person who made the long journey to deplete his or her means. Important resources have been wasted for nothing. Preventing dangerous and useless journeys by precise information on who will, and

who will not, be allowed entry and by allocating developmental aid is therefore more moral than the vague and unfulfillable promise that everyone is welcome.

II.

I have spoken about the moral duties that we have toward people unable to help themselves, among whom refugees are a particularly relevant class because they are no longer protected by their own state; in some cases they are even stateless, statelessness usually being a result of gaps in nationality laws, emigration, the collapse of states, and even specific laws depriving ethnic groups (like the Rohingyas in Burma in 1982) or political enemies (like the Russian émigrés in the 1920s) of citizenship. At the same time, one has to face the fact that almost all states of the world control their borders and do not allow entry to all who seek it. Why is it so? Is this merely a brute fact, or is there a rational justification for it? On a first level, one can argue that, physically, not all people fit into a specific country, even if it is perhaps the most popular one on earth, so that most people of our planet would like to live there. There is no way to house the entire population of China in a country like Luxembourg. And even when the physical space is vast enough to absorb people, the economic resources are never enough to give all the people who want to come the benefits that are one of the reasons why they wish to come. (In fact, the more generous the welfare state is, the more costly it is to extend it to newcomers). In some cases, one can even have the justified fear that an influx of people from very different cultures could endanger the local community's cultural capital, which alone made it so successful economically.

There is a still more important and more subtle level. Simply developing a list of what is morally desirable is ultimately unsatisfying – we want to transform the normative realm into something that has achieved social reality. The idea of natural law is exactly this – it demands that certain norms be enforced, for example by threatening to punish their violators, and thereby achieve a guaranteed reality denied to purely moral norms. But the enforcement of certain norms is possible only if there are subjects that recognize the duties correlated to the rights that should be enforced. Nor is it sufficient that they recognize it; they must organize themselves in such a way that the norms can be implemented. A state is exactly this – it is an organization of people on a given territory with the task of maintaining a certain legal order (which also encompasses the norms dealing with

the organization of the state). In the extreme case, this task may involve the sacrifice of one's own life. The pride that people take in belonging to a state is justified: without the state, the moral norms would remain mere wishes; within the state, they can achieve the status of experienced reality, shared by the members of a community, who trust that most members of the state accept the common legal norms and therefore can plan their lives with much greater ease. The cultural cohesion and the social architecture without which a state cannot operate are not something that goes without saying; on the contrary, the relative frequency of civil wars shows that the presuppositions of a state's functioning are fragile. And even when two states are stable on their own, it does not at all follow that the combination of their populations would create a functioning polity. This is true even if one of the groups would only enjoy the rights of resident aliens; it is even more true if both groups were united in a common citizenship, and particularly if the polity were a democracy. For democracies presuppose a greater agreement among the population than the traditional multicultural empires, since people not only have to live peacefully together but also have to engage in common political decision-making, which is hardly possible if there is no agreement on basic values.⁹ For all these reasons, states defend their borders and define the criteria of admission as an inalienable part of their sovereignty. As long as humanity does not develop a universal state (and perhaps even afterwards, for such a universal state will be some form of federation, not necessarily granting free movement to everybody), this feature can hardly change (even if it may well be that nowadays "the worldwide crackdown on extralegal migration is a reaction to state perceptions of a loss of control over policy initiatives in other areas").¹⁰ Michael Walzer has compared the state to a club insofar as both states and clubs have rules for admission but ought not to prevent people from leaving them (except in extraordinary circumstances, when the survival of the state is at stake).¹¹ "Immigration and emigration are morally asymmetrical. Here the appropriate analogy is with the club, for it is a feature of clubs in

⁹ See Vittorio Hösle, *op. cit.*, 478 ff.

¹⁰ Catherine Dauvergne, *Making People Illegal. What Globalization Means for Migration and Law*, Cambridge University Press: Cambridge 2008, 2.

¹¹ One might even defend the thesis that citizens who have enjoyed considerable state investments, for example in form of a tertiary education, should pay an exit fee if they leave the country before they have given back by their work what they received in form of their education.

domestic societies – as I have just suggested it is of states in international societies – that they can regulate admissions but cannot bar withdrawals”.¹² The asymmetry between emigration and immigration does not at all entail an inconsistency, even if it is true that there is a difference between clubs and states: one can live well without being a member of a club but one diminishes one’s survival chances considerably if one forsakes the protection of one’s state. But, after all, that is not so different from quitting a job, since it does not entitle one to find a new one either – even if living without a job is quite risky too.

But although the rights of humans can only be protected in states that cannot open their borders indiscriminately, particularly in an age of extreme mobility, this does not mean that from a moral point of view humans have their rights only thanks to the power of their states. On the contrary, states are legitimate because they are the only way to guarantee humans their rights, which follow from the dignity of the human person. This, however, leads to a moral antinomy. As humans, we all have certain basic rights; but as members of different political communities that have different ways of organizing our legal systems based on different cultures and histories, we inevitably treat some humans, the citizens of that community, unlike the outsiders. Fortunately, this does not mean that the outsiders are without rights or at least without a moral and religious recognition of their claims. Already Plato – who certainly did not recognize universal human rights, as his support for slavery amply demonstrates – insists in the *Nomoi* (*Laws*) that crimes against foreigners (*xenoi*) and especially suppliants (*hiketai*), who come closest to our refugees, are heinous to a supreme degree, even if he clearly thinks that duties hold only after agreements and promises have been made. “As to foreigners, one should regard agreements made with them as particularly sacrosanct. Practically all offenses committed as between or against foreigners are quicker to attract the vengeance of God than offenses as between fellow citizens. The foreigner is not surrounded by friends and companions, and stirs the compassion of gods and men that much more... The most serious of offenses against foreigners or natives is always that affecting suppliants...”¹³ In fact, of the thirty-one completely preserved Greek tragedies there are two pairs that have the same title. One

¹² Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality*, Basic Books: New York 1983, 40.

¹³ *Laws* 729 f. (in the translation of Trevor J. Saunders in: Plato, *Complete Works*, ed. John Cooper, Hackett: Indianapolis 1997, 1412).

title, shared by a tragedy of Sophocles and Euripides, is the name of a heroine, Agamemnon's daughter, *Electra*; the other name, shared by a tragedy of Aeschylus and Euripides, signifies a group of people: *The Suppliants*. (Even some other tragedies with different names deal with refugees). This points to the fact that, first, the suffering of suppliants moved the Athenian public and, second, that they were aware of the tragic conflicts to which their claims could expose a political community. In Kant's *Metaphysik der Sitten* (*Metaphysics of Ethics*), the first part, "The Doctrine of Right", is divided into two sections, dealing with private and public law; the second of which is further subdivided into chapters on law of the state, international law, and cosmopolitan law (*Weltbürgerrecht*). The last chapter is short and consists only of one paragraph (§ 62). It states that every human person has the right to visit every other country, for the spherical nature of the globe constitutes an original community of all humans concerning land. However, they have to respect existing property rights, and the right to settlement can only be granted by an explicit agreement of the people that already live in that country. Still, the rights to visit other countries and not to be treated as enemies when doing so, according to Kant, are rights; that is, they are not simply philanthropic principles.¹⁴

It is tempting to see herein one of the seeds of the development of universal human rights, which is certainly one of the most important innovations of international law in the 20th century. After the atrocities of two world wars, the *Universal Declaration of Human Rights* of 1948 as well as the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*, both of 1966, have been the most general expressions of recognition of basic human rights by international positive law. Only the two *Covenants*, however, are binding treaties for the signatories; the *Declaration*, which was only adopted by the General Assembly of the United Nations, is not legally binding. But it has inspired legally binding treaties. Furthermore, it is to be understood as an elaboration of the appeal to human rights and fundamental freedoms, universal respect for, and observance of which, "for all without distinction as to sex, race, language, and religion", must be promoted by both the United Nations and its member states according to Art. 55 and 56 of the UN Charter. It is therefore a constitutive document of international law, to which the status of customary international law perhaps can be ascribed.

¹⁴See Kant's *Gesammelte Schriften*, Vol. VI, Reimer: Berlin 1907, 352-353.

The *International Covenant on Civil and Political Rights* explicitly states in its preamble that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” and “that these rights derive from the inherent dignity of the human person”: a remarkable acknowledgment of the idea that the rights granted to humans are based on a structure pre-existing states and their positive law. Concerning the specific issue of refugees, which today has to be interpreted in the light of the two *Covenants*, peculiar rights were ascribed to them already after the First World War.

In the historical chapter of his excellent study *The Rights of Refugees under International Law*, James C. Hathaway sees the League of Nations codifications of refugee rights as a third step after aliens law – which put limits to the right of states to treat persons within their jurisdiction in the manner they liked but was only supervised on a bilateral level – and the League of Nations system for protection of national minorities, where the international community assumed a collective responsibility for the supervision of the rights of those who were not sufficiently protected by their own national governments. “The legal framework for an international refugee rights regime draws on the progressive refinements achieved under these two systems”.¹⁵ After the radical transformation of the political landscape at the end of the First World War, the world was confronted with millions of people who were at the mercy of a foreign state and could no longer appeal to diplomatic protection of their own state. The solution that the international system found was the following: “Refugees did not become the holders of particular rights, but were entitled to benefit from actions taken for them by a succession of League of Nations High Commissioners. In particular, the League of Nations was empowered by various treaties and arrangements to respond to the legal incapacity of refugees by providing them with substitute documentation, which states agreed to treat as the functional equivalent of national passports”.¹⁶ This was the famous Nansen passport, devised by the great explorer, scientist, and humanitarian Fridtjof Nansen, who in 1921 had become High Commissioner for Refugees, an activity that won him the Nobel Peace Prize in 1922. In 1938, the Nobel Peace Prize went to the Nansen International Office for the Refugees, which was established after Nansen’s death in 1930 by the League of Na-

¹⁵ James C. Hathaway, *The Rights of Refugees under International Law*, Cambridge University Press: Cambridge 2005, 83. I got much information from this excellent book.

¹⁶ *Ibid.*, 85.

tions and which made an important contribution to the *Convention relating to the Status of Refugees* of 1933. Even if in its content the *Convention* signifies a true progress – I mention the exemption of reciprocity in Art. 14, which disconnects the individuals' rights from the policies of the states of the refugees –, it was ratified by only eight states, sometimes with reservations, so that unfortunately it did not have a great impact on social reality. The failure of the international community to deal with the plight of the Jewish refugees persecuted by Hitler, as it became visible during the Évian conference of 1938, when only Costa Rica and the Dominican Republic increased their quotas, shows how little reliance there could be on what international law had achieved by then. It was the enormous increase of refugees in Europe after the Second World War that led to the *Convention relating to the Status of Refugees* of 1951, whose geographic limitations to Europe were overcome in the *Protocol relating to the Status of Refugees* of 1967. Both *Convention* and *Protocol* have been signed by now by a vast majority of states – by some with astute reservations, such as, for example, Turkey, which recognizes refugee status only to refugees from members of the Council of Europe (people coming from other countries enjoy only temporary asylum). Also in 1951, the UNHCR was founded as the successor of the International Refugee Organization, which had begun to operate in 1946. The UNHCR received the Nobel Peace Prize twice, both in 1954 and in 1981.

Three issues are crucial in this context. First, the status of refugee is granted only to people who, being outside the country of their nationality or, in the case of stateless people, the country of their former habitual residence, are unable or unwilling to return “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”.¹⁷ Note that this does not include everyone whose life is in danger, such as potential victims of wars or even of many civil wars. That is the reason why the European Directive 2004/83/EC grants subsidiary protection, for example to people who face serious and individual threat to their life and person by indiscriminate violence in situations of international or internal armed conflict (art. 15 c).¹⁸ (Migrants motivated by economic reasons do not even enjoy subsidi-

¹⁷ *Convention relating to the Status of Refugees* Art. 1 A (2).

¹⁸ See Jens Vedsted-Hansen, “Conditions and Criteria for Determining Asylum”, in: *The Future of Asylum in the European Union*, ed. Flora A.N.J. Goudappel/Helena S. Raulus, Asser: The Hague 2011, 139-156.

ary protection). Since the *Convention* represented a remarkable progress, it would be unfair to criticize its definition of “refugee”; but from a moral standpoint, it is not clear what distinguishes the lethal danger facing a child based on its race from that based on indiscriminate violence in a war. Doubtless a persecution based on race in most cases will be even more heinous, if we look at the agent, but for the victim it hardly makes a difference. It was the deliberate purpose, however, of the *Convention* to find a compromise between the right of states to control access to their territories and the recognition of the duty to help some people in dire need; and the definition of “refugee” was explicitly motivated by the wish to limit the number of people entitled to help. It is worth mentioning that the right of asylum that the constitutions of some countries grant independently of their duties resulting from international treaties is often even more restrictive: I mention the French Constitution of 1946, which in its preamble (which remained valid even after the new Constitution of 1958) grants the right of asylum only to persons persecuted because of their actions in favor of liberty. Only few people qualify for this criterion; and even if one cannot deny that persons who have deliberately undergone considerable risks themselves are particularly deserving, the limitation of the right to asylum to them is hardly generous.

Second, the *Convention* of 1951, building on the one of 1933, but extending it considerably, granted substantial rights to refugees (besides the formal right to non-discrimination based on race, religion or country of origin, art. 3). They are not to be penalized for seeking protection, even if by means of illegal entry from the country where they are persecuted (art. 31), they cannot be expelled without strong reasons once lawfully in the country (art. 32), and under no circumstances, as long as they have not been convicted in a final judgment of a particularly serious crime, may they be sent back to the frontiers of the territories where their life and freedom would be threatened on the grounds that define a refugee (art. 33).¹⁹ As crucial as this prohibition of *refoulement* is, perhaps even more important is the granting of rights not only to freedom from interference but also of rights to positive benefits and to procedure, such as to housing, public education, public relief, or administrative assistance for those lawfully staying. Note that

¹⁹ Some states consider extraterritorial *refoulement* (for example, on the high seas) as compatible with the *Convention* – think of the 1993 U.S. Supreme Court Decision *Sale vs. Haitian Centers Council, Inc.* I share Hathaway’s well-argued position (op. cit., 335 ff.) that this contradicts the plain meaning of Art. 33 (1).

the rights mentioned depend on the status of the refugees – whether they are only physically present, lawfully present (for example, while their claim of refugee status is being verified), or lawfully staying (for example, because they have been recognized as refugees and granted asylum or because they enjoy temporary protection). But even the least protected group has basic rights to positive benefits due to the *International Covenant on Civil and Political Rights*. Its art. 6 grants a right to life, and it is plausible to interpret this as meaning a right not only not to be killed by the state but also to be protected by the state against attacks and even given a bare subsistence minimum (food, shelter, basic healthcare).²⁰ Needless to say, the understanding of what a subsistence minimum is varies strongly according to the possibilities of the country hosting the refugees. Refugee status comes to an end when the refugee is repatriated, resettled, or naturalized.

Third, the *Convention*, while specifying the rights of refugees, does not oblige any state to accept refugees.²¹ This is one of the reasons why it found so many signatories. Once they have crossed the border, even illegally, the refugees have important rights, as just mentioned, but this does not at all entail that states have the legal duty to open their borders to let them in, and even less to help the refugees to reach them. This is exactly what most states do: they bar access either physically, for example by border fences, but also legally, by requiring visas from certain states, by first country of arrival and safe third country rules,²² by declaring entire populations as not at risk, and even by creatively interpreting parts of their territories as being outside their own territory, in order to avoid the legal consequences attached to entry in the territory.²³ Sometimes parts of an airport are declared “international zones”, and Australia in 2001 “excised” several islands from the migration zone so that people landing there could not apply for visas, including protection visas. But since refugees then tried to land on the mainland, in 2013 Australia declared the whole mainland excised.²⁴ It

²⁰ See Hathaway, *op. cit.*, 452 f., 460 ff.

²¹ “... haben zwar alle Menschen das Recht, in anderen Ländern vor Verfolgungen Asyl zu suchen und zu genießen... Dem entspricht keine allgemeine *vr* Pflicht der Staaten, Asyl zu *gewähren*” (Alfred Verdross/Bruno Simma, *Universelles Völkerrecht*, Duncker & Humblot: Berlin 31984, 799; “*vr*” stands for “völkerrechtlich”).

²² Concerning the safe third country concept see art. 27 of European Directive 2005/85/EC.

²³ See Hathaway, *op. cit.*, 279 ff.

²⁴ On the attempt of the Australian government to keep asylum-seekers beyond the reach of the rule of law, see Susan Kneebone, “The Australian Story: Asylum Seekers

is not difficult to see an enormous moral tension between the relatively generous regime of the *Convention* and the obvious fear that most states have that too many refugees may benefit from it. If I may draw a humorous comparison concerning a deadly serious matter, the situation reminds me of Buster Keaton's *Our Hospitality*. The hero, who has returned to his birth town to claim an inheritance, through a series of accidents becomes the guest of a family who, as they find out, was involved in a deadly feud with his father and thus has the duty to kill him – yet of course not when he is in the house, for there he enjoys “our hospitality”. But whenever he leaves even for the garden, they try to shoot him.

Recognizing moral duties to people while, at the same time, trying everything to prevent them from getting into a situation in which they would obtain legal rights corresponding to those duties is hardly convincing. But we have already examined the enormous moral difficulties of the situation. Concerning Australia, one must recognize that there are few other OECD countries with such a high percentage of foreign-born population – in 2013 it was more than 27% (only Luxembourg, Switzerland, and New Zealand had more), while in Germany it was less than half that (12.8%), in the Slovak Republic only 3.2%. Also the first country of arrival and safe third country rules are not *prima facie* absurd. No country could check billions of people claiming refugee status, and it is particularly clear that refugees cannot have the right to choose their homestead – otherwise the most popular countries would have to shoulder an unbearable burden. “Asylum shopping” demands administrative resources that cannot be delivered to needy persons. One can also argue that the first country of arrival is usually (even if not always) culturally closer to the country of origin so that integration is less demanding. And yet it is also clear that the first country of arrival rule disadvantages the poorest countries – for in the current historical situation, unlike after World War II, they are most likely to be neighbors of countries from which refugees flee. In the UNHCR mid-year trends June 2015 report the ten countries that hosted the most refugees – 57% of those under UNHCR mandate – were, in the following order, Turkey, Pakistan, Lebanon, Iran, Ethiopia, Jordan, Kenya, Uganda, Chad, and Sudan,²⁵ only Turkey being an OECD country. If we look at

outside the Law”, in *Refugees, Asylum Seekers and the Rule of Law*, ed. Susan Kneebone, Cambridge University Press: Cambridge 2009, 171-227.

²⁵ <http://www.unhcr.org/en-us/statistics/unhcrstats/56701b969/mid-year-trends-june-2015.html>.

the number of refugees per 1,000 inhabitants, of the OECD countries only Sweden and Turkey belonged to the ten countries at the top of the list – with 15 and 24 compared to the 209 of Lebanon. All this cannot be called fair, no more than the Dublin III Regulation within the European Union, which put the burden of refugees only on its southern members, Spain, Malta, Italy, Greece, and to a lesser degree Hungary, whence by far the majority of the refugees enter the EU. That the EU omitted to help Syria's neighboring countries before the physical movement of refugees toward Europe obliged it to act, contributed to the mass exodus and was certainly not a sign of a provident and moral politics.

What can a fair solution be? Since neither the first country of arrival rule nor the choice of a country by a refugee are ultimately acceptable, in the long term the only way will be an international agreement on mechanisms of distribution of the burden that refugees doubtless represent. When I speak about distribution I do not necessarily mean that all countries have to accept refugees on their territory, based on non-relational criteria such as size of the country, lower density of population, GDP etc. The integrability of refugees into a specific country is a relevant criterion, and since such a criterion will continue to disadvantage poorer countries, it is a demand of justice that the richer countries that carry a far lesser burden based on their geography accept responsibility for a considerable part of the expenses. Of course, it will be crucial to have a system of accountability in place which forces states to respect the obligations undertaken. For a more distant future, one might even imagine a large area leased by the United Nations where most refugees are housed for a time of transition. In order to create an incentive for states to join such an agreement, one might add that refugees from states that sign it will be treated preferentially. At least in democracies, the majority of people have a partial responsibility for their government's decisions; and so treating people from countries that refused to sign less generously than others is compatible with the third criterion of the ethics of help I mentioned at the beginning. The return of the Cold War may convince even European nations that the fate of becoming a refugee is not necessarily precluded from their own future. But a lot of diplomatic work will be necessary. For it is unfortunately true that "following the emergence of the crisis in refugee law and refugee protection, States have not demonstrated any interest in extending the rights of refugees. In the absence of a body at the international level, which has responsibility for creating international refugee law, or even an administrative body that could adopt interpretative

decisions on refugee law issues, the adoption of new universal refugee law treaties has come to a standstill".²⁶

Even if I do think that the decision of even the most generous state to accept refugees has a discretionary element – for the simple reason that there are more people who deserve help than can be helped – there is at least one group of refugees to which a state has a specific responsibility comparable to that of paying off a debt or compensating for a damage, that is, which is not discretionary.²⁷ I have in mind those refugees for whose suffering the country has a concrete responsibility. We should first mention persons who have collaborated with the country when it colonized or occupied their territory and who are in danger from their fellow citizens when the foreign power withdraws. Refusing to help those who have worked for the country is a violation of a much more direct duty to help than in the case of people coming from areas of the world that have not been affected by that country. But I go further: when the violence in a country has been triggered by another country's unjustifiable intervention, the latter is morally bound to help the victims of this violence even if they have not specifically worked for it. Since the current problems in Iraq are a consequence of the illegal, immoral, and politically stupid invasion of 2003, the USA has a specific duty to harbor persons from Iraq whose life is at concrete risk. Another relevant category of refugees (already mentioned by Singer) are climate refugees. Since the climate change that affects them and deprives them of their sustenance has as one of its causes the emissions of greenhouse gases by the developed countries, it is only fair that these countries help to reallocate the people who are losing their homelands or seeing their value drastically reduced. Needless to say, the enormously complex interplay of causes renders it easy to disentangle oneself from one's moral responsibility. In fact, while art. 8 of the 2015 Paris agreement within the UNFCCC at least addresses the loss and damage question and refers to the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, paragraph 52 of Draft Decision -/CP. 21 explicitly states that "Article 8 of the Agreement does

²⁶ Corinne Lewis, *UNHCR and International Refugee Law. From Treaties to Innovation*, Routledge: London/New York 2012, 100.

²⁷ Between discretionary and non-discretionary treatment one can recognize a preferential treatment due to family members of refugees already recognized and to members of one's ethnic group (see Walzer, op. cit., 41 f.). In the case of family members, the costs of the integration are often sponsored by relatives already in the country.

not involve or provide a basis for any liability or compensation”. We are thus still far from a legal recognition of a duty to transfer or host victims of climate change. It would be good if the international community began to elaborate concrete criteria for dealing with them before the problem overwhelms morally, economically, and politically unprepared countries, as did the European refugee crisis of 2015.

III.

The uncommonly generous reception of refugees (mainly from Syria) by Germany in the summer of 2015 was certainly a historic event, which enormously lifted the international reputation of both the German government and the German people, who at the beginning supported the changes with enthusiasm, extraordinary volunteer work, and a remarkable “Willkommenskultur”. The courage shown by Chancellor Angela Merkel in doing something utterly unexpected given the practices of the European states in the last few decades surprised many people, who had interpreted her as a cool strategist of power. Was her ultimate motive a humanitarian concern for the plight of refugees, as emotionally presented to her when she met the young Palestinian-Lebanese girl Reem Sahwil, or was she primarily working for her place in history books after the US–American ambassador to Germany, Philip Murphy, had called her “risk-averse and rarely creative” (according to the November 2010 WikiLeaks release of US State Department diplomatic cables)? By the way, in mass democracies this is usually a necessary condition for rising to power, since this combination is perceived as a warrant of stability. Nobody knows. And since even for the agent motives are murky, it is completely sufficient to state that Merkel thought and thinks that a more generous attitude to refugees is morally the right thing to do. That this conviction led the daughter of a Lutheran minister to a new “Here I stand; I cannot do otherwise” in the conflict with her coalition partners was hardly surprising.

Since I do think that greater generosity to refugees than internationally practiced is indeed morally obligatory, both for individuals and – albeit to a far lesser degree – for states, I admire Merkel for her decision of 2015. At the same time, I am afraid that the way the issue was handled was politically not the most prudent and that the moralistic wave that Germany experienced in 2015 will have less lasting results than a more sober approach could have had. I just used the word “moralistic”, and the context shows that it was not intended as praise. How come, since I myself used the term

“morally obligatory” in the previous sentence? There are two very different ways of criticizing moralism. One is based on an amoral, ultimately cynical view of those who are in power and want the status quo preserved. The other is itself inspired by moral values; what it reproaches in moralism are three things. First, moralism follows sentiments instead of a rational analysis of the situation and of the moral alternatives at stake; second, in the enthusiasm of its sentiments it refuses to recognize that most people fall quite short of what is morally obligatory (and some are even truly evil); third, it proves unable to build lasting institutions. The three criticisms are obviously connected, for even the strongest sentiments, alas, are no durable basis for institutions (not even for a marriage!), particularly when they are not based on a realistic view of human beings. Note that if in the following I criticize political decisions, I do it from the armchair position of a pure intellectual, who recognizes that under pressure decisions have to be taken that seem problematic in hindsight. My criticism does not aim at belittling the past but at trying to learn for the future.

Based on several of Merkel’s speeches, I presume that one of her motives in allowing refugees to enter the country was the desire to overcome the xenophobia of many Germans and to make the country more open to the world. I completely agree that this is a very important aim; in fact already in 1997 I called it “depressing that Germany still has not reached consensus about an adequate immigration law”.²⁸ Twenty years later we are, despite some limited progress, in the same depressing predicament. But is not the acceptance of refugees a step in that direction? I am afraid not. On the contrary, it will render the passing of an intelligent immigration law modeled on the Canadian Immigration and Refugee Protection Act more difficult, because the mostly irrational fears that the presence of refugees has created among large strata of the population will prove a strong obstacle. In my eyes it would have been more politically prudent first to let in more foreigners whose utility for the German economy could easily be understood, particularly since the population would shrink considerably without immigration (and the impact of pronatalist policies has proven quite limited). In the context of such an immigration law, but based on different, namely, purely humanitarian grounds, far more generous quotas for refugees should have been included. In the actual situation, the influx of foreigners is perceived by many as exclusively a burden; and such a sit-

²⁸ Op. cit., 919. The German original of the book is from 1997.

uation is not likely to last.

Second, the government should have informed the population about the concrete content, the extent, and the duration of its measures and the moral reasons for its decision. Germans were not told clearly by their government basic things such as the difference between migrants and refugees, and refugee and subsidiary protection and their temporal limits; and some legal grounds given for the decision were invalid. Neither art. 16a of the *Grundgesetz* nor the *Convention* of 1951 nor the *European Convention on Human Rights*, in force since 1953,²⁹ obliged Germany to accept refugees coming from other EU countries. Suggesting that there was no legal alternative misled the public. This became obvious when even Austria and Sweden set limits to the influx of refugees and the German government was the last to claim that every refugee had a right to enter. I repeat that I admire the decision of 2015 on moral grounds; but Merkel should have, in a great speech to the nation, explained why Germany here assumed a moral responsibility that transcended its legal obligations. Probably the widespread phobia of moral pathos in postmodern societies, the Chancellor's lack of oratory skills, and the decreasing capacity of the German public to listen to remarks longer than the usual talk show contribution were the causes of this procedure. But the great danger of this situation is that politics in such situations will oscillate between cynical power struggles and sudden surges of sentimentalism. Neither the famous slogan "Wir schaffen das" – a German translation of Barack Obama's "Yes, we can", already appropriated in 2014 by the new Spanish party *Podemos* – nor the innumerable talk shows were able to replace such a speech. Whoever has studied great speeches from antiquity to Bismarck and Churchill must regret the decline of the genre, both on literary and moral-political grounds.

Third, a worrisome aspect of the decision of the government was the fact that there was no parliamentary authorization – and perhaps even more worrisome is the fact that there was no quick uproar, either in parliament or outside of it, about this lack of legitimacy. I do not have the competence to determine whether this was a violation of the German Constitution; but I can understand why authorities on constitutional law expressed their opinion that the decision on an "essential" matter, which

²⁹ See art. 3 and 4 of the fourth protocol and Katharina Pabel, "Flüchtlingsschutz und europäische Menschenrechtskonvention", in: *Der Staat in der Flüchtlingskrise. Zwischen gutem Willen und geltendem Recht*, ed. Otto Depenheuer/Christoph Grabenwarter Ferdinand Schöningh: Paderborn 2016, 197–215.

inevitably entailed large costs, ought to have been made by parliament and that the bypassing of it was unconstitutional.³⁰ I can also imagine a situation in which an irregular entry of refugees in high numbers would endanger the constitutionally guaranteed rights of the member states that have to host them. But whatever the constitution may demand, politically an involvement of parliament in such a momentous decision would have been highly appropriate. It may be useful to look at Aeschylus' and Euripides' *Suppliants*. Aeschylus' king Pelasgus, when asked by the suppliants to host them, finds himself in a moral dilemma, which is admittedly greater than the contemporary one, since he must face war to protect the suppliants (v. 379 f.). Even when the chorus asks him to make his decision alone, since he is the state (375 ff.), he adamantly refuses before he gets the assent of the people (368 f., 397 ff.). Only after it is given, he undertakes the obligation to protect the suppliants. Similarly, Euripides' Theseus (who is asked not to receive refugees but to retrieve corpses after a battle) insists that he can only proceed if the people agree (349–353). The distinctive features of Attic democracy are carefully set out also in the discussion with the herald from Thebes (399–443).

At the same time, there is no doubt that some of the arguments used in this debate against more generous immigration policies themselves contradict the German Constitution, for it explicitly grants the same status to all the religions (art. 4). As it is not the business of the government to prevent people from converting to Buddhism, Islam etc. and the current majority religion, from a constitutional point of view, is nothing more than a contingent historical fact, the state should not choose migrants and refugees based on their religion. To treat them differently once they have entered the country would be in any case a blatant contradiction of the 1951 *Convention* (art. 3 and 4). What is, however, possible and even advisable is to look at the integrability of migrants and refugees, and certain strands of certain religions that reject basic rights guaranteed by the *Grundgesetz*, such as the legal equality of men and women, may be considered hard to integrate – again, not because of their specific religious ideas but because of legal ideas that they infer from their religious assumptions. Note that the compatibility with the Constitution of a country has very little to do with geographic or genetic proximity; therefore, the appeal to the category

³⁰ Dietrich Murswiek, “Nationalstaatlichkeit, Staatsvolk und Einwanderung”, in: *Der Staat in der Flüchtlingskrise*, op. cit., 123–139, esp. 133–137. I do not at all share all the criticisms of the author.

of *Kulturkreis* is misleading. Doubtless, the Russians are closer linguistically and religiously to the Germans than the Japanese or the South Koreans, but this does not entail that they are more easily integrated into a democratic state based on the rule of law, because their experience of this state form has been less extensive than that of the two Eastern Asian countries. Whenever integrability is a given, attracting people from different background cultures in most cases enriches a country considerably, exposing it to new ideas and forms of culture, as the example of the Anglo-American countries proves. Security is doubtless of particular relevancy. A state must defend its citizens, and while a general suspicion against a group that flees from terror is unjustified, the state that lets refugees in has to subject them to security checks. Even the prohibition of expulsion in the 1951 *Convention* explicitly does not hold for a refugee “whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country”. (art. 33 (2))³¹ The duty to protect its citizens entails an appropriate defense budget; helping refugees by its abridgment in a dangerous security situation can hardly be recommended, since a visible lack of the capacity to defend oneself may provoke aggressive actions that will cause many more refugees.

The fourth objection concerns the international dimension. While Germany’s generosity was mostly admired by the countries outside of the European Union, which she partially relieved of a burden, the situation within the European Union could not help being different. This was not to be expected otherwise. The central idea of the Schengen area, the abolition of border controls at mutual borders, can function only if the control of the external borders is maintained. Giving up the usual procedures at external borders inevitably endangered the continuation of the Schengen area, and thereby a crucial idea of the European Union. Asking for more solidarity from the other EU countries was understandable, given Germany’s support to other countries within the EU redistribution mechanisms; but it was not surprising that most of the other countries insisted that they would do no more than what was their contractual obligation, a policy pursued by Germany herself for a long time, since she had refused to reform the Dublin

³¹ The German asylum law is more restrictive concerning the exceptions to the prohibition on *refoulement*; see Reinhard Marx, *Kommentar zum Asylverfahrensgesetz*, Luchterhand: München 62005, 80 f.

III Regulation, which, as I already mentioned, strongly disadvantaged the poorer Southern member states. From a bargaining point of view, it was not smart to let the refugees in first and then ask the neighbors to share the burden; for they had not been consulted in that decision, and so were not morally obliged to comply on any such ground. I agree that the pressure was such that a decision could not be postponed easily; but if Germany had offered the other European states to carry the lion's share of the burden under the condition that they committed themselves, in a binding way, to accept part of it, then it is far more probable that they would have been willing to say yes. Now the issue has proven extremely divisive, doubtless with the potential to drive the EU more and more apart. In fact, it is not unlikely that the vote for Brexit became possible because of this conflict.

I now come to the last issue, that of upper limits to the refugee numbers. Obviously both sides in this political controversy are right. The German right to asylum does not have an upper limit, and there are only very vaguely defined limits that would perhaps allow the expulsion of refugees.³² But as I already said, this does not entail a duty to let people enter the country. To do so is a political decision, inspired by a moral principle of solidarity and as such it is very respectable. But since the country cannot accept everybody, and since suggesting it could would only activate more human trafficking worldwide and xenophobic reactions inside Germany, there is no alternative but to formulate quotas. They should be part of an immigration law based on the self-interest of the country and should be generous toward refugees. To send back persons whose life is not threatened in order to let in more people whose life is endangered is morally completely justified. Help for refugees in one's own country should not endanger developmental aid or a strong increase in contributions to UNHCR and to refugees in poorer countries. In order to protect borders, collaboration with countries separated only by sea is crucial, for there is no other reliable way to prevent navigation. In the case of land frontiers, the EU should be able to protect its own borders, without having to shift that responsibility to neighboring countries.

I can only reiterate what I said at the beginning: The problem remains aporetic. The conflict between political necessities and the desire to grant every person basic human rights is heart-rending, and we can only hope

³² Hathaway, for example, states that the inclusion of the French term *refoulement* in the English text of art. 33 of the 1951 *Convention* has the purpose to justify a rejection in the case of mass influx (op. cit., 355 ff.). Not every international law scholar agrees.

that through further development, world trade, and controlled migration we will be able to achieve in the next few decades a world in which no one's basic rights are denied. This, however, is not guaranteed, for we see in many countries a backlash against universalism and a resurgence of nationalism and chauvinism, which is even turning against that form of universalism that was based on mutual interests, namely, globalization. Since economic, ecological, and security issues can only be solved globally, this backlash is an enormous threat to world peace. Despite the concrete limits of the policies just analyzed, Germany's commitment to political decisions inspired by a universalist ethics remains something of which Germans can and should be proud.

THE SOCIAL & CULTURAL INTEGRATION OF MIGRANTS

L'intégration culturelle et sociale des immigrants

GÉRARD-FRANÇOIS DUMONT¹

Comme dans les siècles passés, le monde du XXI^e siècle connaît des migrations de population pour des raisons politiques, religieuses, économiques ou démographiques et, le plus souvent, sous l'effet de leur combinaison. Concernant les immigrants eux-mêmes, nous devons d'abord nous demander si leur présence est neutre pour la société d'accueil ou si, au contraire, elle soulève nécessairement des enjeux culturels et sociaux. Si tel est le cas, la question de l'intégration se pose inévitablement, ce qui nous oblige à en donner une définition appropriée. Il faut ensuite mesurer l'importance de l'enjeu de l'intégration dans le monde du XXI^e siècle avant d'examiner sa dimension qualitative, qui a changé de nature par rapport à l'histoire plurimillénaire du phénomène migratoire.

Toute immigration soulève des enjeux culturels et sociaux...

Le fait que l'être humain n'est pas seulement une individualité statistique est un premier constat : son changement de domicile résultant d'une migration internationale ne peut se résumer à sa prise en considération dans les données démographiques des deux pays concernés et, plus précisément, dans leur solde migratoire. Tout être humain naît, puis est élevé dans un contexte culturel propre à l'environnement familial et social des lieux de vie de son enfance et de son adolescence. Ses manières de vivre, sa façon de penser, ses croyances sont en partie influencées par son entourage du temps de sa jeunesse et les cadres divers au sein desquels il a grandi, qu'il s'agisse d'écoles, religieuses ou non, de clubs sportifs, d'associations, de groupes de camaraderie, etc.

¹ Recteur, Professeur à l'Université Paris-Sorbonne, Président de la revue *Population & Avenir*, www.population-demographie.org/revue03.htm, <http://www.cairn.info/revue-population-et-avenir.htm>, <http://halshs.archives-ouvertes.fr/aut/Gerard-Francois+Dumont>

Aussi, lorsque les circonstances de la vie le conduisent à opérer une migration depuis son pays de naissance vers un autre,² il amène avec lui tout un ensemble d'éléments immatériels qui constituent sa culture acquise au moment de sa migration. Et ses traits culturels marquent nécessairement des différences avec ceux du pays dans lequel il vient habiter. L'apparition d'une tension entre ces traits et ceux de la société d'accueil est inévitable car, si certaines caractéristiques culturelles de l'immigrant peuvent aisément se marier avec celles du nouveau pays de résidence, d'autres peuvent se révéler en opposition.

Une double tension se déploie, en fait. D'une part, l'immigrant perçoit la non-conformité de certains traits de son héritage culturel avec ceux de son nouveau pays de résidence, comme des pratiques linguistiques ou matrimoniales. Il peut alors décider de modifier certaines pratiques, par exemple, d'accepter le mariage monogame alors que la polygamie est légale dans son pays d'origine. C'est là un geste d'intégration. D'autre part, la communauté politique du pays d'accueil, qui a ses propres traits culturels, peut être amenée à considérer que certaines caractéristiques culturelles et sociales de l'immigrant peuvent aller jusqu'à remettre en cause des us et coutumes à laquelle cette communauté est attachée et, donc, l'harmonie qui y règne. Cette communauté politique peut alors se trouver froissée par l'introduction de certaines caractéristiques culturelles et vouloir s'y opposer. Par exemple, nombre de pays ont mis en place des formations, souvent obligatoires, afin de favoriser la pratique, par les immigrants, de la langue du pays d'accueil. Autre exemple : en France, le Parlement a, en 2005, voté à l'unanimité la hausse de l'âge minimum du mariage des femmes, passant de 15 ans et 3 mois à 18 ans. Ce vote avait un double objectif : lutter contre les mariages arrangés ou forcés tels qu'ils se pratiquaient au sein de certaines familles issues de l'immigration, conformément aux mœurs de leur pays d'origine. Le second objectif était d'afficher une législation prônant l'égalité entre les sexes puisque la loi de 2005 alignait l'âge légal des femmes sur celui des hommes. Par de telles décisions,³ les États déploient des politiques d'intégration.

² Nous traitons ici des migrations internationales, impliquant donc le passage d'une frontière étatique. Mais l'analyse présentée ici peut également valoir, dans une certaine mesure, pour des migrations internes entre deux territoires d'un même pays.

³ Certaines décisions peuvent venir de la jurisprudence, comme celles de la Cour européenne des droits de l'homme.

...posant la question de l'intégration

Ce qui précède nécessite de préciser la définition du mot *intégration*. Le dictionnaire français *Robert*⁴ en propose deux : selon la première, qu'il date du milieu du XXe siècle, l'intégration est une « opération par laquelle un individu ou un groupe s'incorpore à une collectivité ». Cette définition est éclairée par le dictionnaire *Robert* dans la mesure où il indique, comme terme opposé à « intégration », le mot « ségrégation », celle-ci étant définie comme « le fait de séparer ».⁵ Elle peut résulter d'attitudes de personnes qui choisissent de vivre séparément, d'avoir des comportements de vie qui les écartent des normes sociales courantes du territoire sur lequel elles habitent. Elle peut aussi être incitée, voire imposée, par des règles de droit utilisant des critères juridiquement définis qui peuvent être religieux ou ethniques, ou encore par le comportement de fait de la société d'accueil.

En outre, le dictionnaire *Robert* propose une autre définition, philosophique, du mot intégration, empruntée à André Lalande : « établissement d'une interdépendance plus étroite entre les membres d'une société ».⁶ En appliquant cette définition à la présence d'immigrants venus habiter dans un pays, nous pouvons définir l'intégration comme « les actions opérées par les immigrants et par la société d'accueil permettant que les immigrants puissent vivre en harmonie avec la société qu'ils ont rejointe afin que cette société vive en concorde sociale en vue du bien commun ».

L'intégration est donc un enjeu engendré par l'immigration. Mais quelle est son importance quantitative ?

⁴ Paris, 2013.

⁵ Nous traitons ici de la ségrégation concernant des immigrés, mais elle peut aussi concerner des habitants du pays, à l'instar des règles juridiques ou des pratiques qui relèvent de la dhimmitude, subie par les chrétiens et les juifs, minorités non musulmanes, adeptes d'une des religions du livre (*Ahl al-kitâb*) dans nombre de pays à majorité musulmane (Cf. notamment Abitbol, Michel, *Le passé d'une discorde*, Paris, Perrin, 2003). Autre exemple : les réglementations d'apartheid pratiquées en Afrique du Sud jusqu'en 1994 ou des règles de ségrégation subies par les catholiques en Irlande lorsque ce pays, encore non indépendant, était dominé par l'Angleterre. Ainsi, au XIXe siècle, un Irlandais catholique n'avait pas le droit d'avoir une maison en pierre, d'aller à l'école au delà de douze ans ou, encore, de posséder un cheval valant plus de cinq livres.

⁶ *Vocabulaire technique et critique de la philosophie, revu par MM. les membres et correspondants de la Société française de philosophie et publié, avec leurs corrections et observations par André Lalande, membre de l'Institut, professeur à la Sorbonne, secrétaire général de la Société* (2 volumes, 1927). Réédition : Presses universitaires de France, Paris, 2006.

De la dimension quantitative de l'intégration...

À l'échelle mondiale, la dimension quantitative moyenne de la question de l'intégration est assez différente de ce que l'on pense généralement. En effet, le monde de 2017 compte environ 250 millions d'immigrants, c'est-à-dire, selon la définition de la division de la population de l'ONU,⁷ de personnes qui habitent dans un autre pays que celui de leur naissance, pour une population de 7,5 milliards d'habitants. En conséquence, 96,7% des habitants de notre Terre vivent dans les pays où elles sont nées. Cela signifie que les humains, dans leur très grande majorité, préfèrent vivre dans un contexte culturel et géographique qui est celui des premières années de leur vie. Pour le formuler plus directement, les êtres humains se comportent comme s'ils avaient une très forte préférence pour « vivre et travailler au pays ».

Donc, en moyenne mondiale, la question de l'intégration apparaît statistiquement faible. Elle ne concerne que cette petite minorité d'humains qui habitent dans un autre pays que celui où ils sont nés, à la suite d'une migration dont les motifs ont pu varier. Certains ont dû fuir des guerres, comme les guerres de l'ex-Yougoslavie, des conflits civils, comme ceux qui se sont déroulés ou se déroulent encore en Somalie, au Soudan, en Syrie,⁸ au Salvador, au Liberia ou au Sierra Leone, ou des régimes liberticides, comme des Érythréens, des Nord-Coréens, des Zimbabwéens ou des Cubains.⁹ D'autres ont quitté des pays dont les difficultés de développement tiennent essentiellement à leur mauvaise gouvernance. Ce type de migration peut engendrer des parcours migratoires des pays du Sud vers des pays du Nord, comme ceux des Mexicains vers les États-Unis ou des Sénégalais vers l'Europe ou l'Amérique du Nord,¹⁰ mais aussi des migrations de pays du Nord vers d'autres pays du Nord, comme, depuis les années 1990, et à rebours de la situation des années 1970, les migrations de Français vers le Royaume-Uni. D'autres migrations internationales s'expliquent davantage par des opportunités professionnelles, le changement de pays d'habitation

⁷ Définition géographique usitée également par Eurostat au sein de l'Union européenne, mais non par la France dont la définition est obscurcie par l'adjonction de critères juridiques.

⁸ Dumont, Gérard-François, « Syrie et Irak : une migration sans précédent historique ? », *Diploweb.com, La revue géopolitique*, 12 décembre 2015.

⁹ Dumont, Gérard-François, « Cuba : histoire d'un exode », *Population & Avenir*, n° 725, novembre-décembre 2015.

¹⁰ Kanté, Seydou, *Géopolitique de l'émigration sénégalaise en France et aux États-Unis*, Paris, L'Harmattan, 2014.

relevant de ce que j'ai appelé les migrations entrepreneuriales, c'est-à-dire des « migrations liées aux décisions d'entreprises faisant migrer leurs collaborateurs face aux évolutions des marchés ou d'actifs souhaitant bénéficier de territoires leur donnant davantage de satisfaction professionnelle ».¹¹

Les données quantitatives précisées ci-dessus concernent l'ensemble de la planète. Mais lorsqu'elles sont affinées aux échelles nationales, les résultats sont fort divers et, en conséquence, la question de l'intégration se pose de façon très inégale selon les territoires de la planète, à la fois en fonction de l'intensité de l'immigration et de la répartition des immigrants selon leurs origines géographiques.

...à sa dimension qualitative : des politiques de ségrégation...

D'abord, dans les années 2010, la question de l'intégration ne se pose guère dans les pays dont la nature migratoire les classe incontestablement dans la catégorie des pays d'émigration, car ne recevant pas ou pratiquement pas d'immigrants, comme le Cap Vert, le Mali, les Comores, la Corée du Nord, le Salvador ou le Guyana. Le problème de l'intégration des immigrants ne s'y pose donc pas.

En revanche, d'autres pays sont essentiellement des pays d'immigration, comme les pays européens et nord-américains, ou les pays du Golfe, où le nombre d'immigrants se compte par dizaines de millions, avec des pourcentages d'immigrants dans la population totale qui peuvent être significatifs en étant nettement au dessus de 5% et pouvant même aller au delà de 75% dans certains pays du Golfe.¹² La façon dont ces pays traitent la question de l'intégration, en application de leurs choix politiques, peut considérablement diverger.

Certains pays d'immigration, comme l'Arabie saoudite ou le Qatar, excluent toute intégration et déploient des politiques de ségrégation avec tout un arsenal réglementaire qui fait obstacle à toute intégration. Cette ségrégation s'effectue d'abord à la frontière lorsque ces pays refusent pratiquement toute demande d'asile et, donc, tout accueil d'une personne qui pourrait, au sens de la convention de Genève, bénéficier du statut de réfugié. En effet, une quarantaine d'États membres des Nations Unies, comme l'Arabie saoudite ou le Qatar, n'ont pas signé ou ratifié l'un des deux instruments relatifs au statut des réfugiés obligeant les pays à accorder l'asile

¹¹ Wackerman, Gabriel (direction), *Dictionnaire de géographie*, Paris, Ellipses, 2005.

¹² Dumont, Gérard-François, « La dynamique démographique et les quatre marchés du Conseil de Coopération du Golfe », *Accomex*, n° 103, février 2012.

aux personnes fuyant les conflits et les persécutions, soit la Convention de Genève de 1951 ou le protocole de 1967.¹³

D'ailleurs, depuis le début de la guerre civile en Syrie en mars 2011, selon le Haut-Commissariat pour les réfugiés (HCR), aucun des pays du Golfe n'a proposé de relocaliser sur son sol une partie des Syriens poussés à l'exode pour fuir le conflit. Ces pays du Golfe acceptent presque uniquement une immigration de travail choisie. Les permis des travailleurs migrants y sont révocables à tout moment, situation inenvisageable en Europe. En effet, dans les pays membres du Conseil de coopération des États arabes du Golfe (CCG), l'immigration est, selon la réglementation, de nature exclusivement temporaire. Le droit de résidence est uniquement lié au droit au travail ; les migrants ne bénéficient guère de droits sociaux particuliers ou de droits syndicaux, que leur pays d'origine soit un pays arabe, un pays à majorité musulmane ou tout autre pays.

En effet, pour travailler dans un des pays du Golfe, l'étranger¹⁴ doit, en application du système de la *kafala*, avoir un « kafil » ou commanditaire, ayant la nationalité du pays, qui garantit (juridiquement) sa présence et joue le rôle d'intermédiaire avec la société d'accueil. Cela permet de maintenir l'étranger dans sa qualité d'étranger. Par exemple, il ne peut acquérir en son nom propre de la terre, des immeubles ou des moyens de production.¹⁵

Un autre exemple de politique de ségrégation signifiant souvent l'absence de droit au travail, de la possibilité d'acquérir des biens ou de droits associatifs, est fourni par les pays où résident des immigrants palestiniens. Même si ces politiques peuvent diverger selon les pays, donc selon la Libye, l'Irak, le Liban ou la Syrie et selon les périodes, les immigrants palestiniens y sont généralement apatrides pour nombre d'entre eux et sans statut protecteur.¹⁶ Quant aux Palestiniens qui travaillaient au Koweït, également sans droits protecteurs, ils en ont été chassés en 1991, car jugés par le gou-

¹³ Même si certains de ces pays sont en situation d'avoir des immigrants venus y chercher refuge en raison de persécutions qu'ils subissent dans leur pays, comme des Bangladais en Inde.

¹⁴ Une exception : avant la guerre du Golfe de 1990-1991, en Arabie Saoudite, les Yéménites étaient dispensés de *kafil* et pouvaient s'établir et travailler, changer d'employeur et posséder des commerces.

¹⁵ Beaugé, G., « La kafala : un système de gestion transitoire de la main-d'œuvre et du capital dans les pays du Golfe », *Revue Européenne des Migrations Internationales*, 1986, Vol. n° 1: 105-121.

¹⁶ De Wangen, Sylviane, « Les réfugiés palestiniens depuis 1991 : entre marginalisation et vicissitudes », *Confluences Méditerranée*, n° 100, 2017/1.

vernement pro-irakiens, parce que le chef politique des Palestiniens, Yasser Arafat, avait alors pris le parti de l'Irak de Saddam Hussein qui avait envahi le Koweït, avant d'en être repoussé par une coalition menée par les États-Unis dans le contexte de la deuxième¹⁷ guerre du Golfe.

Ainsi les politiques de ségrégation peuvent-elles se traduire par des politiques d'expulsion, ce qui s'est par exemple produit en Égypte, en 1956, avec l'expulsion de tous les habitants non arabes musulmans et non coptes, bien qu'une très grande partie, comme les Égyptiens grecs ou juifs, vivaient sur le territoire égyptien depuis près de deux millénaires, voire davantage.

...ou d'intégration

À l'inverse de ce qui précède, d'autres pays¹⁸ d'immigration, et notamment les pays occidentaux, se placent non dans des logiques de ségrégation, mais d'intégration. Ce choix consiste à octroyer aux immigrants de nationalité étrangère des droits dont il est considéré d'une part qu'ils sont conformes aux principes de la Déclaration universelle des droits de l'homme de 1948, et, d'autre part, qu'ils sont de nature à faciliter l'intégration. Ainsi, les pays signataires de la convention de Genève, à condition qu'ils n'aient pas formulé de réserves lors de la signature,¹⁹ octroient des droits, variables selon les pays, aux demandeurs d'asile, puis à ceux à qui ils ont accordé le statut de réfugié.

Pour les pays européens, un autre élément d'intégration est fondé sur la Convention européenne des droits de l'homme de 1950 et, plus particulièrement, sur son article 8 intitulé « Droit au respect de la vie privée et familiale ».²⁰ En application de cet article 8, de nombreux immigrants, qui

¹⁷ Deuxième guerre du golfe au regard de la première guerre Irak-Iran (1980-1988).

¹⁸ Nous avons montré par exemple le rôle des Constitutions sur les migrations ; cf. Dumont, Gérard-François, « Géopolitique des migrations : les effets répulsifs ou attractifs des Constitutions », *Diploweb.com, La revue géopolitique*, 26 juin 2016.

¹⁹ Ainsi, la Turquie a ratifié la Convention de Genève de 1951 relative au statut des réfugiés, mais ses réserves consistent à différencier les demandeurs d'asile européens et les autres qui doivent engager une procédure plus complexe. Elle continue ainsi d'appliquer la « limitation géographique », disposition selon laquelle seuls les Européens peuvent être protégés par le texte.

²⁰ Le texte de l'article 8 est le suivant: « 1. Toute personne a droit au respect de sa vie privée et familiale, de son domicile et de sa correspondance. 2. Il ne peut y avoir ingérence d'une autorité publique dans l'exercice de ce droit que pour autant que cette ingérence est prévue par la loi et qu'elle constitue une mesure qui, dans une société démocratique, est nécessaire à la sécurité nationale, à la sûreté publique, au bien-être économique du pays, à la défense de l'ordre et à la prévention des infractions pénales, à la

ont parfois composé la majorité des flux migratoires comme en France, sont présents dans des pays européens en toute régularité et bénéficient en conséquence de droits. L'application de l'article 8 peut faire l'objet de décisions condamnant les États de la part de la Cour européenne des droits de l'homme qui siège à Strasbourg. À ces deux conventions s'ajoutent des décisions variables, selon les pays et les périodes, dans le cadre de l'immigration de travail et des étudiants.

De tels pays sont nécessairement dans une logique d'intégration. Ils considèrent que, pour que la concorde sociale règne au sein de l'ensemble des personnes habitant le pays, les immigrants doivent bénéficier de droits au travail, à la vie syndicale, au logement, à un revenu minimum, parfois à la vie politique.²¹

La politique d'intégration, totalement contraire aux politiques de ségrégation précisées ci-dessus, repose donc d'abord sur une égalité de droit dans de nombreux domaines de la vie économique et sociale entre les personnes nées dans les pays et celles venues y habiter, les immigrants. Cette égalisation des droits peut conduire à donner aux immigrants, selon des réglementations variables selon les pays et leur histoire, un droit à la naturalisation conduisant à une totale similitude de droit entre les personnes qui sont des nationaux de naissance et les immigrants naturalisés. Ces politiques d'intégration signifient une intégration formelle. Mais engendrent-elles automatiquement une intégration réelle ? En fait, la réponse à cette question ne peut être envisagée sans prendre en compte une très importante novation : depuis la fin du XXe siècle, par rapport à toutes les périodes précédentes, la question de l'intégration a totalement changé de nature.

Le changement de nature de la question de l'intégration

En effet, les migrations du XXIe siècle sont de nature fondamentalement différente de celles que l'humanité a pu connaître au cours de son histoire plurimillénaire. Tout au long de l'histoire de l'humanité, et même encore pendant une partie importante du XXe siècle, le migrant qui quittait son pays pour s'installer dans un autre ne pouvait conserver de liens réguliers avec son pays d'origine et même guère avoir de liens périodiques. Le coût, le temps et la durée des transports faisait qu'il était inimaginable pour lui d'envisager revenir de temps en temps dans son pays d'origine. L'absence ou la très grande faiblesse des systèmes de communication faisait

protection de la santé ou de la morale, ou à la protection des droits et libertés d'autrui ».

²¹ Comme les citoyens du Commonwealth au Royaume-Uni.

qu'il ne disposait pas d'informations régulières et rapides, et encore moins instantanées, sur son pays d'origine. Il ne pouvait guère entretenir de relations suivies avec des membres de sa famille ou ses amis demeurés au pays d'origine.

La migration débouchait sur une arrivée dans un ailleurs au sein duquel il fallait nécessairement se plonger et auquel il fallait s'adapter, quitte à mettre en cause certaines pratiques culturelles ou certaines habitudes. Par exemple, au XIXe siècle, les immigrants issus de pays germaniques sont ainsi devenus des locuteurs anglais aux États-Unis, portugais au Brésil et espagnols en Argentine. Au fil des générations, la dénomination précise du territoire d'où était parti l'ascendant qui avait migré s'est même perdue. Certes, nombre d'États-Uniens peuvent décliner dans des enquêtes le pays d'origine de leur ascendant ayant migré, notamment parce qu'ils ont reçu en héritage un nom qui permet d'identifier une origine géographique allemande, écossaise, espagnole, portugaise²² ou italienne. Mais, le plus souvent, les descendants d'immigrant ne peuvent indiquer avec précision une région d'origine.

Autrement dit, compte tenu de la faiblesse des moyens de communication pendant des siècles, la migration se traduisait par la coupure d'un cordon ombilical avec le territoire d'origine. Cette coupure géographique engendrait d'inévitables coupures culturelles, même si ces dernières n'étaient pas générales, à l'exemple des immigrants français parvenus à préserver, grâce à leur fécondité élevée et à leur concentration géographique sur certains territoires, leur langue au Canada.²³

En outre, dans ce contexte où la migration est une coupure souvent définitive en raison de l'importance de l'espace-temps entre territoire d'immigration et territoire d'origine, les sociétés d'accueil peuvent souvent déployer des politiques d'intégration exerçant une forte contrainte. Donnons un exemple historique, celui de Français ayant dû abandonner leur langue à la suite d'une migration. Au XVIIe siècle, Simon van der Stel, commandeur du Cap en Afrique australe pour la Compagnie néerlandaise des Indes orientales et futur premier gouverneur de la colonie néerlandaise du Cap,

²² Un seul exemple, le nom Fernandez renvoie à une personne dont la famille est d'origine espagnole, alors que le nom Fernandes à une famille d'origine portugaise.

²³ Langue qui a toutefois évolué différemment de celle du pays d'origine, comme l'attestent ces séries télévisées québécoises, notamment diffusées sur TV5 Monde, dont les acteurs parlent le français du Canada et que TV5 Monde sous-titre en français de France.

souhaite voir venir des experts vigneron et des spécialistes de l'olivier afin de cultiver des terres riches en alluvions. Le 31 décembre 1687, un premier navire transportant des réfugiés huguenots d'origine française, qui avaient migré en Hollande à la suite de la révocation de l'édit de Nantes par Louis XIV en 1685, quitte la Hollande pour Le Cap. Le commandeur leur offre, dans la vallée d'Olifantshoek, située à une cinquantaine de kilomètres de la ville du Cap, et pour une durée de 5 ans au minimum, une terre à cultiver baptisée Franschoek (littéralement « le coin des Français » en afrikaans). Après l'arrivée d'autres huguenots, leur nombre s'élève à 277 dans la colonie néerlandaise. Que va devenir leur langue maternelle ? Elle va disparaître car leur intégration linguistique est rendue obligatoire. En 1689, le pasteur de l'Église huguenote, Pierre Simond, essaie en vain de préserver l'usage de la langue française, au moins pour le culte : cela lui est refusé et, une génération plus tard, la communauté des descendants de huguenots français ne compte plus le moindre locuteur francophone. Toutefois, différents noms de famille à consonance française subsistent dans la région, comme Du Toit, Marais, Du Plessis, Malan, Malherbe, Joubert. C'est également le cas de noms de fermes ou domaines viticoles de la vallée, comme « Chamonix », « l'Ormarins », « l'Abri » ou « La Bri ».

Dans l'histoire plurimillénaire des migrations, les seuls immigrants pour lesquels la coupure géographique du cordon ombilical a des conséquences culturelles assez limitées sont les personnes de religion juive. En conséquence, pour ces immigrants de religion juive, dont la migration a été contrainte à plusieurs périodes historiques²⁴, et exclusivement pour eux, un terme spécifique a été très longtemps choisi, celui de *diaspora*, d'origine grecque et qui signifie « dispersion ». Entre la destruction de la Judée en 70 et le rétablissement d'un État juif (création de l'État d'Israël en 1948), tous les juifs ont été considérés comme faisant partie de la *diaspora*. Depuis, le terme n'est employé que pour les juifs vivant hors d'Israël.

Historiquement, il n'y a donc essentiellement qu'une population dans le monde qui, non seulement connaissait son principal territoire d'origine, mais, en outre, en transmettait l'histoire d'abord à travers l'enseignement de l'ancien testament, puis avec la mémoire des siècles écoulés depuis. Ainsi, en 1965, dans le *Larousse* en 3 volumes, le mot *diaspora* figure exclusivement comme un nom propre et au singulier : « Diaspora (La). Ensemble

²⁴ Plus particulièrement après la prise de Jérusalem en 70 par Titus et la (seconde) destruction du Temple, centre de la vie nationale et religieuse des juifs mais qui le reste dans son cœur, désormais matérialisé uniquement par le mur des lamentations.

des communautés juives hors de Palestine. » Cette définition offre au terme considéré un caractère unique qui est d'ailleurs souligné par l'article « La » mis entre parenthèses derrière le terme défini.

Cette définition au singulier date de 1965. Près de trente ans plus tard, en 1992, le dictionnaire *Hachette* passe au pluriel et donne désormais deux acceptions du mot. La première est conforme à la définition traditionnelle : « 1. HIST. Dispersion des juifs, au cours des siècles, hors du territoire de leurs ancêtres ». Puis il ajoute un second sens qui généralise le premier : « 2. Ensemble des membres d'une ethnie, d'une communauté dispersée ».

L'ajout de cette seconde définition révèle que le phénomène diasporique s'est répandu puis généralisé. En effet, d'autres phénomènes diasporiques se sont développés à l'exemple – et antérieurement à la Shoah – des Arméniens qui, parvenus à échapper au génocide, se sont dispersés tout en conservant un attachement à leur terre d'origine.

Des migrations de peuplement à des migrations à caractère diasporique

Dans les dernières décennies du XXe siècle, cette généralisation du terme *diaspora* tient à ce que j'ai appelé les « nouvelles logiques migratoires ». ²⁵ Dans un monde plus ouvert, l'internationalisation permet, tout particulièrement depuis les années 1980, des transports aisés et des communications en temps réel avec le pays d'origine, ce qui entraîne une révolution dans la nature des migrations internationales.

En effet, les migrations contemporaines bénéficient de techniques de communication donnant aux immigrants la possibilité de relations aisées avec la terre d'origine par les informations qui en proviennent, par celles que les immigrants transmettent, ou par la réduction de l'espace-temps et des coûts de transport, facilitant les échanges ou les voyages entre le pays de résidence et le pays-souche. Dans le passé, le monde connaissait essentiellement des migrations de peuplement, l'installation dans le pays d'accueil impliquant le plus souvent la fin des contacts, des liens avec le pays de départ. Au XXIe siècle, il s'agit de migrations à caractère diasporique dans la mesure où l'installation dans le pays d'accueil ne crée pas une cou-

²⁵ Dumont, Gérard-François, « Les migrations internationales au XXIe siècle : des facteurs récurrents ou nouveaux ? », *Actuelles de l'IFRI*, septembre 2015 ; « Les nouvelles logiques migratoires au XXIe siècle », *Outre-Terre, revue française de géopolitique*, n° 17, Éditions Eres, 2007 ; *The new logic of migration in the Twenty-First Century, Geopolitical Affairs*, Londres, volume 1, number 2, summer 2007 ; *La nueva logica migratoria del s. XXI, Debats*, n° 99, Valencia, Espagne, invierno-primavera 2008.

pure définitive avec le pays de départ et s'accompagne de la possibilité de conserver des relations avec lui. Ces relations ne sont pas obligatoires et le migrant (ainsi que ses descendants) peut, s'il le souhaite, oublier son pays-souche. Mais, dans le cas contraire, il peut entretenir aisément des liens avec sa famille ou ses amis restés au pays, y effectuer des voyages réguliers ou y construire une résidence. Un lien charnel est aussi attesté par le souci fréquent d'être enterré dans son pays d'origine, à l'instar de Français d'origine africaine ou portugaise.

Il arrive aussi que le maintien du lien avec le pays d'origine ne soit pas facilité compte tenu du régime autoritaire qui y règne, qui ne délivre aucun visa, rend difficiles les liaisons aériennes, censure les envois postaux, ou garde un contrôle sur les courriers électroniques. Mais, même dans ce cas, le lien peut subsister au moins dans un sens mythique, avec des diasporas qui conservent la mémoire d'une terre d'origine, et cette identité mythique peut devenir réelle si le régime du pays d'origine s'ouvre.

Ce que j'ai appelé un processus de « diasporisation »²⁶ est d'ailleurs encouragé par les pays d'origine qui déploient des politiques en vue de continuer à s'attacher à leurs nationaux partis vivre à l'étranger. Certains pays vont même jusqu'à considérer que les enfants, les petits-enfants ou les arrière petits-enfants nés dans le pays d'immigration de leurs parents, grands-parents ou arrière grands-parents restent des nationaux à qui ils délivrent parfois des passeports. Ces actions du pays d'origine sur leurs diasporas ont, à nouveau, été mises en évidence le 16 avril 2017 lorsque les immigrants turcs en Europe,²⁷ qu'ils aient la double nationalité ou uniquement la nationalité de leur pays d'origine, ont voté, dans des proportions beaucoup plus élevées que les Turcs vivant en Turquie, en faveur d'une Constitution nettement plus autoritaire violant le principe de séparation des pouvoirs posé par Montesquieu. Un tel vote de personnes habitant dans des pays démocratiques peut difficilement s'expliquer sans prendre en

²⁶ « La 'diasporisation' signifie que des immigrants ou leurs descendants, quelles que soient les raisons de leur migration, et même lorsqu'ils ont la nationalité de leur pays de résidence, conservent des liens réels ou mythifiés avec leur pays-souche et développent des relations spécifiques avec des immigrants ou descendants d'immigrants ayant les mêmes origines géographiques, ethniques, linguistiques ou religieuses ». Cf. Dumont, Gérard-François, *Démographie politique. Les lois de la géopolitique des populations*, Paris, Ellipses, 2007.

²⁷ Mais non ceux des États-Unis et du Canada, il est vrai beaucoup moins nombreux et majoritairement de tradition kémaliste, donc défavorables à une islamisation du pouvoir turc.

compte l'encadrement,²⁸ organisé par le gouvernement turc, des Européens d'origine turque.

Les voies de l'intégration culturelle et sociale

Il résulte de ce qui précède que la question de l'intégration sociale et culturelle se pose au XXI^e siècle autrement. D'une part, elle dépend de l'attitude de l'immigrant selon qu'il attache plus de prix au contexte culturel du pays où il réside qu'à celui de son pays d'origine ou de celui de ses parents ou grands-parents : veut-il avoir des comportements culturels et sociaux totalement identiques à ceux de son pays d'origine ou les adapter pour se conformer aux us et coutumes de son nouveau pays de résidence et qui permettent de vivre ensemble ?

Du côté du pays d'accueil, deux attitudes inverses sont également possibles face à la question de l'intégration. La première consiste à écarter toute décision politique visant à faciliter, voire à permettre l'intégration culturelle et sociale. Un double risque apparaît alors. Les immigrants risquent d'être exploités, voire maltraités, et l'on peut se retrouver dans une sorte de nouvel esclavage adapté au XXI^e siècle. Si la politique d'intégration ne vient pas inviter et inciter les immigrants à s'adapter au pays d'accueil, les immigrants peuvent se trouver en difficulté dans leurs activités professionnelles comme dans leurs rapports sociaux car, dans ce cas, il est à craindre que des ségrégations de fait – dues aux comportements des immigrants ou à ceux des nationaux de naissance – surgissent dans la société d'accueil, celle-ci éprouvant des difficultés à accepter tel ou tel code culturel se trouvant en totale opposition avec ses habitudes. En effet, toute société a des us et coutumes, dont l'ensemble forme une identité propre et qui plongent

²⁸ Cet encadrement est par exemple indirectement attesté par le fait que les électeurs turcs habitant en Europe, et favorables au vote « non », demandaient aux journalistes de changer leurs nom et prénom. Cf. *Le Monde*, 15 avril 2017. De son côté, en février 2017, l'homme politique autrichien du parti Vert, Peter Pilz, a souligné que, selon les informations qu'il a recueillies, des immigrants d'origine turque habitant en Europe collaborent avec le service de renseignements turc MIT pour lui livrer des renseignements et dénoncer les Turcs « suspects » (c'est-à-dire opposés au gouvernement Erdogan) vivant à l'étranger et contribuer ainsi à des arrestations en Turquie : « Je possède des documents de messages secrets de 35 États. Dans 35 pays, de la Belgique en Australie comme en Autriche, Erdogan déploie des activités d'espionnage via les ambassades turques. Il y a eu des cas où des Autrichiens avec des racines turques allant visiter leurs proches en Turquie sont arrêtés avant même le contrôle des passeports à Istanbul, pour avoir prétendument insulté le président turc dans un café autrichien » (*Kronen Zeitung*, 19 février 2017).

leurs racines dans une longue histoire.²⁹ Certes, ces us et coutumes, cette identité, évoluent en permanence comme le font les branches d'un arbre, mais nombre d'entre eux ne peuvent se comprendre sans considérer leur attachement à des racines identitaires, comme les branches d'un arbre qui semblent pousser librement demeurent dépendantes de la sève qui les relie aux racines. Autrement dit, une société ne peut faire table rase du passé et l'histoire montre que, lorsque les gouvernants de pays ont voulu agir ainsi, comme en URSS et dans les autres pays communistes, cela a produit des catastrophes.

À l'inverse, seconde attitude, une société ne peut donc préserver son équilibre que si elle déploie des actions pour réussir l'intégration des immigrants, c'est-à-dire si elle les fait adhérer à un universel commun propre à cette société, assurant à chacun de pouvoir vivre ses différences en raison même de l'acceptation de principes communs supérieurs. L'intégration s'effectue toujours sur la base d'une asymétrie entre les référents culturels de la société d'accueil et ceux des nouveaux venus, qui doivent nécessairement fournir un effort d'adaptation.

L'intégration est nécessairement une démarche personnelle et requiert une volonté d'adhérer. L'effort d'intégration qui est demandé à l'immigré ne doit pas être considéré comme une contrainte mais comme un acte de reconnaissance vis-à-vis du pays où lui-même ou ses ascendants ont été accueillis. Cet acte est d'autant plus justifié que, dans le monde d'aujourd'hui, la plupart des migrants ont un choix ouvert en matière de pays de destination même si, parfois, ce choix est contraint par un exode qu'il faut concrétiser rapidement pour assurer sa survie.

Mais il revient à la société d'accueil de faciliter cette intégration en prenant les mesures concrètes qui la facilitent, tout en restant conscient que l'intégration ne concerne pas des populations mais des individus. Cela est bien mis en évidence par le fait qu'il suffit de quelques individus refusant toute intégration, parfois sous la pression d'un groupe, pour commettre des actes terroristes portant atteinte aux valeurs de la société d'accueil. Or, il arrive que certains de ces individus aient été empêchés de s'intégrer. La politique d'intégration doit donc s'adresser non à des communautés mais à des personnes.

²⁹ Par exemple, nous avons montré combien la nature de l'identité européenne n'exclut nullement des caractéristiques culturelles et sociales fort différentes selon les pays européens ; cf. Dumont, Gérard-François *et alii*, *Les racines de l'identité européenne*, Paris, Éditions Economica, 1999.

Ce qui précède est bien résumé par la phrase suivante écrite, en 2006, en France, dans un rapport au Premier ministre, par le Haut Conseil à l'intégration (HCI) : « l'intégration demande un effort réciproque à l'immigré et à la société du pays d'accueil, une ouverture à la diversité qui est un enrichissement ; mais aussi une adhésion et une volonté responsable pour garantir et construire une culture démocratique commune ». ³⁰

Le contexte du XXI^e siècle est donc celui d'une diasporisation. Celle-ci est essentiellement due à la réduction considérable de l'espace-temps entre les pays du monde, parfois à sa quasi-disparition avec les technologies de l'information et de la communication. Mais son intensité peut aussi résulter des actions politiques des pays d'origine, actions souhaitables lorsqu'elles visent le bien commun, mais beaucoup moins lorsqu'il s'agit de procéder à une instrumentalisation géopolitique, interne ou externe, des diasporas. Dans ce contexte, la question de l'intégration se trouve complexifiée bien qu'elle soit tout autant nécessaire, et même impérieuse, dans le but d'assurer la concorde sociale entre les personnes habitant un même territoire.

Pour apporter des réponses adaptées à cette question de l'intégration, pour surmonter des tensions sociales qui peuvent naître de la présence d'immigrants sur un territoire, pour que les migrations soient des facteurs de paix et non de conflits, ³¹ il est possible de se référer au paragraphe 2 241 du catéchisme de l'Église catholique : « Les nations mieux pourvues sont tenues d'accueillir autant que faire se peut l'étranger en quête de la sécurité et des ressources vitales qu'il ne peut trouver dans son pays d'origine. Les pouvoirs publics veilleront au respect du droit naturel qui place l'hôte sous la protection de ceux qui le reçoivent ».

« Les autorités politiques peuvent, en vue du bien commun dont ils ont la charge, subordonner l'exercice du droit d'immigration à diverses condi-

³⁰ Haut Conseil à l'intégration, *Le bilan de la politique d'intégration 2002-2005*, Paris, La documentation française, 2006.

³¹ Cf. Dumont, Gérard-François, « La paix à l'âge des nouvelles logiques migratoires », *The Global Quest for Tranquillitas Ordinis, Pacem in Terris, Fifty Years Later*, Pontifical Academy of Social Sciences (PASS), Acta 18, 2013 ; Dumont, Gérard-François, « Gouvernance internationales et politiques migratoires », dans : de Moulins-Beaufort, Éric, Poirier, Philippe (direction), *Gouvernance mondiale et éthique au XXI^e siècle*, Paris, Collège des Bernardins, Lethielleux, janvier 2013.

tions juridiques, notamment au respect des devoirs des migrants à l'égard du pays d'adoption. L'immigré est tenu de respecter avec reconnaissance le patrimoine matériel et spirituel de son pays d'accueil, d'obéir à ses lois et de contribuer à ses charges ».

INCLUSIVE CITIZENSHIP AMID RELIGIOUS AND CULTURAL DIVERSITY

GREGORY M. REICHBERG

The title of this paper is taken from a conference that my home institution, the Peace Research Institute Oslo (PRIO), organized in Erbil (June 2016). The idea was to bring together religious and civic leaders from the different “components” of Iraq to discuss what changes could be affected within the country to render its democratic processes more inclusive of religious difference. “Components” is the term used in Iraq to designate the main religious and ethnic groupings – Shia, Sunni, Christian, Turkman, Kurd, Yazidi, etc., that are part and parcel of Iraqi identity. At the conference, a small group of participants from these components sat down to draft a declaration of principles on inclusive citizenship. Later adopted at a plenary session under the label “the Erbil declaration”¹ its first principle enunciated “...that the solution for Iraq is to enhance the status of citizenship, so all have equal rights and duties under the rule of law”.

The very mentioning of this principle as a “solution” suggests that it comes in response to a problem. This problem, as conceived by many, consists in the unequal distribution of citizenship rights across the different component groups. The perception is that some groups – or even a single group – enjoy a more enhanced citizenship status than others. By virtue of their religious affiliation some receive preferential treatment, and others believe they have been marginalized. It is true that there has been a trend over the last couple of years to firm up the religious identity of the state, with, for instance, laws recently being passed that prohibit the sale of wine and other beverages with alcohol content,² or laws that require children of a man who converts to Islam, or a woman from a minority faith who marries a Muslim, to be registered as Muslims.³ I don’t intend here to go more deeply into the Iraqi context. What I would like to point out, how-

¹ <https://www.prio.org/News/Item/?x=2074>

² <http://www.al-monitor.com/pulse/originals/2016/11/alcohol-iraq-minorities-civil-state-sharia.html>

³ <http://www.al-monitor.com/pulse/originals/2015/11/iraq-law-id-discrimination-minorities.html>

ever, is that the phenomenon just mentioned – the enactment of laws that favor the majority religion (or denomination) – is in no way restricted to Iraq. Similar trends are discernable in other countries that are composed primarily of Muslims, in Kuwait or Indonesia for instance. However, the trend is by no means limited to countries of Muslim character – admittedly though it is associated in Western consciousness with the idea of making *sharia* civil law – as a similar process can be discerned in countries as disparate as Israel, Sri Lanka, India, and Myanmar. The latter offers an instructive counterpoint to the Islamification trend, because it has been instituted largely as a reaction to it. Fear of Islam has led to the rise of what has been termed “Buddhist Legal Activism” namely the promotion of laws that protect Buddhist religious practice, especially within mixed marriages.⁴ Thus, with the “Buddhist Woman’s Special Marriage Laws” (enacted 2015) “special provisions have been enacted vis-à-vis the ‘non-Buddhist man’ in order to secure the religious liberty of the Buddhist women and her children within the marriage”.⁵ The law specifies that this includes a right to have Buddha images in the house, to perform Buddhist rituals, to donate money for Buddhist religious works, and to have a Buddhist funeral. Likewise, the law criminalizes insults to Buddhist religious practice “in words or in writing or through visible representation or gesture”.⁶ In the event of violations of this article 24, the Buddhist wife is entitled to divorce her husband, which in this case would result in the non-Buddhist man losing his portion of shared property and guardianship of the children. Alongside these laws that explicitly privilege Buddhism, a conversion law that requires all persons wishing to change their religion to first receive permission from the state has also been implemented. While Buddhism is not here named, it is understood that the point of the law is to “protect” Buddhist wives from a change of religion prompted by their Muslim husbands; but because of its scope all other sorts of conversions are covered as well.

A similar problematic is visible in Sri Lanka, where in 2005 an anti-conversion bill was proposed in order to restrict proselytizing by Christian evangelical groups who engaged in “unethical propagation” of their religion. Although the bill was ultimately not adopted, it prompted wider

⁴ For the details see Iselin Frydenlund, “Religious Liberty for Whom? The Buddhist Politics of Religious Freedom during Myanmar’s Transition to Democracy”, *Nordic Journal of Religious Rights* 35.1 (2017): 55–73.

⁵ *Ibid.*, p. 71.

⁶ *Ibid.*, p. 71, citing law s 24(g).

public debate about the underlying rationale, namely “the state’s obligation to protect Buddhism”.⁷ In this connection, reference has been made to a “broader trend of religious activism across the region: religious groups who consider minority religious practices a threat to the majority religion call for increased legal regulation of religion in the name of religious freedom”.⁸ The same author further observes how in this way “religious freedom” is “used as a tool in majoritarian politics against ethnic and religious minorities”.⁹ The result is a “rights fragmentation in which the right to religious freedom is seen in isolation” from the wider “network of human rights”,¹⁰ for instance non-discrimination on the basis of religious affiliation.

Although I have given some examples of changes implemented on the level of civil law, it can happen that state preference for the majority religion can be expressed on the level of policy as well, so that if not constitutionally, at least within the domain of policy we can speak of a *de facto* state religion. To again cite the case of Myanmar, there currently exists under the Ministry of Religion a Department for the Promotion and Propagation of the *Sasana* (precepts of the Buddha). This Department affirms the constitutionally protected right of religious freedom, but nonetheless gives priority to Buddhism on a *numerical* basis, thereby allowing it to support “Buddhist missionary activities in ethnic minority areas dominated by non-Buddhist religions”,¹¹ or similarly provides disproportionate state support to Buddhist-affiliated universities within the higher education sector.

I have given some examples from Buddhism to illustrate how the trend toward state recognition of the majority population’s religious affiliation is by no means restricted to Muslim majority countries. In Christian countries the trend seems to be in the opposite direction, namely toward a dissociation of the state from the religion of the majority. Norway, for instance, passed a law in 2012 that modified the status of what was formerly called the State (Evangelical-Lutheran) Church, now termed Norway’s people’s Church. And, by virtue of a subsequent law passed in 2016, the Church is no longer a branch of the civil service, but rather has an independent legal identity. In effecting this change, the goal was both to achieve better

⁷ Ibid., p. 58.

⁸ Ibid.

⁹ Ibid., p. 57.

¹⁰ Ibid., p. 73.

¹¹ Ibid., p. 61.

conformity with the principle of democratic equality (“likebehandlings prinsipp”) for all citizens irrespective of their religious affiliations, and to assure for greater autonomy of the church in its self-governance.

It must be admitted however that there are countervailing tendencies in some Christian settings. I don’t know the situation well enough in say Poland or Hungary to offer a knowledgeable commentary, but the anecdotal evidence that I have heard suggests that in some quarters there are political attempts to firm up the state’s Christian identity as a preemptive measure against increased migration of Muslims from war affected areas. Even in France, long a bastion of *laïcité*, the conservative political discourse has been underscoring the nation’s Catholic identity as a counterpoint to the perceived threat from homegrown Islamic militancy. In the United States, the related discourse focuses on the protection of “Judeo-Christian values” as in Steven Bannon’s much cited 2014 interview-address to a group assembled here at the Vatican.¹² Bannon’s address was noteworthy particularly insofar as it set this effort of protection in a trans-national context of an emerging global war between those who hold to these values and the opposing Islamic radicals. Although the term itself is not used, the age-old ideal of crusade, of Christendom at war with Islam was lurking not far in the background. On the level of more theoretical discourse, parallel lines of argumentation can be discerned, for instance, in writings crystallizing around the idea of *Leitkultur* (that immigrants, notably from Muslim contexts, must assimilate themselves into the dominant “national” culture, which in some versions includes recognition of its religious dimensions). Also, in Catholic theology I have noticed a revival of views that emphasize the Church’s “indirect” jurisdiction over the state in countries where Catholics are in a majority. The traditional ideal of soul-body union as characterizing the Church’s relation to the state still applies, we are told. “[I]n a fallen world the natural good served by the state depends on the state’s adherence to and support of the Catholic faith. ... If it is to attain its natural end, the state as body must therefore recognize the spiritual authority of the Church as soul, and subject itself to that”.¹³

This takes us into the theme of participatory democracy. On the face of it, the trend toward state-identification of religion cuts against democ-

¹² <https://www.buzzfeed.com/lesterfeder/this-is-how-steve-bannon-sees-the-entire-world>

¹³ Thomas Pink, “Jacques Maritain and the Problem of Church and State”, *The Thomist* 79.1 (2015): 1–42, at p. 35, footnote 39.

racy as we increasingly understand it today, namely a condition of political equality that is possessed by citizens irrespective of their particular religious affiliations or lack thereof. One could, of course, argue that democracy is one thing; a state church (or officially recognized religion) is another, and that the two are simultaneously fully compatible. But my interaction with Iraqis from minority groups shows me that this is more easily said than done; in countries where religion matters to people, standing outside of the state-sanctioned religion usually, if not always, leads to a sense of political alienation, of not being fully a member of civil society. The participatory roots of democracy – at least for these minorities – are eroded.

This has been well expressed by a Burmese Christian theologian who, after noting that Myanmar's 2008 constitution "recognizes the special position of Buddhism as the faith professed by the great majority of the citizens..." (article 363), explains how "[T]his 'favored religion' concept claims to embrace all religions in the country [as in the previous article 362, Christianity, Islam, Hinduism, and Animism are mentioned as "religions existing in the Union..." and deserving of protection and assistance] so they flourish together peacefully and harmoniously... [b]ut the net result is that [this] implicitly condones the idea of 'favored adherents' set against the other adherents of other un-favored religions so that its concept brings about discrimination between religious peoples...". In this context, to change religion away from Buddhism "means almost an act of disloyalty to the Buddhist society and to the nation as well".¹⁴

To overcome this disfavoring of non-majority religions, it is possible to establish parliamentary (or similar) religious quotas – as in Iraq, Lebanon, Cyprus or Iran – in order to counterbalance this state of affairs, but such arrangements risk hardening sectarian lines of division, which all the more readily can be employed by conflict opportunists in times of crisis. Indeed, far from being a primordial dimension of civic life in places where religious differences (such as between Sunnis and Shias) have existed for many centuries, *political* sectarianism along religious lines is very much a product of recent (nineteenth century) modernity. This sectarianism paradoxically arose concomitantly with the establishment of secular citizenship in newly founded nation-states. Fanar Haddad has put this point well:

¹⁴ Samuel Ngun Ling, "The Situation of Minority Christians in Myanmar: Problems and Challenges", paper presented at MF – Norwegian School of Theology, Oslo, 20 April 2017.

With the nation-state came notions such as citizenship, economic and political rights, and the notion that the “the people” owned and were entitled to a share in the body politic. One of the consequences of these developments is that the nation-state created a new, profane, and far more tangible plane on which sectarian identities were formulated and in which they competed. Rather than disputes over religious truths or local rivalries, as had more often been the case in the past, the nation-state meant that sectarian relations were increasingly animated by contested *national* truths and ownership of the body politic. ... [T]his national framing of sectarian identities is more immediate, and can be more flammable, than the purely religious frame in that it has a more tangible impact on individual interests.¹⁵

The point I want to stress is that the tension between democracy and state recognition of religion cannot readily be overcome by the establishment of state-protected sectarian identities. Or if the tension can be overcome it is typically at the cost of provoking the disaggregation (“Balkanization”) of the state. Another path for overcoming this tension must be found, one that preserves a viable multi-religious citizenship in a public space that is open, not opposed to religion.

The idea of *secular citizenship* (in a way a redundancy, as citizenship in its modern connotation arose as a secular designation), all of us are well aware, is very much a product of modernity. It was “only with the advent of the nation-state that people developed a sense of ownership of and entitlement to the polity”.¹⁶ As a fruit of the French Revolution, it was severed from any distinct connection to religion. Before that, the idea of belonging to a particular kingdom, principality, or civitas, was indissociably bound up with the religion of the land. In medieval France, for instance, a Jew or Muslim, while residing there, would never be viewed as a full-fledged member of that Catholic kingdom. It was not that Church and state were not distinguished, their governing bodies were indeed kept separate, but the second was indissolubly imbued with values from the first.

When the idea of secular citizenship was first implemented in many places it was typically viewed as inimical to the rights of God and of religion. Most of us are aware of the controversies that took place in Western Europe during the nineteenth century on this topic, and the cloud of

¹⁵ Fanar Haddad, “Sectarian Relations before ‘Sectarianization’ in pre-2003 Iraq”, in N. Hashemi and D. Postel, eds., *Sectarianization: Mapping the New Politics of the Middle East* (London: Hurst, 2017), pp. 101-122, at p. 109.

¹⁶ *Ibid.*, 109.

suspicion that hovered over “liberalism” and, by extension, “democracy” within Catholic societies and even official Church teaching, well into the 20th century.¹⁷ And despite claims that the Muslim world has yet to go through its “Enlightenment”, the notion of secular citizenship was also introduced there in the 19th century. And there too it proved to be highly controversial. In 1839 the Ottomans “implicitly accepted... the political equality of Muslim and non-Muslim subjects”. “declared it... more explicitly in 1856, and finally, announced it constitutionally in 1876. The *jizya*, or poll tax on non-Muslims, was abolished in 1855”.¹⁸ On the part of ordinary folk, this formal emancipation of non-Muslims was often “met with unease and dismay” – including in some instances engagement in sectarian violence against Christians. In Aleppo in 1850, an anti-conscription protest degenerated into a massacre of Christians in the city. Several Churches were burned and hundreds of Christian homes were ransacked. In Damascus a decade later... a mob turned on the Christians of the city”.¹⁹ It was in reaction to these sorts of incidents that European powers insisted on a twofold framework for democracy in the Levant, first of all that “there had to be a sectarian political framework to resolve what were taken to be endemic sectarian hatreds. The second was that Muslim rule had to be disestablished for a modern regime of toleration to be established in the East”.²⁰ Imposition of this framework “entrenched and reified the... idea that sectarian representation was the only viable key to resolving the problem of religious pluralism”.²¹

What explains this hostile reaction to the political emancipation of non-Muslims within the Ottoman Empire? One could, of course, maintain that it has something essential to do with Islam, that religion as such is antithetical to the very notion of secular citizenship, and by extension to political equality as it is understood today. But against this line of argument one could easily point to similar occurrences within Christian and even Catholic settings. The events leading up to the Spanish Civil War

¹⁷ See Paolo G. Carozza and Daniel Philpott, “The Catholic Church, Human Rights, and Democracy: Convergence and Conflict with the Modern State”, *Logos* 15.3 (2012): 15–43.

¹⁸ Ussama Makdisi, “The Problem of Sectarianism in the Middle East in an Age of Western Hegemony”, in N. Hashemi and D. Postel, eds., *Sectarianization*, pp. 23–34, at p. 27.

¹⁹ *Ibid.*

²⁰ *Ibid.*, p. 28.

²¹ *Ibid.*, p. 29.

could offer a parallel. Some political and military elites reacted strongly, and eventually with violence, against the idea that citizenship in Spain could be defined within a non-religious, i.e., non-explicitly Catholic frame, or to put the same point differently, that Spanish civic identity could be defined *a*-religiously. Here I will note in passing that at the end of the civil war, Pope Pius XII, addressing (“Con inmenso gozo”, April 16, 1939) “our very dear sons of Catholic Spain” acknowledged “...a duty of gratitude toward all those who sacrificed themselves heroically on the field of battle for the defense of God’s inalienable rights and of religion”. One could not more clearly articulate a Catholic identification of the state, an identification I will further note, that the same Pope seems later to have distanced himself from when he changed the formula to “the rights of God and of man”.²²

The sort of issues I have been discussing is standardly treated under the heading of “religious freedom”, a heading that directs our attention especially toward the rights that are due to minorities in settings where the majority is of a different religious tradition. This is certainly needed, but this approach does tend to obscure the rationale that many in the majority might have when they seek to put a religious stamp, if I may call it that, on the state. The aim may not be so much to claim a prerogative, or even less to oppress (although this may prove to be a side effect), but rather to have religion, their religion, the religion they hold to be *the* true religion, imbue all areas of life, including life within the state, with the implication that the state itself should in some measure reflect this truth. We can thus understand how disconcerting it must have been within the wider society when secular citizenship was first introduced in nineteenth century Syria, as “this sudden, top-down disestablishment of a system of symbolic and legal Muslim supremacy was effected without any cultural [and I might add religious] preparation on the part of Ottoman Muslim elites whose empire was under enormous... European pressure”.²³ “That *some* Muslim inhabitants in cities such as Damascus felt that they as Muslims were entitled to a privileged relationship to the state, which had long justified itself as a Muslim state, is not at all surprising” and does not, of itself, manifest a “peculiar ‘Muslim’ problem with equality or modernity”.²⁴

²² Address on 7 October 1947 to members of the US Congress, apropos the anniversary of the battle of Lepanto.

²³ Makdisi, p. 28.

²⁴ *Ibid.*

The thought that one's religion should permeate the whole of life, including the public, civic space, arises quite naturally; the contrary idea, that religion should be confined to some private inner space, has traditionally had little resonance among those with a strongly religious mindset, and I would venture to say that today as well this compartmentalization resonates badly with many Muslims, Buddhists, Hindus, and yes, even Christians. The reaction against secularism on the part of Muslims who had grown up in the Indian subcontinent in the early part of the twentieth century, figures like Syed Abul A'la Maududi, founder of the Jamaat-e-Islami, now the largest Islamic organization in Asia, can be explained on the basis of this impulse. Maududi maintained that "Muslim societies had been "misguided by the chimera of Western material progress" and that the recovery of spiritual values could come about only through "the creation of a distinctly Islamic polity".²⁵

For Christians, the temptation would be to say that because our religion differentiates the things of Caesar from the things of God, we stand immune from the Islamic tendency to meld into a single undifferentiated whole faith and the polity, religion and the state. But here we need to be cautious. Historically, this distinction has been understood to imply a diversity of roles or lines of authority (although it was admitted that the same person could sometimes wear two hats). But this diversity could very well subsist in a context of close symbiosis of the two orders, the spiritual and the temporal, and the absorption of the one to the other. Thus, in the Middle Ages, various forms of political Augustinianism arose, which de facto subsumed temporal power and temporal rights into and under the spiritual power.²⁶ Later, doctrines of indirect Church jurisdiction over the temporal were developed. I don't have time to rehearse this here, but the end result was not terribly different than what one might find in some Islamic contexts. For instance, the medieval canonist Hostiensis went to the extreme of denying that unbelievers could have dominion, hence their lands could legitimately be seized by Christians. And even a relatively progressive (by

²⁵ Shiraz Maher, *Salafi-Jihadism: The History of an Idea* (Oxford: Oxford University Press, 2016), p. 179. For a nuanced account of how these issues play out today, including assumptions for and against the creation of an Islamic polity, see Gudrun Krämer, "Modern but not secular: Religion, identity and the *ordre public* in the Arab Middle East", *International Sociology* 28.6 (2013): 629-644.

²⁶ See H.-X. Arquillière, *L'augustinisme politique: Essai sur la formation des théories politiques du Moyen Âge* (Paris: Vrin, 2006 [1933]).

the standards of his day) thinker such as Thomas Aquinas, who endorsed the Aristotelian concept of the polis as a natural good, still worked from the unstated assumption that a polity composed of Christians would have a sacral character. One need only cast an eye to his discussion of unbelief in ST II-II, q. 10 to see what I'm talking about. There he asks whether in such a polity "it is licit to interact with unbelievers" (generally no, but sometimes yes), "whether the rites of unbelievers ought to be tolerated" (yes but with the necessary restrictions), and so forth.

What I do want to emphasize is that we should not dismiss as out of hand (by facile application of the label "fundamentalist") the desire of religious people to see their faith permeate all aspects of life, including communal life in the state. Indeed, to think otherwise would be a mistake. But the question is whether this desire can be channeled, so to speak, in a direction that allows for a pluralistic public space, a space that encourages the widest possible participation of citizens in democratic process. At the time of the Enlightenment, the operative supposition was that this desire could not be so channeled; rather it had to be suppressed. Religious difference, it was assumed, is inherently sectarian; left to its own devices it tends to fanaticism ("extremism" as we say today), and to a possible extent manifestations of religion should be purged from the public space. An exclusionary secularism is the condition *sine qua non* for peace in this space.

For a long time the Catholic Church resisted this reading of the conditions needed for civic peace, on grounds that morality is inherent in temporal common good. Morality can only thrive where faith illumines natural reason, and grace heals nature. Peace is a fruit of charity and justice, both of which in turn flow from faith. Hence, in polities composed of Catholics, the very structure of the state should reflect the jurisdiction of the Church in all matters that involve faith and morals. A number of Encyclicals were written with this thrust, for instance *Immortale Dei* (Leo XIII, 1885), *Ubi Arcano Dei* (1922) and *Quas Primas* 1925 (both by Pius XI). Again, the revival of Islamic political thought in the late nineteenth and early twentieth century followed a similar trajectory, hence with calls for the establishment of Islamic polities as an antidote to ambient secularism. In both contexts, the Catholic and Islamic, arguments in favor of a religious influence on the life of the state were developed against the backdrop of positivist/reductionist secularism – although with the difference that for the Muslims secularism was construed as a colonial imposition whereas for European Catholics it was a homegrown phenomenon. For neither, however, were the principles enabling the construction of a com-

mon good among a multi-religious citizenry explicitly in the foreground. The theological arguments that were developed by the Popes and related actors in this context did not accordingly address head-on the issue of a religiously plural civil society.

However, in the 1930s, a new approach began to emerge, in France especially, where some authors began to think about faith in its relationship to citizenship in ways that would open up for a religious recognition of a pluralistic civic space. The person who is perhaps most associated with this trend is Jacques Maritain, whose book *Humanisme intégral* (1936) fundamentally altered the way the nexus of issues associated with pluralism were addressed within Catholicism. What we can discern in Maritain's thought was a kind of paradigm shift away from the older way of viewing the relation of faith and the Church to the political order. I previously thought that Maritain's approach represented a new beginning, of which he could be given the chief credit. But just recently I stumbled upon a 1932 article by Henri de Lubac entitled "Le pouvoir de l'Eglise en matière temporelle",²⁷ and upon reading it I realized that broader changes were afoot during that period than could be encapsulated by Maritain, no matter how influential his political writings might have been. It is significant, nonetheless, that Maritain's *Humanisme intégral* appeared in 1936, the same year that the Spanish Civil War broke out. That conflict can reasonably be viewed, I think, as the staging ground, or better yet, the last stand, for a dying model of Church-State relations. At that moment it was as though the tectonic plates shifted, a long delayed confrontation of competing visions of the faith in relation to the civic polity occurred, causing great havoc. Paradigm shifts are never neat and clear affairs; the nexus of fundamental concepts are reordered, causing disarray over an extended period of time. I find it revealing how today the new theological model – for a pluralist civic space – that emerged is again being called into question. The dislocations that have been caused by new forms of Islamic militancy, on the one hand, and the migration crisis, on the other, have created a nostalgia for the predecessor theological models, models that for many years were considered to be wholly outdated. This nostalgia may be found not only in Catholicism, witness the article by Thomas Pink I cited earlier, but in Islam, Buddhism, and Hinduism as well.

²⁷ *Revue des Sciences Religieuses* 12.3 (1932): 329–354.

The main thrust of De Lubac's 1932 article was to argue against the idea that the Church possesses a jurisdiction over the temporal order, thus a jurisdiction of the ecclesial vis-à-vis the temporal authority. By that time the idea of a direct jurisdiction had long since been abandoned, but the idea of an indirect jurisdiction – to be exercised whenever spiritual values were believed to be endangered – was still the standard teaching. In seeking to undercut this doctrine – one that had been theorized by Robert Bellarmine in the late sixteenth century, De Lubac did not follow a laicized version of the old Gallican position that sought to isolate the temporal sphere from external, i.e., papal, influence. De Lubac's point was that the spiritual influence was necessary to the sound regulation of the temporal sphere, even in matters political, but he argued that this influence should not take the form of a special *jurisdiction*. Indeed, De Lubac maintained that if the jurisdictional model was abandoned, the penetration of Evangelical values into the temporal, spiritual sphere would potentially be wider in breath, and deeper in influence.

This mode of spiritual action, which operates not by formal institutional structures, but rather through the conscience of Christians who are engaged in matters temporal (this would cover all of us in varying degrees) would have in his eyes a twofold benefit. On the one hand, it would free up the Church to pursue its distinctive spiritual mission, thereby preserving it from actions – exercise of bodily coercion, appeals to necessity and the like, that are characteristic of states. “The Church”, he writes, “is authentically Catholic in the sense that nothing human is alien to it. It is not a question, accordingly, of limiting its reach – does one limit the reach of the soul by saying it is not a body? – but rather to preserve its purity from... any mode of intervention that would despoil it”.²⁸ On the other hand, and drawing a comparison to the autonomous place for philosophy that Aquinas opened up within the Christian synergy of faith and reason, this non-jurisdictional approach would reinforce and enhance the just autonomy of the temporal sphere. By the same token, however, distinction, and with it autonomy, are not equivalent to separation, and even less should they be equated with opposition. “Because the supernatural”, De Lubac concludes, “is never separated from nature, the spiritual will always be intertwined with the temporal, with the result that the Church will in an eminent sense have authority over the full scope of the temporal order in the precise measure that the spiritual

²⁸ Ibid., p. 343.

is engaged – yet without exiting from its [proper] role” nor by extension usurping the role proper to temporal authority.²⁹ De Lubac recognized how awareness of the distinctive autonomy of the temporal/political sphere arose only during the Enlightenment, when it was placed in opposition to the sphere of the Church and religion. The effort to rescue this kernel of truth from the oppositions that were parasitic on it resulted in a progress of Christian conscience and an attendant development of doctrine concerning relations between the spiritual and temporal orders.³⁰

Time limits do not allow me to delve more deeply into De Lubac’s analysis. What I find appealing, and this is my reason for mentioning it here, is that it offers a theological foundation for the active participation of Christians in the temporal, political sphere – including a place for spiritual authority – yet, because it eschews the jurisdictional model (which would set us on the path of a Christianly identified state, one that would entail something akin to civil laws informed by *sharia*), this analysis could apply within a democratic pluralism of the sort we aspire to today. De Lubac did not himself draw out this implication in the article cited. This was a task that Maritain later assumed.

In arguing for democracy under conditions of religious pluralism, Maritain sought to conjoin two approaches that previously had been kept apart and in fact were standardly viewed as incompatible. On the one hand, he recognized how faith and more broadly injunctions drawn from religion should inform our life in the temporal, public sphere. Natural law would never be sufficient to provide the needed guidance, if by this law one signifies a form of practical cognition that can be had without the contribution of positive divine revelation. To his mind, a central role must be accorded to the teaching of faith even in matters political. On the other hand, it is no longer possible, nor is it desirable, to organize a state along expressly religious lines, as such a state would unduly conflate the human goods we are called on to achieve here below with our ordination to eternal life above. Moreover, a state of this sort would invariably require of its members a common religious creed, thereby placing “in a position of inferiority and political disadvantage those who are strangers to the faith that animates it”. To “inject into political society a special or partial common good, the temporal common good of the faithful of one’s religion, even though it

²⁹ Ibid., p. 346.

³⁰ Ibid., p. 347.

were the true religion, [and to] claim for them a privileged position in the State, would be to inject into political society a divisive principle, and, to that extent, to jeopardize the temporal common good”.³¹ It was to preclude outcomes of this kind that the philosophers of the Enlightenment had opted for secularism.

Maritain’s solution was twofold. First, there was his idea that Gospel truths should be “refracted” into temporal sphere where they allow us to identify certain fundamental natural goods – value of the human person qua person, freedom of conscience, the rights that follow from that personhood and freedom, etc.³² – that would be neglected otherwise. His employment of the optical term “refraction”³³ is intended to convey how these truths are taken out of their own “supernatural” sphere of direct applicability, in order that the “natural” implications for our civic and political life can be perceived.

Second, there was his related claim that these temporal “refractions” of Gospel truths are knowable, albeit less perfectly perhaps, within other religious traditions, thereby grounding what he termed a shared “civic (or “secular” faith)”.³⁴ The idea was that individuals “possessing quite different metaphysical or religious outlooks, can converge, not by virtue of any identity of doctrine, but by virtue of an analogical similitude in practical principles, toward the same practical conclusions, and can share in the same secular faith...”.³⁵ This, of course presupposes a regular process of inter-faith dialogue on social and political issues among members of the shared polity. Without such dialogue there is no possibility that the diverse interests can be identified and then aligned.

You can see where Maritain’s argument is heading. It aims to show how religious motivation and religious reasoning, including imperatives drawn from sacred texts, can be harnessed to support the project of pluralistic democracy. One might not agree with every step in his account, but I think that the elements he brings to the discussion, and the overall

³¹ “Religion and Peace”, address delivered at the Boston University Institute on Post-War Problems, March 12, 1944; reproduced in Jacques et Raïssa Maritain, *Oeuvres complètes*, vol. VIII, pp. 936–957, at p. 948.

³² See his *Christianisme et démocratie* (1943), *Oeuvres complètes*, vol. XII, chap entitled “Inspiration évangélique et conscience profane” (pp. 725–734) for a list of these goods.

³³ See *Humanisme intégral*, in *Oeuvres complètes*, vol. VI, p. 528, p. 528, “Une réfraction des vérités évangéliques dans le temporel”.

³⁴ *Man and the State* (Chicago: University of Chicago Press, 1951), p. 111.

³⁵ *Ibid.*

thrust of his argumentation, are as necessary today as they were in the post-war period. They may be even more necessary today, especially in settings where secularism is viewed with suspicion, and commitment to religion is on the rise. Unless it can be shown how pluralist democracy has religious backing, so to speak, and can carry with it the necessary religious credentials, we are doomed to repeat the failures of the past: exclusionary religious states on the one hand, conflict-prone multi-sectarian political arrangements on the other.

PARTICIPATORY DEMOCRACY AND THE UNDER-REPRESENTED

ROCCO BUTTIGLIONE

First of all, I shall present some reflections on the nature and the genesis of a Participatory Society. Then, I shall address the problem of representation and under-representation in our society.

The human person is an intelligent and free being who acts freely and is responsible for her own actions.¹ The human person has a body and lives in an organic interchange with her environment, from which the means of her subsistence are derived. These means are obtained through human labor. Labor is applied to raw materials that need to be transformed, and requires instruments.

No man can survive alone. We need the cooperation of other human beings in order to survive and, most importantly, in order to lead a truly human life. This cooperation regards the defense of the right to life and freedom, the order of property on the goods of the earth, the raw materials and the instruments that make work possible, the cooperation in the working process of different human beings, the exchange of the products of their work and the order of contracts. Last but not least, men do not create themselves, but they are generated through sexual intercourse between a mother and the father – or so has been the case until now. The same mother and father take care of their children until their maturity, and this creates an order of parenthood and of the family.

Many of the actions required for human survival on earth demand the cooperation of a plurality of subjects. It must be added that Adam Smith convincingly explained that the productivity of human labor grows with an increased division of labor.² The question then arises: how can the human subject participate in a social action and exercise his moral responsibility for that action, without losing his freedom? Participation is exactly the answer to this question.

¹ S.Th. I-II, q. 17, a. 5 ad 2.

² Adam Smith *An Inquiry into the Nature and Causes of the Wealth of Nations*, (MetaLibri Digital Factory, 2007): 8ff.

Since the beginning of political philosophy the following problem has been considered: how can human cooperation on a large scale be organized? In principle, there are two possible answers: top down and bottom up. Top down: one (or a few) command and rule; bottom up: all participate in the decision process. It is apparent that only the second answer preserves the moral responsibility of the person for her own action. The first answer demands the total alienation of the rights of the person in society, in order to make the social action possible. The second answer tries to build up a communitarian subject in which all participate in the decisions that are of common concern. Participation is the alternative to alienation.³

The approach we have been proposing is an alternative to a merely utilitarian approach, in which participation can be justified based upon the fact that, collectively, we possess greater information than we would individually, and if we coordinate all this information, we can reach better decisions that increase the welfare of a larger number of people.⁴ Instead, our argument stresses the fact that participation corresponds to the inherent dignity of the human person, helping her grow as a person through the exercise of her intelligence and free will. This is rooted in the Aristotelian concept of *eudaimonia*, the fulfillment of the person's vocation to become perfect as a person.⁵ To this perfection also pertains the fact of creating a community or a civil friendship. Through participation we do not always manage our common affairs: we become a community and this is also an essential feature of our being persons. The greatest welfare for the greatest number can also be achieved by sacrificing the fundamental rights of some members of society, and seems to be indifferent to the problem of a fair distribution of resources and opportunities. The eudemonistic principle is not in itself egalitarian, but it considers the good of each member of the community as being a part of the good of each and every member, or rather, it considers the existence of a Good of the community as such. This is not something different from the good of the individual, since being a member of the community is something that pertains to the essence of the person. Just to give one example: a husband cannot be happy if his wife is

³ Karol Wojtyła, "Participation or Alienation" in *Analecta Husserliana* 6(61) (1977), 61ff.

⁴ Isael Kirzner, *Market Theory and the Price System*, vol. 2. (Indianapolis: Liberty Fund Inc, 2011).

⁵ Aristotle, *Nicomachean Ethics*, 1097a (n.d.), 15ff.

unhappy; he can only define his happiness in relation to her happiness or by incorporating her happiness within his own happiness.

We have sketched the most essential traits of a theory of participation taking for granted a certain idea of the human person that we derive from the classical tradition (Aristotle) reinterpreted in a Jewish/Christian context (Boethius, St. Thomas Aquinas), and we have derived from this idea of the human person also a certain idea of a participatory society. We have been following a long tradition in political philosophy whose origin can be tracked back to Plato: Society is just Man written in large letters. The idea of society we have is strictly dependent upon the idea that we have of man.

Aristotle, Boethius and St. Thomas Aquinas were philosophers with a strong leaning towards metaphysics.⁶ They were not sociologists or social psychologists. They considered the fundamental structures of the human person to be ontologically given. They constituted a presupposition for the action and they revealed themselves through their actions.

The approach developed by contemporary human sciences, to a large extent under the impulse of Sigmund Freud and his disciples, is significantly different. Freud tells us that the human subject is the result of a process, something that, to a certain extent, is “made” by the social, moral and educational process. The factory in which man is produced is the human family.⁷ Here we learn to obey rules and to question the reasonability of those rules. The unconditional sympathy of our mother, coupled with our search for happiness, nurtures our self-esteem and our self-confidence. The norm set by our father’s word teaches us that our actions have consequences and we must bear responsibility for the consequences of our actions. And, in pursuing our happiness, we must also take into account the legitimate demands of our brothers and sisters for happiness. By watching the way our parents participate in each other’s lives and take care of us and of our siblings, we learn to incorporate the good of others in our concept of good. In short, we learn the art of love. The family order shapes our personalities and makes us capable of participation.⁸ The institution of marriage

⁶ For an in-depth analysis of the metaphysical notion of participation see Cornelio Fabro, *Partecipazione e Casualità Secondo S. Tommaso d’Aquino, Opere Complete, 19* (EDIVI, Segni, 2010).

⁷ Sigmund Freud, *The Interpretation of Dreams* (Basic Books, 2010), 247ff., 286ff.

⁸ Max Horkheimer, “Authoritarianism and the Family Today”, in *The Family, its Function and Destiny*, ed. Ruth N. Anshen (New York: Harper and Brothers, 1949).

transforms Eros into Agape.⁹ The capacity of interiorizing in ourselves the person of the other is not simply a given, it may be more or less adequately developed according to the first and constitutive experiences the subject has undergone in the early stages of his existence. The commonly accepted patterns of family life and the institutionalized form of marriage create the kind of personality that is considered “normal” and that will be present more often in any given environment.

All of the above will not be considered strange by any true disciple of St. Thomas Aquinas. One of the fundamental tenets of the metaphysics of potency and act is exactly that *nihil potest de potentia deduci in actum nisi per aliquot ens in actu*¹⁰ (what is in potency can be brought into act only through the action of a being in act). The child’s ontological potential embarks on a path of self-realization, through the action of the educating parents. This action regards the relation of each parent to the child but, first and foremost, also the quality of the relationship they have between themselves.

Sometimes we hear that neither the State nor the Church should meddle with what consenting adults do under their bed sheets. This is perhaps not entirely true, because the transformation of Eros into Agape generates the energy invested in working for the family and for society and it also shapes the personality of the children and, therefore, society at large.

When we speak about the quest for a Participatory Society we should not exclude from the scope of our research the problem of building a kind of personality which naturally adopts participation as a lifestyle and is readily integrated in the structures of a Participatory Society or, rather, is a spontaneous and active creator of a Participatory Society.

In the Christian tradition, this idea of participation is easily connected with the idea of Communion, as Msgr. Minnerath wisely points out in his contribution to this Session. Participation is an essential feature of the Christian personality, a social reflex of the ontological reality of Communion.

It is perhaps not inopportune to now ask the following question: are we currently educating personalities who are capable of participation, or is the capacity of our societies for participation decreasing rather than increasing? It is not easy to answer this question.

On the one hand, we know that in our Western societies more and more children are born out of wedlock and are raised by single parents, we

⁹ Benedict XVI, *Deus Caritas Est*, 1st ed. (Vatican City: Libreria Editrice Vaticana, 2006), 3ff.

¹⁰ S.Th. I, q. 79, a. 3 co.

see that many marriages are dissolved by divorce, and the loving unity of the parental couple, as the spiritual uterus in which the child is contained until it comes of age, cannot be taken for granted.

On the other hand, we should not idealize all too easily yesterday's world. Husbands often cheated on their wives and abused of their power within the family, whilst women resented their condition of inequality and developed strong feelings of resentment. The complicated process of sublimation of the originally sensual energy of the child required a fair amount of repression, for it to be canalized towards culturally valuable targets, and that process was often difficult, uncompleted and left residues in the form of neurosis.¹¹

It remains true, however, that the ideal of Western moral and political philosophy, in which the man, by defining the end of his action encompasses also the legitimate demands of other human beings, has its preconditions in the structure of the family. G.W.F. Hegel expresses this ideal in the form of the coincidence of the universal and the particular.¹² Kant, instead, demands that the individual acts according to a principle that can be assumed as a maxim of universal legislation.¹³ Max Horkheimer has pointed out the relation obtained between this principle and the structure of the family.¹⁴ Pierpaolo Donati and Margaret Archer have reformulated the same concept in their relational sociology.¹⁵

It seems to me that today it is important to stress the fact that the capacity for participation is first reared in the family, in order to see the essential connection between the mission of the Church to defend the moral order of the family, and the efforts to expand or to defend a participatory society. It happens very often, in the current political discourse, that this link is either not seen or the family is seen as a surpassed institution destined to wither out in the Participatory Society of tomorrow. It is an old idea held by Friedrich Engels, that other social institutions would, in time, take

¹¹ Cfr. Sigmund Freud, "Civilization and its Discontents", in *The Standard Edition of the Complete Works of Sigmund Freud*, volume XXI (1927-1931).

¹² Georg W.F. Hegel, *Philosophy of Right*, 1st ed., n.d., 13.

¹³ Immanuel Kant, *Grounding for the Metaphysics of Morals* (Indianapolis: Hackett, 1993) 30.

¹⁴ M. Horkheimer, "Authoritarianism and the Family Today" in *The Family: Its Function and Destiny* (New York, 1949).

¹⁵ Pierpaolo Donati & Margaret Archer, *The Relational Subject* (Cambridge: Cambridge University Press, 2015).

over the social functions of the family.¹⁶ Up to now, this has not happened: the family has been weakened but not substituted and, as a result, the capacity of our societies for participation seems to be decreasing rather than increasing. Individuals that are not adequately socialized within the family tend not to constitute communities and to just fend for themselves. Cicero left us the following sentence: *familia seminarium reipublicae* (the family is the place in which the political community is generated).¹⁷ He meant precisely that individuals that are not properly socialized tend to form a mass rather than a community, and masses are governed by tyrants rather than by Republican institutions.

A Participatory Democracy is based on a system of mediation. Individuals with converging and differing social interests are allowed to participate in a free discussion, and in the end a decision has to be made. The fact that this process will result in a decision cannot be taken for granted. A Participatory Democracy presupposes that those who hold different social interests have a common intention to preserve the political community, in which a decision has to be made. This implies that they will try to formulate their particular interest in a way that is compatible with the interests of the other components of that same society, and they will accept an agreed procedure in order to reach a common decision. As a rule, this procedure implies a majority vote, sometimes with the provision of particular quorums. This leads to the formation of coalitions of interests; one of them will be the majority and the other (or others) the minority. The system works if the majority does not push its advantage too far, and if the minority is willing to accept the decision because of a strong sentiment of loyalty to the political community and/or because of a lack of alternatives.¹⁸ There are always, however, some non-negotiable interests that are kept out of the ordinary decision-making process. In the European continent this is guaranteed through the so-called rigid constitutions defended by Constitutional Courts. If a majority violates fundamental constitutional rights, its decisions can be annulled.¹⁹ The purpose is to guarantee that, in the end,

¹⁶ Friedrich Engels, "The Origin of the Family, Private Property and the State" in *Karl Marx/Freidrich Engels Collected Works*, vol. 26 (New York: International Publishers, 1990).

¹⁷ Cicero, *De Officiis* I, 54.

¹⁸ Anthony J. McGann, *The Logic of Democracy: Reconciling Equality, Deliberation and Minority Protection* (Ann Arbor: University of Michigan Press, 2006).

¹⁹ Costantino Moratti, "Costituzione (Dottrine Generali)" in *Enciclopedia del Diritto*, IX, (Milano, 1962).

everyone can live with the decisions made by the constitutional organs, and that the minority will not feel threatened in some vital interests or convictions. The political body lives in a delicate balance between representation and decision. No decision is made without the participation of all those who are interested in the decision.²⁰ But also, no participation without decision: participation cannot become an end in itself, in the end a decision has to be made.

What happens in some modern democracies is that it becomes more and more difficult to create majority coalitions and, on the other hand, minorities tend to expand the area of the interests they consider vital and non-negotiable. This results in a paralysis of the decisional process. In some countries (Italy for example) there is an attempt at institutional reforms that privilege the governability over the representation. This means, for instance, to create electoral systems that give to the strongest coalition, although it expresses not an absolute but only a relative majority of the popular vote, a majority of seats in Parliament. The purpose is to make it possible to govern with less participation and less consent. This solution, of course, runs against the demand for participation but should not be dismissed too easily: participation is a value, but democracies must produce decisions. If they do not, society will not be governed, and sooner or later, an authoritarian regime will ensue. In many societies the demand for more efficiency overcomes that of more participation.²¹ The problem is: how can we ensure an efficient participation, that is, a participation that produces decisions?

A first answer to this question has already been suggested in the first part of this lecture: we need personalities with a stronger orientation towards the community, with a deeper sense of belonging, so that minorities accept the majority decisions and majorities do not abuse the majority rule, but this, of course, requires a cultural reorientation of our societies that can take place only in the long term.

A second answer can be found through an analysis of the way in which our Western democracies work. Once upon a time, the political debate was dominated by a discussion on the best forms of political organization. This debate underlined the connection between politics and ethics and regard-

²⁰ This is a slightly adjusted version of the slogan that penetrated the American Revolution: "No taxation without representation".

²¹ Giovanni Sartori, *Comparative Constitutional Engineering* (New York: New York University Press, 1994).

ed the forms of political organization that better corresponded to the nature of man. Since then, however, we have entered into a post-ideological era and the current political debate is much less interested in the idea of good societies. What we demand of politics is the efficient distribution of goods and services to citizens. This is not something totally new. Luciano Canfora has convincingly claimed that the political life of Greek democracies centered around a demand of redistribution in favor of the poor.²² The demand for redistribution, however, can easily come into conflict with the necessity of distributing the social product in a way that makes it possible to reproduce the living conditions of society. A good example is given in the Acts of the Apostles. In the first Christian Community the wealthy sold all they had and distributed it to the poor who lived off this redistribution.²³ In a comparatively short time, the Community was broke. St. Paul collected alms among the new communities, among the pagans, to relieve those of Jerusalem, but formulated the rather harsh rule: those who do not want to work should not eat.²⁴ In a well functioning society, a large part of the social product has to be used to reproduce material capital and the infrastructure, and also the part devoted to consumption needs to be distributed in a way that rewards the different performances of individuals. The great success of Western democracies was due, to a large extent, to the fact that they enjoyed, for many years, very high rates of economic growth. This made it possible, at the same time, to adequately reward productivity and to carry out generous redistributive policies. When the Gross National Product grows 3% per year it is possible to organize the political debate around the question: what social reform shall we make in this legislature? Shall we raise pensions, improve healthcare or subsidize low paying jobs?

This mechanism does not work any more.²⁵ The reason is that poor countries have entered into the world market, have started working by making use of the comparative advantage of their very low wages and have acquired growing shares of international commerce and wealth. The margin for redistribution of the old democracies has been strongly reduced. This is the cause of our malaise and the reason why our old political ma-

²² Luciano Canfora, *Democracy in Europe: A History of an Ideology* (Wiley-Blackwell, 2008).

²³ Acts of the Apostles, 2, 44ff.

²⁴ St. Paul, *Thessalonians 2*, 3, 10ff.

²⁵ Carles Boix, *Democracy and Redistribution* (Cambridge: Cambridge University Press, 2003).

chinery does not work any more. We have no benefits to distribute. Rather, the political class faces the task of redistributing sacrifices. As a result, large parts of the electorate are willing to go back to the world of yesterday and are ready to follow populist movements that promise generous redistributive policies, that are no longer possible, or that promise to close borders by instating protectionist policies that exclude the new countries from our markets and hamper their possibilities of emerging from poverty. This also produces an extreme polarization. Those whose income was supported by the state expect, of course, their living standards at least to be maintained. Those who support redistributive policies through their taxes want them to be reduced or repealed altogether. This distinction does not correspond exactly to that between the rich and the poor. We have expanded large public bureaucracies with comparatively high paying jobs that are subsidized by taxpayers. It is doubtful whether our democracies will survive for long if we do not succeed in reactivating the process of economic growth. In order to do this, however, we need to activate all of society's energy around a political project that, in the initial stages, will not deliver benefits but will demand a strong idealistic engagement. Whether we will be able to produce this remains unclear.²⁶

Now we want to devote our attention to the problem of underrepresentation. Who are the underrepresented? We will try to answer this question in a way that mostly refers to Western societies.

A first kind of underrepresentation is due to our ageing societies. We have few children and a growing number of old people.²⁷ Children, moreover, do not vote. Our policies are dominated by the points of view and the interests of older generations. We tend to spend more on pensions than on investments to create jobs for the new generations; we tend to accumulate public debt to finance a generous public expenditure that will be paid for by those who are young today, we tend to exhaust non-renewable natural resources rather than protect our environment.

A large number of people do not have children, and many of those who do have children do not have a positive relationship with them because their family was dissolved and they have lost all affective connection to their children. Those who have children (and grandchildren) tend to consider the distant future and the environment in which their children and

²⁶ Rocco Buttiglione, *La Sfida*, Soveria Mannelli, Rubettino, 2012.

²⁷ As far as I know, the first to draw attention to this trend was S.H. Preston, "Children and the Elderly in USA", *Scientific American*, 1 December 1984.

grandchildren will live. Those who do not tend to restrict their concerns to a foreseeable time in their lives. The temporal horizon of the electorate is narrowed; there is a mentality that is spontaneously drawn to the short term. In the past, each generation left to the next a social and material capital that was larger than the one they had inherited from their ancestors. For the first time, we are faced with a society that leaves to the following generation more debts than capital. The reasons of the youth, the voice of the future, of the environment are underrepresented in our European societies. A significant portion of people in Western societies lives out of public expenditures in a large and growing public sector. These people are more actively interested in politics because their jobs and their careers are directly or indirectly dependent upon political decisions. They tend to be more than proportionally represented in the political debate. They demand an expansion of goods and services offered to citizens by the state. This demand is linked, however, to that of an expansion of the bureaucracies that administer the social intervention of the state.²⁸

The others, those who live and work in the private sector, are comparatively less represented. They are a majority and through the fiscal system they carry the weight of the public budget, but they are less active politically and tend to feel frustrated. This is one main reason for the upsurge of populist movements.

The middle class tends to feel underrepresented. Globalization has produced a decrease in global poverty, but, at the same time, it has created a polarization in Western societies. Whilst the enormous gap between rich and poor countries has been narrowing, in Western societies the divide between the winners and losers of globalization has been widening. The losers of globalization, the frustrated middle classes, are underrepresented in the sense that they still have not found a way to formulate a political program that really tackles their problems. The economic, social, cultural and political elites have refused to see the dark sides of globalization and the losers – that is, the Western middle classes – do not have credible representatives and do not succeed in formulating a reliable political program. This is dangerous for our democracies because the enraged middle classes are increasingly prey to populist demagogues who offer easy, common sense and wrong solutions to difficult problems, that might easily lead us back to an age of confrontations between closed commercial and political

²⁸ As far as I know, the first to draw attention to this trend was John O'Connor, *The fiscal Crisis of the State*, (New York: St. Martin's Press, 1970).

blocks and, in the worst case scenario, of war. Here we have an underrepresentation of majorities, or potential majorities, in the most developed countries. Populism used to be a political phenomenon that belonged to underdeveloped countries, but now we have populism in wealthy countries that run the risk of losing their wealth and welfare.²⁹ This may be extremely dangerous because it can influence the behavior of political leaders who bear the greatest decision-making power for peace or war, for good or evil, for economic growth or regression of all of mankind. Here the cause of underrepresentation is not a lack of electoral or political power, but rather a lack of cultural and political vision.

Antonio Gramsci, who was a Marxist but, being Italian, was not entirely bad and understood a lot about politics, made an important distinction between a rough or corporate or immediate representation of the interests of a social class or group, and a political, mediated, hegemonic representation. A political representation is one that can include in the definition of one's own interest the interest of other social groups or classes as well; creating an alliance or a coalition of interests. If a proper coalition cannot be created, one can at least define the finalities of one's own actions in such a way that they do not come into conflict with the vital interests of others. In Gramsci, the hegemonic principle is a tool to create a coalition to fight against another coalition.³⁰

Some might be surprised to know that the same idea, in a revised and enlarged form, can be found in Pope St. John XXIII's Encyclical *Pacem in Terris*. According to the great Pontiff, peace is the first and foremost purpose, the *telos*, the *entelecheia* or form of politics as such, and this holds true even more in a period in which, due to the development of mass destruction weapons, war may easily lead to the destruction of mankind. We need therefore to formulate the interests of the social groups to which we belong or the national interest of our countries in a way that make them compatible with the legitimate interests of other social groups or countries. The coalition St. John XXIII wanted to create included the whole of mankind. It was not a coalition against somebody, but a coalition for something. In *Populorum Progressio*, Blessed Paul VI further elucidates this common purpose: it is the integral growth of humanity. Today in the pas-

²⁹ D. Swank & H-G. Betz, Globalization, the Welfare State and Right-Wing Populism in Western Europe, in *Socio-Economic Review* (2003) 1, 215ff.

³⁰ Antonio Gramsci, *Selection from the Prison Notebooks* (New York: International Publishers, 1971).

sage from *Centesimus Annus* to *Caritas in Veritate* to *Evangelii Gaudium* we have a further qualification: the finality becomes to orient and govern globalization in order to allow all countries and all of humanity to grow together. In this connection I would like to mention Chiara Lubich, who translated the doctrine of the Popes into the concept of politics as a service to the unity of mankind.³¹ We should not underestimate the impact that this vision has had on global politics and also on global institutions. All the more alarming is the fact that mayor political forces today strive to formulate their particular interest, national or social alike, in a non mediated and non political way, or at least in a way that is not political, along the lines of *Pacem in Terris* and of the following encyclicals. They seem to reintroduce a different concept of politics, that of Carl Schmitt, according to whom politics is, first of all, the decision that divides the world in two: friend and foe.³² Therefore, politics needs foes, or at least takes into account the possibility of creating them.

Conflict, of course, is a fundamental part of any realistic approach to politics, and the Church knows this all too well.³³ However, the real issue is: do we want to find reasonable compromises and peaceful solutions in which all participants see their fundamental interests and values recognized and respected? Or do we want to impose our particular interests? I have nothing in principle against the slogan “Italy (or Germany, or Nigeria, or whatever other country) first”. It is all too natural that I should wish my country to excel in the world in all possible fields, from football to scientific research to economic performance. I feel uncomfortable, however, when I have the feeling that what this slogan really means is “my country first and who cares about the rest”, or (as I have sometimes heard) “the devil will take care of the others”. If such approaches really become dominant, then we will move back to the world before *Pacem in Terris*, where globalization becomes a struggle for life or death and, in the end, the danger of war looms large.

Machiavelli (another Italian who was not thoroughly bad and had a keen understanding of politics) put on paper the fundamental principle of a realist democracy: people always make the right decisions if a responsi-

³¹ Chiara Lubich, *Lo Spirito di Fratellanza nella Politica come chiave dell’Unità dell’Europa e del Mondo*, *Nuova Umanità*, XXIV (2002-1): 139, 15ff.

³² Carl Schmitt, *The Concept of the Political* (Chicago: Chicago University Press, 1996).

³³ St. John Paul II, *Laborem Exercens*, 20.

ble political class and a wise institutional system propose clear alternatives and explain the possible consequences of the course of action taken.³⁴ In thinking of a Participatory Democracy, we should never forget the problem of the anthropological and cultural presuppositions of a Participatory Democracy. The purpose of this contribution was precisely to draw attention to this point.

³⁴ Machiavelli, *Discorsi sopra la prima Deca di Tito Livio*, I, 58.

SOCIAL PARTICIPATION AND THE NEW FORMS OF SLAVERY

MARCELO SÁNCHEZ SORONDO

The notion of participation – derived from the Latin word *participation* – entails the action and effect of participating, i.e., taking or receiving a share of something. If we apply it to the social order, we might assert that participation is the degree of experiencing happiness as we may experience it here, on Earth, as those who believe in Christ are summoned to partake in perfect happiness in Heaven as they embrace definitive life.

Thus we come back to the eternal question that Aristotle used as an opening for his *Ethics* and his *Politics*, that is, how to achieve that happiness that ‘all human beings naturally desire’¹ in today’s world, marked by the globalisation of indifference with the problem of environmental decay or climate change, the new forms of human trafficking, the rapid urbanisation, increasing mass communication, global capitalism.

The moral social participation issue is not only what I should do, that is, deontology in the Kantian sense, but how would I like to lead my life in order to achieve happiness before God, for myself, other people and my environment.

Aristotle demonstrates that social values such as justice and equity belong to this question when he points out, at the beginning of his *Nicomachean Ethics*, that the goal of happiness is not perfection in solitude but in the context of the city, the *Polis*. And this also applies, *servatis servandis*, to nations, which cannot flourish in their own way if they do not take into consideration the welfare of other nations in the globalised world, especially as regards matters that relate to the good of all nations (for example, water, energy, the climate...). Social values and policies that aim for the common good make up the structure of ethics. What we need to know is how to reorganise our social and economic life with and between nations in the ‘global city’ in order to spread those values of contemplation, prayer, community, equity, fraternity, trust and environmental sustainability that create happiness.

¹ διὸ καλῶς ἀπεφάνησαν τὸ ἀγαθόν, οὗ πάντ’ ἐφίεται (Aristotle, *Nicomachean Ethics*, I, 1, 1094 a 1).

Contrary to what we are being led to believe, human beings are not motivated by market goods alone but also by non-market ones such as dignity, truth, freedom, good and beauty. Attraction to the good and to happiness is a priority compared to all other moral attitudes and represents the absolute beginning of human action in the ethical sphere.

Indeed it is important to situate this inquiry within any consideration of culture, because human beings continue to seek understanding and meaning in respect of human action. This inquiry has been directed to human behaviour, centred after Socrates (470-399 BC) in the West and Buddha (600 BC) in Asia, on the idea of the good and the virtues. Normative ideas about the good and the virtues embrace both private and public customs that we call 'habits' (*ethe*), which is the origin of the word 'ethics', of which good, justice and virtue are ramifications. In its original meaning, ethics is at the same time a part of the policy concerning the common content of private and public morals amidst human social plurality. For this reason ethics is distinct from both science and metaphysics (*epistémê*) and from technology. As Aristotle states at the beginning of the *Nicomachean Ethics*: 'To say however that the Supreme Good is happiness will probably appear a truism; we still require a more explicit account of what constitutes happiness. Perhaps then we may arrive at this by ascertaining what is man's work or deed. For the goodness or efficiency of a flute-player or sculptor or craftsman of any sort, and in general of anybody who has some work or business to perform, is thought to reside in that work; and similarly it may be held that the good of man resides in the work of man, if he carries out a special activity which will permit to discern a fulfilled human life'.²

Taking his inspiration from Aristotle, Hegel attempts to build a somewhat normative theory of individual and social participation in happiness.³ This theory may solve the problem posed by Hobbes, insofar as the struggle to attain happiness may originate in moral reasons that are susceptible of replacing the rivalry, distrust and glory triad as described in the so-called state of Nature, where Leviathan, i.e., the fight of all against all, holds sway. The intent here is to find, in the development of conflict-based interactions, the source of the extension of the individual abilities and rights of man in his conquest of his own self, his humanity and his happiness. Inspired by these reflections, we may assert that there are three subjective models

² Aristotle, *Nicomachean Ethics*, Book I, chap. 6, 1097 b 20 ff.

³ Cf. G.W.F. Hegel, *Système de la vie éthique*, commentaire et traduction de J. Taminiaux, Paris, Payot 1976.

of social participation that lie in the spheres of love, law, or ultimately, of Christ's Kingdom or grace and charity. Along the same lines as these three models of social participation – which are partly speculative, and partly empirical – there are three notions of exclusion or denial of participation which are capable of endowing social struggle with moral motivation, the goal being the restoration of human and Christian dignity, liberty, virtue, peace, and happiness. The goal entails restoring the moral motivation of struggle through individual or group interests, so as to explain the practice of social struggle more comprehensively, in the light of participation.

All three participation models offer what we might call the speculative or conceptual structure, whereas the critical sentiments that prompt human beings to any struggle infuse this structure with its lifeblood. Now, a structural analysis of the figures of exclusion, marginalization or denial of participation cannot be possible if the normative requirements for the recognition of such participation do not allow frustration and exclusion as, somehow, the measures of such requirements. It is from the discussion centred on the very idea of struggle, as inspired by Hegel, that an attempt will emerge to complete a problematic of struggle based on the invocation of the experiences of happiness and peace through which participation may, if not attain its goal, at least suggest the point at which its denial can no longer stand.

The struggle for participation and love

The first model of participation based on love covers the entire range of friendship, family and other relationships, all of which imply bonds of affection that are possible among a limited number of individuals. This is a degree of participation that precedes all kinds of judicial orders. Our experience as adults not only preserves traces and reminiscences of the early conflicts of our adolescence: these conflicts help us to grow in a healthy manner, and finally mature. These are the early years of life: love attains the maturity of adulthood when the individual manages to release himself from dependence, which generates a tight bond of affection. As the child is faced with the absence of his mother in his path towards his own capacity for independence, thus the infatuations of youth are put to the test by separation, where true victory lies in the emotionally trying ordeal of being able to be in no other company than one's own.

Along the same lines as Aristotle, Simone Weil elevates friendship to the status of good – a “unique good”, as she puts it – and she describes the phases of maturity in which the empirical figures of love resonate with

Hegel's speculative structure.⁴ We might speak of the dialectic of union and disunion that is typical of love, and which is endowed with characteristics that are both speculative and empirical. Disunion has to do with the suffering caused by absence and distance, and is the result of disillusionment, whereas union speaks of the force of the soul, which takes shape in the ability to be by oneself. But it is precisely the trust in the unwavering nature of mutual solicitude – also in the context of absence – that turns separation into a nurturing experience.

What is the expression of exclusion, contempt, and ultimately, subversiveness that pertains to this mode of participation of friendship and within friendship, particularly in the context of the new forms of slavery? Mere violence exercised against the integrity of the human body, and abuse in all its forms – i.e., torture, repetitive raping, organ harvesting, forced labour, and forced child labour – which destroy a person's primary trust in himself or herself, and in others, do not seem to be sufficient when it comes to illustrating this first type of exclusion, contempt, and ultimately, non-participation. What is at stake here are the forms of violence inflicted upon the soul, which are more complex and profound than those exercised on the body, as appalling as they may be. The normative idea of the model of participation based on love – which determines the measure of our own disappointment in the face of this type of humiliation – seems to be more naturally relatable to the idea of approval. Friends, or individuals that love each other, approve one another as existing beings. This approval of existence is what turns friendship into a “unique good”, which is equally precious in separation as in reunion. Humiliation, perceived as the removal or the refusal of the approval to exist, goes against this “existing and being with” the other, and it does so in every possible pre-judicial level. The humiliated individual feels as if gazed at from above, or better said, as viewed as next to nothing. Deprived of approval, the person becomes non-existent. From this standpoint, the humiliation perpetrated by forced labour, prostitution, involuntary organ harvesting and rape consists in the victim feeling that he or she is non-existent as a person: he or she is not an end in himself or herself, but another individual's property, or a means for the benefit of others.

In the case of prostitution, however, there is an additional component of non-approval of the victim as an existing human being: the betrayal of affection at its most intimate. When parents force their daughter into

⁴ Simone Weil, *Amitié*, in *OEuvres*, Gallimard, coll. Quarto, 1999, p. 755.

prostitution – as is usual in contexts of extreme poverty – they betray her in the affection that they must give to her, and that she must receive from them. Likewise, when a life partner or a boyfriend promises the moon and the stars to a young lady with the sole objective of leading her to a life of prostitution, he is betraying her in the most intimate way possible, as he is violating their tie of love, understood as mutual approval and as a bond of perfection. Unfortunately, this is the most common method that human traffickers use nowadays: young men who seduce girls through romantic promises. “You will be my wife: we will raise a family together”. This destroys the very core of the trust that one can lay in a person. Somehow, the betrayed victim feels worse than she whose existence has been denied altogether. It is for this reason that the protocol of victim rehabilitation is grounded on the reconstruction of self-trust, and of trust in one’s fellow human beings, and is based on a sort of public confession of the iniquity of having been betrayed and sold. Betrayal by the person on whom we have laid all of our trust is worse than death itself.

It is not possible to cross the threshold of the first model of participation in affection without considering the restrictions and rules that, despite not being formally judicial, must be upheld – in every sense of the word – as institutions, and which have actually encouraged countless developments in the judicial arena. Such is the case of parent-child and husband-wife relationships, and it is also true of family ties, as the family, as an educator, marks the beginning of cultural and value-based life. In contrast with the city and the state, the family is a way of living together that is represented by a home and a shared roof, which bring together a limited number of people.

The family intertwines the vertical lines of filiation and the horizontal lines of conjugality. Three invariable factors give shape to our being-in-the-world as members of a family: each of us has been born of the union between a man and a woman (this is true regardless of all considerations related with cloning, in vitro fertilization, surrogacy, etc.); most of us have siblings; and the order between siblings is determined existentially, and cannot be overridden, i.e., in no way can the elder brother become the younger.

Regardless of its judicial status, the bond of marriage is the connection between these vertical and horizontal relationships. This tie is subject to a restriction that applies in all the socially accepted versions of conjugality, namely, the prohibition of incest. The concept of incest places sexuality in the cultural dimension, and establishes a difference between social bonds and bonds of consanguinity. It would not be far-fetched to assert that the constraint originating from such a prohibition is the tacit assumption of

Hegel's notion of the desire of the other, insofar as inclination – which differentiates desire from mere drive or instinct – may be viewed as the affective benefit of such a constraint.

Considering this pre-institutional family framework, I would now like to focus on the phenomenon of filiation, and group my ensuing comments under the title “Participating in lineage”.

By establishing an order for conjugality, the genealogical principle organizes filiation. It is only in the aftermath of Oedipus's crime that conjugality – expressed in various forms, but invariably grounded in constancy and fidelity – can reveal its profound significance as the mediator between the genealogical principle and the incestuous drive, between order and phantasmagorical confusion. This will not prevent conjugality from deploring, in turn, its inner struggle, particularly at the apex where sensuous love and conjugal friendship intersect. Sensuous love can persist in cultures that are reluctant to embrace institutions and the discipline of desire commanded by marriage. However, it is conjugal affection that makes it possible for a couple to embrace parenthood, and to think of themselves not just as mere progenitors, but as parents of their offspring. Filial recognition, which confers full significance to the participation of love in parent-child relationships, responds precisely to this mutual approval between both parents.

Naturally, it is very difficult for people that have fallen prey to the new forms of slavery to raise a family and nurture a conjugal relationship. This appalling form of exclusion also rules out every opportunity for full-fledged filiation, and even denies victims of every chance of becoming fulfilled parents. It is for this reason that desire – whether desire for conjugality or desire for filiation – often works as the stimulus for fleeing slavery in its modern manifestations. More often than not, it has been the struggle to become a parent and/or raise a family that has prompted the victims to attempt to escape, against all odds, from subjugation. The confessions shared by the victims show that the spark that fuelled their liberation and their search for dignity as free individuals was, in fact, their desire for filiation and a family.

The struggle for participation from a judicial standpoint

As far as love is concerned, we have already discussed the intense affective loci and the trust in the permanence of mutual attachment that develop between people bound by the profound ties of affection (partners) ensured by marriage. A different logic is at stake in the judicial arena. On the one hand, the attribute of one's own freedom replaces the ability of

being alone that pertains to relations of affection. Here the rationale of the term “freedom” lies in the assumption of equality among all individuals, as seen from a judicial point of view. On the other hand, respect replaces trust, as it is marked by a pretension of universality that exceeds the proximity of the bonds of affection that are typical of trust. In this sense, it might be said that this type of participation refers to two factors: the other, and the norm. As regards the norm, participation entails considering this norm valid, stating its validity. As regards the person, participation means identifying each human being as free and equal in dignity to his neighbour. Participation from a judicial viewpoint adds the recognition of oneself in terms of the new capacities originating at the intersection between the universal validity of the norm and the singularity of each person. This dual structure of judicial participation thus lies in the connection between the enlargement of the sphere of rights admitted to individuals, and the enhancement of the capacities whose recognition these subjects demand. In this case, enlargement and enhancement are the result of the struggles that mark the point at which these two processes of solidarity have made their way into history.

The manifestation of enlargement in the normative sphere of rights is twofold: on the one hand, it has to do with the enumeration of subjective rights as defined by their content; on the other, it can be defined based on the real attribution of these rights to the new categories of individuals or groups.

The most ancient struggle concerns civil rights: it dates back to the 18th Century, and is far from over. Civil rights are the so-called negative rights, which protect individuals, their freedom, their lives, and their property in the face of the illegitimate ambitions of the state or the private sector. The second category of rights designates positive rights, which ensure participation in the process of the creation of public will with a view to the common good. Finally, the third category concerns another set of rights, positive as well, that assure an egalitarian portion of elementary goods for each individual.

Importantly, as a judicial institution, slavery was banned thanks to the progressive penetration in history of Christ’s message of brotherhood, and owing to the specific anti-slavery struggles that began towards the end of the 18th Century, and which ended with the abolition of this scourge – despite considerable reluctance, as was the case of the American Civil War – in most countries around the world. Modern international agreements (e.g., the 1926 Slavery Convention) reassert the prohibition of slavery, which is considered to be a crime against humanity. However, slavery is still

culturally entrenched in some countries (e.g., India, Sudan, and Mauritania), and has reappeared in new forms, such as forced labour, prostitution, organ trafficking, and child slavery.

Naturally, the victims of the new forms of slavery are deprived of both negative and positive civil rights. Actually, they are the targets of the most ruthless discrimination.

With regard to the struggle for political rights, it took place in the most developed countries of the world during the 19th Century, and continued in the 20th Century in the context of the debates on the representational nature of democratic regimes, once the sovereignty of citizens and their right to express themselves through elections finally began to be recognized.

The biggest concern today is the exclusion and marginalization of the majority with regard to an egalitarian participation in the distribution of goods on a national and planetary scale. This is true of both market goods and non-market goods such as dignity, freedom, knowledge, integration, and peace. The biggest cause of human suffering, and ultimately, of rebellion, is the alarming and unfair contrast between the theoretical attribution of equal rights to all, and the unequal and unfair distribution of fundamental goods for most human beings. Despite living in a world of abundant wealth – a world where economic activity has exceeded 120 trillion dollars a year – countless people are still riddled with poverty and social exclusion, two scourges that facilitate the expansion of the new forms of slavery. This alarming inequality – together with dominance wars and climate change – is the cause of the biggest forced migration in human history, which is now affecting as many as 65 million people. We should not forget, either, the growing number of individuals – estimated at 50 million – who have been ravaged by the new forms of slavery and human trafficking, such as forced labour, prostitution, and organ trafficking. These are all veritable crimes against humanity that must be recognized and denounced as such. The fact that the human body should be bought and sold as if it were just another commodity on the market is appalling, and it is a symptom of a profound moral and social decay. Almost one hundred years ago, Pope Pius XI had foreseen the entrenchment of inequality and injustice as a consequence of global economic dictatorship, which he called “internationalism of finance or international imperialism” (*Quadragesimo anno*, May 15, 1931, § 109). For his part, it was Pope Paul VI that denounced, almost fifty years later, the “new and abusive form of economic domination on the social, cultural and even political level” (*Octogesima adveniens*, May 14, 1971, § 44).

Based on this distribution of subjective rights, the corresponding acquisition of competencies on the personal plane leads to the emergence of specific forms of absence, which are in turn related to the demands that a person may expect society to fulfil. In this context, humiliation resulting from the denial of civil rights is different from the frustration generated by the denial of participation expressed as public will and the common good. In addition, both types of denial differ from the feeling of exclusion that springs from the deprivation of the right to own elementary goods. When denial of participation is at stake, disrespect for the affected individual is expressed differently each time. Importantly, negative feelings are significant triggers in the struggle for social participation: indignation is, in this regard, the transition structure that leads from raging resentment before denial to the willingness to become an active subject in the battle for participation. The most sensitive aspect of indignation lies in the unbearable contrast – mentioned above – between the equal attribution of rights and the unequal distribution of goods in societies such as ours, where productivity-oriented progress across all the domains of life must apparently be offset with a dramatic growth of inequalities and the destruction of our common home.

Now, indignation can undo us, but it can also push us to action. It can paralyse us and force us to look the other way, but it can also be the fuel for social revolution. In this respect, the idea of responsibility acquires one of the meanings of the passage from humiliation to action: humiliation is, above all, experienced as an aggression against one's self-respect; then comes indignation as a moral response to the expectation of participation; and indignation finally gives way to the willingness to participate in the process of enlarging the sphere of subjective rights. In this context, responsibility can be the capacity – recognized by society and oneself – of rational and independent self-expression on moral issues. Responsibility understood as the capacity for autonomous response is inseparable from responsibility understood as the capacity for participation in the reasonable debates pertaining to the enlargement of the sphere of civil, political or social rights. Thus the term “responsibility” spans the affirmation of oneself as well as the recognition of the equal rights of one's neighbour, and the effect of all this is a positive contribution to the progress of rights and the law.

However, the enlargement of the sphere of subjective rights has a second aspect that does not only concern the enumeration and classification of these rights, but also their application, through participation, to a growing number of individuals.

Participation in the Kingdom of God

Talking about social participation, I cannot ignore the invitation that we can find in a statement, which is ancient and new at the same time, and loaded with immense theoretical and practical meaning. Today, the People of God, or better, all of us, every Christian, including us scholars, and each human being who is destined to the love of Christ, must internalize the words of St Leo the Great, who reminds us of the letter of St Peter: «Agnosce, o christiane, dignitatem tuam, acknowledge, O Christian, the dignity that is yours! Being made a ‘participant in the divine nature – θείας κοινωνοὶ φύσεως’ (cf 2 Pt 1:4), do not by an unworthy manner of living fall back into your former abjectness of life. Be mindful of Whose Head, and of Whose Body, you are a member. Remember, that wrested from the powers of darkness, thou art now translated into the Light and the Kingdom of God (*Serm. I de Nat.*, P. G. 54, 192)». Insofar as the Lord will reign in us and among us, we will be able to participate in divine life and we shall be for each other “instruments of grace, so as to pour forth God’s charity and to weave networks of charity” (*Caritas in veritate*, § 5).

St Paul, in correspondence with what we have said about the participation of grace in the Kingdom of Christ, says ‘with freedom did Christ set us free: stand fast therefore, and be not entangled again in a yoke of bondage’ – Τῆ ἐλευθερία ἡμᾶς Χριστὸς ἠλευθέρωσεν· στήκετε οὖν καὶ μὴ πάλιν ζυγῷ δουλείας ἐνέχεσθε (*Gl*, 5:1). So Christ performs grace and freedom for human beings, which neither the Greeks, nor the Romans, nor the Jews, nor anyone in America, Asia or Africa had. In those times, many knew that “one” man could be free, such as a tyrant or the chief of a tribe. Or they knew that “many” were free, such as the citizens by birth and philosophers in Ancient Greece or in Ancient Rome, but the idea that “all” men and women were free by their essence comes from the grace and the message of Christ. All human beings are destined to the utmost grace and freedom and the Holy Trinity lives inside each human being through the grace of Christ and the collaboration of everyone.

For this reason, the abolition of slavery and the achievement of freedom throughout the course of history were primarily the work of the Spirit of Christ or of the Holy Spirit, with the collaboration of the saints and good leaders, men and women, of all times and places after Jesus Christ. As St Paul said, “by the grace of God I am what I am” (*1 Cor* 15:10).

Now, from the theological and empirical point of view, the achievement of freedom and the subsequent abolition of ancient slavery in the course of history and the new forms of slavery today depend – according

to St Paul himself – on the opposition of sin and grace, which includes and fosters the other antagonisms that fight tenaciously within the human being: error-truth, good-evil, vice-virtue, wholeness-corruption and so on, in the impenetrable puzzle of the enigma that is the human heart. It is a transcendental phenomenology of the conflict of the two laws revealed by St Paul – good and evil, concupiscence and virtue – which agitate our bodies and obscure our minds, debilitating our will. “I see and approve of the better, but I follow the worse” (*Video meliora proboque, deteriora sequor*), states Ovidius, and St Paul comments on it by saying: “For I know that nothing good dwells within me, that is, in my flesh. I can will what is right, but I cannot do it. For I do not do the good I want, but the evil I do not want is what I do” (*Rm 7:18 f.*; cf, Ovidius, *Metamorphosis*, lib. 7, vv. 20).

This is the deepest invitation and the most profound revolution which can free us from the social situations of the new forms of slavery, just as in the past it has freed us from the juridical institution of slavery. We know from practical experience, and we see it recognised by certain protocols to rehabilitate the victims, that the starting or turning point for the victims is a moment of religious conversion or an instant of Grace.

It is difficult to explain the discrimination that women have suffered in these two thousand Christian years without this law “that agitates my members” and that “is at war with the law of my mind, taking me captive to the law of sin – βλέπω δὲ ἕτερον νόμον ἐν τοῖς μέλεσίν μου ἀντιστρατεύομενον τῷ νόμῳ τοῦ νοῦς μου καὶ αἰχμαλωτίζοντά με [ἐν] τῷ νόμῳ τῆς ἁμαρτίας τῷ ὄντι ἐν τοῖς μέλεσίν μου (*Rm 7: 23*).

From indignation to dignity, freedom and peace

After Pope Francis’s request to the Academy to deal with modern slavery and human trafficking, we have tried, first of all, to establish the facts and then to find models and best practices to restore dignity, freedom, peace and happiness to the victims.

The first point is important because it shows us the extent of the problem. If you can’t count it, you cannot fight it. According to the most serious estimates, there are about 50 million victims of modern slavery and 10 million victims of organ trafficking. Many of these come from the sixty million refugees we currently have around the world.

With regard to the second point, our research has identified models and good practices to combat modern slavery as created by states and individuals.

Forced labour is, in a way, easier to fight. We must trust that, once they become aware of the severity of the issue, public opinion, states and mul-

tionals will find a way to deal with it, by checking their supply chains and perhaps by using an icon mark that indicates that their products are free from forced labour.

Regarding prostitution, we follow the line of Pope Benedict who told the new German Ambassador to the Holy See, Mr Schweppe: “I would like to tackle another disturbing aspect which, it seems, is spreading through material and hedonistic tendencies, especially in the countries of the so-called “Western world”, and that is, the sexual discrimination of women. Every person, whether man or woman, is destined to exist for others. A relationship that fails to respect the fact that men and women have the same dignity constitutes a grave crime against humanity. It is time to vigorously put a stop to prostitution, as well as to the widespread dissemination of material with an erotic or a pornographic content, also on the internet” (November 7, 2011). States that legalise prostitution offer the means to disguise all forms of forced or juvenile prostitution too.

In view of eradicating the new slaveries and give social participation, dignity, freedom, happiness to each person, there is a need to work together and across boundaries in creating “waves” that can affect society as a whole, from top to bottom and vice versa, moving from the periphery to the centre and back again, from leaders to communities, and from small towns and public opinion to the most influential segments of society.

Action plan for social participation

With a view to promoting action as opposed to purely ‘theoretical’ and academic considerations, which the reflective philosophical tradition often favours, I would like to present the action plan that we are implementing, which is, of course, a work in progress, to achieve social participation in terms of happiness and freedom.

As I mentioned above, the “globalization of indifference” has made the new forms of slavery such as human trafficking, forced labour, prostitution and organized crime pervasive. They are widespread all over the world. For Pope Benedict and Pope Francis they are crimes against humanity, and must be recognised as such and fought against.

In general, religions used to be the soul of culture from the historical, phenomenological and philosophical point of view. Some universal religions still have influence in today’s globalised world. They are Christianity, Islam, Judaism, Hinduism and a few others.

Today we can celebrate a new synergy between the spirit of the United Nations and other international organisations, and the spirit of Religions.

This is also testified by the requests we get from the UN to hold meetings together.

On the basis of religious dialogue, which is possible today thanks to globalisation and the new communication tools, religions are better known to one other, better valued and better respected.

However, we need to move from interreligious dialogue to common action.

Although religions cannot pray at the same altar, religions can and should act together to promote human dignity and defend the freedom of each person, and promote good relations with the Earth, i.e. promoting sustainable development. Sustainable development means developing nature according to its real possibilities, sort of copying the mechanisms of evolution.

As I said, today we are faced with two emergencies: the first is slavery in its modern forms, which are forced labour, prostitution and organ trafficking, and the second is climate change, which is connected to mass migration. Religions need to act to make all people aware of these two emergencies. We need to convince people from the bottom and from the top.

Along these lines, the Pontifical Academy of Sciences organised its first important meeting to eradicate human trafficking and modern slavery in 2014⁵ with Pope Francis and the leaders of many different faiths, who all agreed to define “modern slavery, in terms of forced labour, prostitution, and organ trafficking” as crimes against humanity.

Another important initiative was the foundation of the Santa Marta Group at the Casina Pio IV in the presence of Pope Francis in 2014. The Santa Marta Group is led by Cardinal Vincent Nichols and Bishop Patrick Lynch and brings together bishops and police chiefs to identify the best practices to combat human trafficking and prostitution.

However, in chronological order, the first of such meetings was in November 2013,⁶ with the participation of Pope Francis, which ended with a Statement⁷ that was very important because we added forced labour and organ trafficking to the condemnation of prostitution as a crime against humanity, made by Pope Benedict.

In 2015 the Pontifical Academy of Social Sciences organised two meetings on trafficking. The first, entitled Trafficking with a Special Focus on

⁵ Cfr. <http://www.pas.va/content/accademia/en/events/2014/jointdeclaration.html>

⁶ Cfr. <http://www.pas.va/content/accademia/en/events/2013/trafficking.html>

⁷ Cfr. <http://www.pas.va/content/accademia/en/events/2013/trafficking/traffickingstatement.html>

Children,⁸ was organised with Queen Silvia of Sweden, whose Child Foundation helps children in need. Pope Francis also participated. This workshop was very important because the Swedish Chancellor of Justice explained the Swedish model against prostitution that she helped launch 20 years ago, and its positive outcomes, including a 50% reduction in prostitution.

The second meeting in 2015 organised by the PASS saw the participation of 70 Mayors from major cities around the world.⁹ They also signed a document affirming the need to eradicate modern slavery and human trafficking, recognising them as crimes against humanity. The Mayors also agreed to take actions to mitigate climate change. Pope Francis came and gave a crucial speech.

But maybe the most important impact the Academy has had, has been to convince the United Nations to reopen the discussions on the Sustainable Development Goals in August 2015 to include very clear language on the eradication of human trafficking in all of its forms. We achieved this through feverish consultations with several UN Ambassadors from around the world, such as Argentina and the UK. The result was Goal 8.7, which we are very proud of. This reads: “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”. It was approved unanimously, together with the rest of the 17 SDGs, on 25 September 2015 during the Pope’s historical visit to the UN. We can very well say that such goals and targets are now a moral imperative for all member states of the UN. All countries around the world belonging to the UN must now consider how they are going to implement these goals and cannot turn a blind eye. The Academy must remind all leaders of this obligation.

In June 2016 Pope Francis asked the PASS to bring together another category of authorities, those who represent justice and who are closer to the victims and perpetrators of these crimes against humanity: the judges. We brought together over 70 from all over the world and Pope Francis addressed a crucial message to them.¹⁰ They came to share their experiences in the fight against human trafficking and organised crime and they also

⁸ Cfr. <http://www.pass.va/content/scienze-sociali/en/events/2014-18/children.html>

⁹ Cfr. <http://www.pass.va/content/scienze-sociali/en/events/2014-18/mayors.html>

¹⁰ Cfr. <http://www.pass.va/content/scienze-sociali/en/events/2014-18/judgessummit.html>

agreed on a very articulate declaration along the same lines as the one that the mayors had signed the year before. You can read it in the commemorative booklet we published on the PAS website.¹¹

Another meeting that Pope Francis asked the PAS to organise, which is in strict relation with trafficking and especially prostitution, was entitled “Narcotics: Problems and Solutions of this Global Problem” and took place in November 2016¹² with the personal participation of Pope Francis and Queen Silvia, who gave two very important speeches. The commemorative booklet has just been published.¹³

In December 2016, Pope Francis asked the PAS to convene the Mayors from the mayor European cities to discuss mass migration and the refugee crisis, which, as I said, are tightly related to human trafficking.¹⁴

The latest of this series of meetings has been a Summit on Organ Trafficking and Transplant Tourism, organised by PAS Academician Dr Francis Delmonico, with the participation of transplant surgeons and medical doctors from all over the world, including such critical locations as China and the Middle East. This ended with a very strong Statement which is having a huge impact around the world, as testified by our participants, with whom we are in contact daily.¹⁵ Dr Delmonico is also planning a joint meeting with the PASS on this issue. A first estimate of the number of victims is 100,000 per year and the cost per organ is on average 100,000 dollars, of which the victims only get the smallest percentage. The turnover is thus around 1 million dollars per year.

We have also organised three meetings with young leaders from around the world who are working against human trafficking and modern slavery and we will have a fourth one at the end of this year. These can be found on our website www.endslavery.va

So you see, we are reaching out to different sectors in society to raise awareness about modern slavery and human trafficking. At the Academy we think that it is not only the case of stating that they are crimes against humanity, but we recognise the practical need to prosecute traffickers and

¹¹ Cfr. http://www.pass.va/content/scienze-sociali/en/publications/extraseries/judges_declaration.html

¹² Cfr. <http://www.pas.va/content/accademia/en/events/2016/narcotics.html>

¹³ Cfr. <http://www.pas.va/content/accademia/en/publications/extraseries/narcotics.html>

¹⁴ Cfr. <http://www.pas.va/content/accademia/en/events/2016/refugees.html>

¹⁵ Cfr. http://www.pas.va/content/accademia/en/events/2017/organ_trafficking.html

pimps, as well as the customers who create a market for sexual exploitation, destroying themselves and their families. In particular, the Academy tries to identify models to eradicate these crimes and, along these lines, recommends following the so-called Swedish model, which was adopted by France last year. For the first time in history, the Swedish or Nordic model criminalizes the real cause, which are not the victims – i.e. the women in prostitution – but the customers.

As we affirmed at the beginning, men and women seek to participate in happiness and freedom. The core of happiness and freedom, and of participation in human rights, as history has proved, is the message of Christ, which is summarised in particular in the Gospel of the Beatitudes: “Blessed are the poor in spirit; Blessed are they who mourn; Blessed are the meek; Blessed are they who hunger and thirst for righteousness, (for they will be satisfied); Blessed are the merciful (for they will be shown mercy); Blessed are the clean of heart (for they will see God); Blessed are the peacemakers (for they will be called children of God); Blessed are they who are persecuted for the sake of righteousness; Blessed are you when they insult you and persecute you and utter every kind of evil against you (falsely) because of me; Rejoice and be glad, for your reward will be great in heaven. Thus they persecuted the prophets who were before you”.

These people can achieve happiness because “they will be comforted, they will inherit the land, for theirs is the kingdom of heaven, for theirs is the kingdom of heaven”.

We could also mention the Golden Rule, which is at the basis of all cultures and religious traditions: ‘Do not do to others what you would not like them to do to you’, or in its positive formulation: ‘Do to others as you would have them do to you – καθὼς θέλετε ἵνα ποιῶσιν ὑμῖν οἱ ἄνθρωποι, ποιεῖτε αὐτοῖς ὁμοίως’ (Lk 6:31). However this rule today is not enough: it deserves to be interpreted in the light of the Beatitudes of the Gospel according to St. Matthew chapter 5, and the protocol by which we shall be judged in Matthew chapter 25, which refers to the other, the poorest and the neediest in an existential and real situation of suffering. Choosing the Beatitudes and the poor transcends the Golden Rule, which is too abstract to respond to the suffering of the other and those most in need.

These Beatitudes are valid for every one and in every culture and religion. If we follow them closely we will heal the wounds of humanity, which are also the wounds of Christ in the contemporary world.

► GOOD POLICIES & PRACTICES FOSTERING A PARTICIPATORY SOCIETY

THE SOCIAL MARKET ECONOMY AND THE SHARING ECONOMY IN THE PERSPECTIVE OF A PARTICIPATORY SOCIETY

JÖRG GUIDO HÜLSMANN

Our task is to study the question whether, and to which extent, a participatory society might benefit from two widely acclaimed economic practices: the sharing economy and the social market economy.

We shall start off in a first part with an outline of the political economy of participation. This will allow us to clarify the fundamental definitions and to highlight the main economic mechanisms that come here into play.

In part two, we shall focus our attention on those interventions that characterise the social-market model held in great esteem in Germany.

In part three, then, we shall discuss the economics of sharing in its relationship to the participatory society.

1. The political economy of a participatory society

In economic science, there is currently no field called “the economics of participation” or the “economics of social integration”. The expression “participatory society” comes from other disciplines (theology, sociology, anthropology) and needs to be defined in such a way that the underlying phenomena can be discussed with the tools of economic analysis. As we shall see, this can conveniently be done. There are strong affinities between the economics of participation and the general theory of the division of labour.

1.1. Definitions

We shall use the word “participation” synonymously with the expression “social integration”. Participation can be defined most conveniently in conjunction with its opposite, which is marginalisation respectively exclusion.

Marginalisation and exclusion are usually defined in two very different ways, both of which are useful for certain analytical purposes. One of them is larger, the other narrower. In the larger sense, to be marginalised means “not having” certain economic goods. In the narrower one, it means “being victim of other people’s privileges” (see Zulu forthcoming).

The second meaning focuses on one of the possible causes of not having a desired economic good. Indeed, being the victim of another man's privilege means that one is not his equal before the law, that he may do certain things that I may not; and that he may for this reason have certain economic goods that I do not have.

From a practical point of view, the second meaning tends to be more useful than the first one. It allows for *categorical distinctions* of good practices (participation) from bad practices (marginalisation, exclusion) and thus can be translated into action. By contrast, the first meaning would lead to classify *all* social phenomena as being infused with exclusion and marginalisation, because the universal presence of scarcity implies that not all persons can realise all of their projects. There are always some projects that cannot be realised with the available economic goods. There are therefore always some people who do "not have" all that they need to achieve all that they would like to achieve.

Hence, defining exclusion in the sense of not having leads to *gradual distinctions*. Each person is more or less excluded, and also participates more or less, in activities with other people. It is then impossible to categorically distinguish good practices from bad practices. Any action and all institutional set-ups would go in hand with at least some exclusion (yet also with at least some participation). Different actions and different institutions would merely entail different forms of exclusion, without ever changing, or diminishing, exclusion *per se*.

But the biggest problem of defining exclusion in the sense of not having is that it implies value judgements that, in practical applications, can lead to grave policy errors. It presupposes to know what is worth having and what not. It neglects the crucial fact that economic goods cannot be defined by their physical characteristics. They can only be defined from the point of view of the subjective values of the persons that are concerned.

In our study, we will therefore use a variant of the first definition. Rather than defining exclusion as "not having", we will define it as "not cooperating" with other persons in a division of labour. This definition allows us to adopt the point of view of the acting persons. It avoids taking a stance on what is worth having and what not. It still leads to gradual distinctions. Each person cooperates – with some people. Each person is excluded – from cooperation with other people. Exclusion and inclusion go hand in hand.

I cannot be simultaneously at a meeting of the Pontifical Academy *and* with my family. The packages of exclusion and inclusion result from various causes. Some are freely chosen, some result from coercion.

In a world of scarcity, inclusion and exclusion go in hand and are unavoidable. The relevant question is whether inclusion–exclusion are conducive to the common good. This would be the case if they not only allowed for, but enabled and promoted, the peaceful cooperation between all human beings. In what follows, we shall develop this idea in more detail.

1.2. Driving forces of participation: division of labour, justice, and solidarity

The central mechanism of social integration is the division of labour. To specialise means to produce certain economic goods in excess of one's personal needs. It means to become dependent on the productive efforts and the good will of other people. It means to become part of a larger whole. The transition from a primitive economy to the division of labour is the transition from atomistic homogeneity to organic complementarity, or "organic solidarity" as in Durkheim (2013 [1893], book I, chap. III). The activities of one hunter-gatherer are similar to those of any other hunter-gatherer. Each one cares for himself and they are all the same. Yet each member of a division of labour does something that the others do not quite do. His activities are complementary to those of the others. The various individual activities combine into a meaningful whole. Specialisation builds and shapes individual personalities.

Plato, St Thomas Aquinas, Adam Smith, David Ricardo, Emile Durkheim, Ludwig von Mises, and countless other great thinkers have underscored that human beings do associate because of the material advantages that they derive from cooperation. The classical economists have demonstrated that such material benefits exist under all conceivable circumstances. Most notably, they exist even in those cases in which weaker persons associate with stronger persons, irrespective of whether the terms weak and strong refer to physical force, intelligence, or wealth. Through specialisation and exchange, a weak and a strong can produce and use more economic goods than without specialisation and exchange.

The material well-being of the strong depends on the willingness of the weak to cooperate. They have therefore a material incentive to create conditions that maximise the willingness of the weak to take part in cooperation. Even if the strong ones are not good Christians; even if they are not people of good will; even if they regard only their narrowly conceived material interests, they have good reasons to assent to social arrangements that facilitate the division of labour.

But this is tantamount to saying that they have material incentives to create a participatory society, at least as far as their immediate associates

(including business partners, employees, suppliers, and customers) are concerned.

Indeed, the division of labour needs *peace* between the associates. But true peace is the fruit of *justice*. Aristotle famously stressed the intimate relation between exchange and justice. Where social relations are asymmetric, where they are unequal, cooperation cannot develop. The weaker side to a biased trade – the exploited, the marginalised – will be reluctant to go along with the scheme. They will take part only as far as necessary, they will watch out for the opportunity of rebellion, and thus the potential for cooperation is stymied from the outset.

True justice requires to recognise each current and each potential associate as a person equal in dignity, rights, and obligations. The material incentives resulting from the division of labour drive this recognition. They tend to make it global, if there are no opposing forces.

The division of labour is not only the driving force of the market economy. It is also the foundation of all non-commercial human communities – most notably families, churches, cultural associations, and nations – insofar as these communities need economic goods to nourish and perpetuate themselves.

This implies that the material advantages resulting from the division of labour are also a cause of the *solidarity* that reigns between the members of the different communities. Solidarity is rooted in real community of shared experiences and shared aspirations. To some extent it is prior to the division of labour. There can be no cooperation if there is not from the outset a modicum of peace and trust. Some “originary solidarity” is therefore the foundation on which the division of labour is built. But this does not alter the fact that solidarity is also a consequence of the division of labour. Individuals merge into communities because the division of labour in which they are engaged creates a common past and a common future with the other associates. Community and solidarity with these associates are the consequence of joint production.

1.3. Private property and participation

The market economy is a most important manifestation of the division of labour, rivalled and complemented only by the non-profit activities of the civil society. As a historical fact, this needs no further elaboration. The socialist movement of the 19th century has raised the question whether it would be possible to replace the market by government-imposed central planning. The attempts to do so have been abysmal failures. The reasons are twofold.

One, coercion of any kind invariably creates incentive problems. Those who do not agree with the government tend to become discouraged and cease or slow down their own efforts. Those who are lazy are likely to do the same. And the leading cadres represent a formidable moral hazard for the rest of society. They reap all the glory if their decisions turn out to be right, while they bear just a small part of the loss if their decisions are wrong – a recipe for large-scale waste.

Two, a coercively organised top-down economy would lack the essential intellectual tool for entrepreneurial decision-making. It would lack money-prices for the factors of production. Without money-prices it is impossible to carry out two types of comparisons that are central for the allocation of resources in a complex economy: (a) the comparison between the value of results and the value of the means used to achieve the results; and (b) the comparison between the rates of return on different activities. This problem cannot be overcome by any clever amendment to central planning. It is enshrined in the very nature of central planning: the absence of private property of capital goods.

This leads to the conclusion that private property is the indispensable foundation of a large-scale and complex division of labour, and thus of social integration. Or, in the words of Carl Menger (1976 [1871], p. 97):

Property, therefore, like human economy, is not an arbitrary invention but rather the only practically possible solution of the problem that is, in the nature of things, imposed upon us by the disparity between the requirements for, and available quantities of, all economic goods.

Now this conclusion might appear to be paradoxical. How can it be that private property promotes a participatory society? After all, the very nature of private property is to *deny* other people access to the economic goods that are privately owned, and to reserve this access to the sole owners.

The paradox is easily resolved, though, once it is appreciated that in this case, as in many others, the macroeconomic or global effects are different from the microeconomic ones. It is true that private property prevents unauthorised participation from outsiders. More precisely, it makes their participation contingent on the agreement of the current owners. But *indirectly* it promotes social integration to a very significant extent. Without venturing into a full-blown discussion (see Mises, Rothbard, Reisman), let us highlight six relevant considerations.

One, private property plays an important role in pre-emptive conflict resolution (Hoppe). If the rules for acquiring property are the same for all,

then this takes a major source of conflict out of the picture. It also greatly alleviates all conflicts surrounding the legitimacy of existing property rights, insofar as unjustified expropriations are ruled out from the outset.

Two, private property reinforces responsibility. Costs and benefits (but especially costs) are *concentrated* on the owner. Waste is penalised. Frivolous and selfish uses of land and capital are also discouraged, as they represent an opportunity cost for the owner. Creative thinking, investment, and hard work relating to the privately held resource are encouraged, as the benefits will eventually fall on the owner.

Three, private property naturally focuses the attention of the owners on the protection and development of the economic goods that they control. They naturally slip into the role of caretakers and stewards. This role is very clear as far as depletable natural resources are concerned. But it is not less important when it comes to the preservation and fructification of capital and personal savings.

Four, the concentration of profits in the hand of owners means that more capital is available to the persons who have wisely used their resources to the benefit of other people (their clients). The concentration of losses on incompetent owners withdraws resources from their control. This feedback mechanism facilitates the accumulation of capital and limits waste.

Five, private property greatly facilitates decision-making in the context of painful tradeoffs which might divide the opinions of the members of any larger community.

Six, private property greatly facilitates choices that relegate short-run interests behind long-run objectives. Such choices often go in hand with significant short-run sacrifices, and their future outcomes are uncertain. Without strong owners, such choices are rarely made. Among “stakeholders” there is usually a bias in favour of carrying on with current practice. Private property helps to correct this bias because the long-run benefits are concentrated in few hands and can therefore tip the balance in favour of longer-run considerations.

The offshoot of these considerations is that private property, from a purely material point of view, could be seen as a stumbling block to a participatory society only in the very short run, because it makes access to all kinds of resources contingent on the consent of the present owners, and the latter may be disinclined to share. But the picture is completely different in a longer-run perspective. Private property greatly facilitates the accumulation and allocation of capital. This gives a strong impetus to a participatory society.

The picture is also different if justice is brought into purview. Why should newcomers have the right to acquire access to any resource by other means and other rules than those that apply to all other members of society? Whatever the material needs of the newcomers, the bending of rules undermines the basic principles of justice on which peace and the division of labour are built.

To sum up, then, the relationship between private property and the participatory society is a dialectical one. Apparently, social cooperation increases *even though* resources are owned privately. But in fact, social cooperation increases *precisely because* they are owned privately.

1.4. The dynamics of participation in a free society

Let us now highlight the economic factors that promote social integration. We have seen that the central driving force of the latter is the division of labour, both within and without the market economy. The division of labour depends in particular on (a) the quantity and quality of capital goods; (b) entrepreneurship, respectively the ingenuity of the allocation of the available factors of production, and (c) the opportunity cost of social integration through the division of labour.

Adam Smith famously observed that the division of labour is limited by the extent of the market. It is less frequently remembered that he also stressed that the extent of the market depends on the part of revenue that is saved and invested. He was right on this point, too. A century after him, W.S. Jevons and Eugen von Böhm-Bawerk pointed out that increased savings make it possible to invest in ever more roundabout production processes. In other words, more savings do not just lead to a multiplication of existing types of firms. They make it possible to produce new and often unheard-of goods and services. This concerns producers' goods even more so than consumers. Thanks to capital accumulation, it is possible to build entirely new industries and professions. New forms of cooperation and specialisation arise. They provide increasing opportunities to develop personal talents.

A savings-driven growth process leads to an extension of the division of labour within the market economy. But an increasing volume of savings eventually also spills over into the non-profit sector. The reason is that the increased supply of savings tends to drive down the return on capital. There are ever-less incentives to use the available wealth in for-profit activities. And as the funding of non-profit activities grows, more and more people find employment in the organisations running churches, clubs, schools, etc.

1.5. *The participatory society under government interventionism*

So far, we have discussed the basic mechanics of social integration under the tacit hypothesis that no economic good is acquired without the consent of the previous owner. Now we shall drop this hypothesis and consider the consequences that follow from violations of private property rights. We will focus on the most relevant scenario, in which such violations are perpetrated by the government, and we shall call them government interventions or, in short, interventions.

There are repressive interventions and there are permissive ones. The former limit the ability of current owners to use their property as they see fit. Such interventions are manifest most notably in prohibitions, regulations, and forced payments (taxes). Permissive interventions enable the beneficiaries to do certain things that they would not have been able to do under the common law. They do so most notably by bending the rules (creating privileges for certain people) and also by subsidising them at the expense of the taxpayers.

Permissive interventions are always based on repressive ones. In order to bend the rules of the common law, it is necessary that the government first monopolise the court services (outlaw recourse to private arbitration). In order to pay subsidies, it first has to tax the population.

All interventions hamper the division of labour. But they do so in different ways. The harmful impact of repressive interventions is more obvious, in that they stifle social cooperation. By contrast, permissive interventions seem to benefit social participation, but they do so by changing the nature and forms of participation. Let us study some of the main mechanisms that come here into play.

1.5.1. *Repressive interventions*

Prohibitions, regulations, and taxes have one thing in common: they raise costs. When firms are subject to additional repressive interventions, the costs of doing business increase, which means that profit margins shrink. This implies diminished incentives to save, and diminished incentives to deploy the available savings as capital. The division of labour is therefore stifled, upward social mobility is hampered, the participatory society is to some extent compromised.

Regulatory interventions deserve special notice, not only because they are more difficult to measure than government tax revenues and government spending, but also because their impact is even more asymmetrical (non-neutral) than the impact of taxation.

Indeed, most taxes are proportional to some monetary variable like capital, profit, wages, or wealth. This does not mean that they do not privilege one type of business relative to another. No taxation can be neutral in this sense (see Rothbard 1970). However, because it is proportional, taxation does not create any systematic bias in favour of large companies, or large agglomerations, or politically connected businesses.

Things are very different in the case of regulations. They usually come one-size-fits-all and affect all firms and households to the same extent. That is, they do not just entail relative increases of business costs, but absolute ones. This tends to create a particularly strong negative impact on “marginal” market participants – firms that just barely make it, employees that are just good enough to find a job, etc.

Usually regulations are motivated by good intentions, especially when they concern labour relations and the protection of consumers. But a time-honoured adage tells us that the road to hell, too, is paved with good intentions.

Minimum-wage laws do not create living wages for all people seeking employment. They might increase the wages of certain people, who keep their jobs because they happen to be sufficiently productive. But “marginal” people are by definition not sufficiently productive. They are too young and inexperienced, too old and frail, handicapped, immigrants, and so on. The labour-market statistics in all countries illustrate the hard fact that such people lose their jobs or will never get one thanks to minimum-wage laws.

In the country where I live, France, labour-market regulations are particularly stringent. As a consequence, few start-up businesses ever grow to a significant size because few entrepreneurs can afford the costs of the present regulation, and even fewer are willing to accept the risk of more stringent regulations in the future. This is great for the people who own the firms that already dominate the market. But is it bad for almost all others.

France is also one of those countries that suffer from the economic desertification of its rural provinces. There are many causes of this phenomenon, but one of them is the regulatory state. Historically the economy of the countryside has been able to thrive against competition from the metropolitan centres by its ability to produce at lower cost. But regulations take this option off the menu. National regulations (labour, buildings, tax compliance, etc.) raise costs across the country, thus squeezing profits and discouraging investments wherever they are not justified by higher top lines, as they can be made in the centres. European regulations tend to produce the same sort of effect on a larger scale.

In short, repressive regulations not only slow down the development of the division of labour, and thus of the participatory society. They also change the *structure* of cooperation.

1.5.2. Permissive interventions: the welfare state

Let us now turn to permissive interventions such as the bending of rules and government spending.

The bending of rules, the creation of special private laws (privileges) is today a pervasive practice. It is used in favour of the political elites and their allies in the business world and (to a lesser extent) in civil society. It concerns both the institutional level (monopoly status of central banks) and personal benefits. To name just a few random examples of the latter: US Senators are not subject to insider-trading regulations; the employees of international organisations such as the OECD or the European Commission do not pay national income taxes; and the employees of most central banks, of the Bank for International Settlement, and of too-big-to-fail commercial banks are immune from arrest or imprisonment and not subject to national jurisdiction “for acts carried out in discharge of their duties” (BIS 2013, §12).

Welfare-state spending has created significant and well-known incentive problems that undermine the division of labour. Consider the case of government-sponsored unemployment relief. The recipient of government handouts has an incentive to refuse job offers that are low-paid relative to the *dole*. Even more perniciously, he has an incentive not to make any effort to look for, or prepare himself for, such a low-paid job.¹ Low-skill persons eventually lose touch with the world of labour and become unemployable even at minimum wage.

The immediate consequence of generously-funded unemployment relief is permanent and massive unemployment. But the long-run consequences are even more detrimental to the flourishing of the participatory society. Long-term welfare beneficiaries, by excluding themselves from the workplace community, compromise the spontaneous solidarity of that community. Their covenant with the State supplants and replaces all other communities arising spontaneously out of the division of labour. The State gives great material relief to the unemployed, to single mothers, and var-

¹ Being deprived of something is not necessarily unbecoming, but may be an important stimulus for economic and moral improvement (Leontjeva *et al.* 2016).

ious other groups confronting difficult challenges. But it thereby destroys some of the material incentives to seek social integration and to cultivate attitudes and abilities that facilitate social integration, from work ethic and honesty to family and religion (see Murray 2012).

1.5.3. Permissive interventions: fiat money, central banks, and financialisation

The welfare state is not the most important area of permissive interventionism. The first rank is held by the monetary and financial sector. Monopolies are contested in all walks of business life, socialism is long since discredited. But the monopoly of central banks is today an article of faith and “money socialism” (Baader 2012) a matter of course.

This state of affairs reflects the sorry state of mainstream economic thinking on almost all issues related to money, banking, and finance. Most economists are convinced of the expediency of central banks, of fiat money, of *ex-nihilo* money creation, of cheap credits out of the printing press, of a flexible money supply, and of expansionary monetary policy. The present writer disagrees very thoroughly with these ill-held convictions. But this is not the place to discuss this issue. Our present concern is the relationship between monetary interventionism and social integration.

Monetary interventionism is the quintessence of permissive interventions. Today all central banks create fiat money out of nothing. There is no technical or commercial limitation to the production of fiat money. The remaining legal limitations are few in number and constantly tested before the courts.

As from the Genoa conference of 1922, central banks have coordinated themselves in order to facilitate expansionary monetary policies. After WWII, these policies have produced near-uninterrupted price inflation. The consequence has been the phenomenon of financialisation.

Indeed, when the level of money prices rises permanently and predictably, households and non-financial firms have strong incentives to behave like financial agents. They start to leverage their investments and hold a large part of their wealth in the form of financial assets. To leverage an investment means to finance it with credits (most notably with credits coming from *ex nihilo* money creation). Credit is particularly cheap and alluring when the interest rate is lower than the expected price-inflation rate.² This has been the case in most countries of the Western hemisphere

² We limit our exposition to these cursory remarks. It should be noted, however, that debt levels could not have attained their present magnitude without the assistance of central banks. The latter have the ability and incentive to bail out systemically impor-

most of the time after WWII. With rising debt comes the necessity of risk management to avoid default. The simplest way to increase one's liquidity is to hold more wealth in the form of financial titles, rather than in the form of real estate or of industrial property.

1.5.4. Financialisation and social integration

Financialisation has four momentous implications for the participatory society.

The first one is the disengagement of property owners, especially the owners of industrial property. Schumpeter (1942) noticed the “evaporation of the substance of property” many years ago. He saw it rooted in the rise of shareholder capitalism, which in those years had supplanted the model of owner-entrepreneurs. His observation is right on target, but it deserves to be pointed out that shareholder capitalism is premised on permissive interventions. There would be no significant market for shares in commercial enterprise in the absence of limited liability for civil responsibility. And most of the corporations could not have grown very fast without the cheap credit out of *ex nihilo* money production.

Today, the evaporation of the substance of property is manifest in the blatant disinterest of many start-up entrepreneurs in their firms. And the heirs of many established industrial firms are just as indifferent. They see their industrial property above all as collateral needed to obtain cheap credit, with which they grow the firm to a larger scale before selling off and cashing in.

Clearly, such an attitude undermines the long-run potential of any industrial enterprise. It is one thing to be tied to a firm, often handed down from one generation to the next, with all of one's emotional and material fortune. It is another thing to be a temporary user trying to maximise profits over seven years. The demise of the owner-entrepreneur drastically reduces the entrepreneur's decision-making horizon, both intellectually and in as far as investments are concerned. It reduces the efforts made to cultivate strategic long-run human resources. It subverts the community between the owner, the employees, the suppliers, and the customers.

Second, financialisation draws great numbers of the most gifted and well-trained young people into the financial sector. Their behaviour is

tant market participants. This creates the perverse effect of encouraging debt levels that normally (without central-bank assistance) would be considered excessive or even fatal.

entirely rational and acceptable from a microeconomic perspective. They make the best use of their talents to provide for themselves, for their families, and for all the causes they cherish. But from a macroeconomic perspective it seems to be rather disastrous if, year after year, thousands of young mathematicians and engineering graduates use their time and ingenuity to find ways to leverage investments ever more. It is one of the most wasteful internal brain-drains ever devised.

The foregoing consideration can be generalised into a third remark. Financialisation entails a thoroughgoing revolution of priorities and values as they bear on economic organisation. The factors that have the greatest impact on the bottom-line within seven years are not the same that are most relevant over a lifetime or over several generations.

The services that are most helpful in a debt economy are different from those that count most when there is no debt. A debt-ridden and highly regulated economy is a world of bewildering legal, financial, and economic complexity. Optimising short-run returns in such a setting is a daring intellectual challenge, and it is very well paid, too. This is the ideal playing field for highly trained lawyers, accountants, economists, mathematicians and so on, whether they work in politics, public administrations or private firms. Their services are needed to cope with this complexity, and they themselves relentlessly add on to it.³

This process feeds on itself as long as it is sustained by monetary accommodation from the central banks. In other words, there is no saturation mechanism that would diminish the value of the services provided by the aforementioned professional groups.

Yet this implies that all other services, from manual labour over product development to the simple act of plain saving become less important, at least in relative terms. The remunerations of gardeners, bakers, shoemakers, product engineers, and savers therefore diminish relative to the rewards gained by the aforementioned professions. It should be clear that this process is especially detrimental to the most fragile members of society. But it is also frustrating for all others who do not have any special training, ability, or inclination to deal with financial, accounting, investment, or regulatory matters. It pitches those that do against those who do not. It builds up conflicts without providing a safety valve.

³ The unstoppable rise of the managerial classes has been well documented, for the case of the US, by Murray (2012).

Without pretending to come full circle on these difficult questions, let us add a fourth and final consideration. We have seen that financialisation involves an increased importance of financial assets as compared to landed property or industrial holdings. For example, in the US, households and non-profit organisations currently (Q4-2016) hold 70% of their wealth in the form of financial assets. These financial savings of more than 75 trillion dollars are used by other market participants. As a consequence, a part of these savings fund private and public consumption, while another part funds non-financial firms. The participatory society thrives on the division of labour. It thrives on the funding of nonfinancial firms. Purely consumptive uses by private and public entities only provide temporary support to social integration because these uses do not reproduce the monetary values that they destroy. Now in the US, 56% of financial savings serve to fund non-financial firms (2013 data). In Germany, it was 42% in the same year, and in Japan only 31% (2012). This implies that a large part of the available savings does not help to fund productive activities in a sustainable way.

1.6. Summary

Social integration stands and falls with the division of labour. The extent of the division of labour depends quite essentially on available savings and on private property rights to economic goods. Savings are necessary to sustain human activities that produce capital goods. Private property creates responsibility, focus, and incentives for long-run investments that are fundamental to create and sustain communities around income-generating activities. Government interventions have the vicious tendency to undermine the division of labour. Repressive interventions stifle entrepreneurial activities and entail artificial business concentration, reducing upward social mobility and fragilizing the weakest members of society. Permissive interventions are particularly pernicious because their immediate impact is very different from their long-run effect. Welfare benefits provide on-the-spot relief, but they also tend to sever the beneficiaries from the communities built around the division of labour, especially when the benefits are high relative to alternative market incomes. Monetary interventionism has produced financialisation, a socially disruptive and wasteful perversion of the market economy.

2. The Social Market Economy

Social Market Economy is the name of a model of economic and social policies that came to be applied in West Germany after WWII. It relied

on the “ordo-liberal” conceptions developed in the 1930s and 1940s by a group of predominantly Catholic economists around Walter Eucken at the University of Freiburg im Breisgau. The intention of the Eucken group was to design a blueprint for economic policies in Germany after the dark years of national socialism. Their ideas inspired the economic policies of Ludwig Erhard after WWII. It was Erhard’s secretary of state, Alfred Müller-Armack, who coined the phrase *Soziale Marktwirtschaft* to designate the overarching dual policy objective of economic liberty and appeasing social conflicts.

The considerable success of the German renaissance in the 1950s and 1960s quite naturally increased the prestige of the underlying model. This association between Germany’s economic development and the prestige of the Social Market Economy continued throughout the subsequent decades, even though economic policies in Germany increasingly deviated from the original model (see Prollius 2006, 2009).

Which lessons can be derived from the Social Market Economy (henceforth SME) in the perspective of a participatory society? In what follows, we shall first give some more historical background and then provide some critical discussion.

2.1. Historical background

In the years after the foundation of the Bismarckian central state to WWI, German economics was under the spell of an intellectual movement called the Historical School (HS). Its main protagonists were the professors Gustav Schmoller, Lujo Brentano, and Adolph Wagner. The movement arose out of dissatisfaction with the liberal policies of classical economics. These policies had received a firm theoretical foundation in the writings of Smith, Say, Ricardo, and their followers. The champions of the HS therefore attacked them head-on. Their central claim was that liberal policies had no scientific foundation because they were derived from pure theory. The HS promised to derive practical conclusion entirely from observation and historical interpretation.

These turned out to be empty promises. The tenants of the HS had a very imperfect understanding of the epistemological issues involved in economic analysis. One critic summarised the problem of their approach by saying (quoted out of memory): “They walk into working-class dwellings, measure the surface of the living room, and then conclude that the dwelling is too small”.

Because of their steadfast refusal to engage in any kind of theoretical work, they had no clue of the causes of the great social and economic trans-

formations in *fin de siècle* Germany. They did not understand the reasons of the relentless increase of real wages. They did not understand the macroeconomic role of banking and finance. They did not understand the monetary mechanisms of the business cycle. They did not understand the rise of great trusts and monopolies. They satisfied themselves with little bits of ad-hoc explanations drawn as it were mostly from Marx and his disciples.

With the German defeat in WWI, the prestige of the HS waned. A new generation of economists arose who tried to come to grips with the recent past. These economists turned to study economic theory. The writings of Walras, Schumpeter, and Knight, the model of perfect competition had a significant impact on them. Mises (1922) had cured them from flirtations with socialism. They were looking for a new synthesis.

Let us therefore look at the leader of the ordo-liberal group that inspired the SME. Walter Eucken's synthesis can be summarised as follows. The 19th century had shown that unfettered capitalism does not work satisfactorily. It is true that it is a formidable engine of wealth creation. It had relieved millions of destitute people from poverty. But it has also led to business cycles and to the formation of monopolies. What should be done? Socialism and central planning are out of the question. The neoclassical model of perfect competition shows under which conditions market would produce good results. Therefore, the government should intervene in such a way as to curb market excesses. It should stabilise the economy through suitable monetary policies, and it should prevent the emergence of cartels and monopolies. But otherwise it should grant the most perfect freedom to entrepreneurial activity. The state should only provide the framework (the Order, with a capital O) for the optimal operation of the market economy. The market processes themselves should be free to function unhampered from political interference.

In the course of time, the original ordo-liberal conceptions were toned down and the "social" elements were emphasised more strongly through a vigorous growth of the welfare state as from the 1970s. Business regulations, too, were more and more reinforced. Occasionally these reforms were diametrically opposed to the ordo-liberal conception. The Rubicon was crossed in 1967, with the enactment of a law to promote economic stability and growth (StabG). The law authorised the government and the central bank to conduct Keynesian-style macroeconomic policies, that is, precisely that kind of ad-hoc intervention that Eucken had explicitly rejected. Thereafter, the SME morphed into a mushrooming regulatory and welfare state.

2.2. Critique of the SME

Stripped to its logical core, the SME is a third-way policy between pure capitalism and pure socialism, one of the countless third-ways that have been proclaimed and tried out since the 19th century.

Its underlying worldview is contestable in many ways. It is problematic to argue that “pure capitalism” produced the business cycles of the 19th century. Already in those days, governments in all developed nations had instituted permissive monetary regimes to promote financial development. This enabled and encouraged frivolous financial practices which again and again led to financial crises.

It is problematic to neglect that fact that most monopolies, and especially the most pernicious ones, directly or indirectly result from privileges granted by the state. It is also problematic to argue that all monopolies are undesirable. By what benchmark? In light of the model of pure and perfect competition? But this would be a *petitio principii*. And even if this micro-economic model were pertinent as an orientation for framework (or macro or Order) policies, one would still have to answer a few questions before one could come to the point of applying it, vexing questions concerning the definition of the relevant market, for example.

Finally, the ordo-liberal approach raises a basic philosophical question. If competitive processes are so good, why should the rule-making or Order-creating itself not be subject to such a process?

But the main point, at any rate as far as our present research question is concerned, is that the SME is *not* conducive to a participatory society. Its ordo-liberal foundation, it is true, is only moderately repressive. In practice, the anti-cartel policies of the SME have not significantly hampered the growth of successful West-German firms after WWII. And the Bundesbank was arguably the least permissive of all major central banks in the world. But this does not alter the fact that the SME boils down to a combination of (moderately) repressive and (moderately) permissive interventions.

One could argue that the SME has benefited social integration in post-war Germany at least to some extent, for psychological reasons, because the citizens felt reassured by the idea that a benevolent government was watching over them. But even then, we must raise the question whether this benefit was not another one of those short-run benefits that governments can provide (and which they do provide very eagerly to their political constituencies), but which turn out to be detrimental in the longer run.

Would it really be far-fetched to see a causal connection between the reassurance that the citizens might feel thanks to social policies on the one

hand, and the many symptoms of social disintegration that plague contemporary Germany, on the other hand? Are high divorce rates and increasing refusal to get married and have children unrelated to the repression of the freedom of matrimonial contracts? Is long-term unemployment unrelated to unemployment relief? Is the single-mother epidemic unrelated to welfare payments for single parents?

A sober look at the mechanisms that are here at work leads to the conclusion that the good press that the SME enjoys, especially in Germany itself, though not perhaps completely undeserved, needs to be nuanced in many respects. We do not contest that the SME has contributed to the successful renaissance of the German economy after the disaster of national socialism. Our contention is that, whatever its contribution, it came at a price that has still not been fully paid.

3. The sharing economy

Let us now turn to analyse the so-called sharing economy revolving around Internet-based firms such as Airbnb or Uber. In their public relations they stress the benefits that non-professional owners of capital goods such as private vehicles and private apartment might derive from their services. Thanks to Airbnb and Uber, such goods may become a source of revenue. But, of course, they may also be shared gratuitously. In any case, the new technology allows making a resource available to a larger set of people than just their owners with their rather narrow circle of friends and relatives.

Sharing is *a* form of social integration. In a general sense, it is *the* form of social integration. The very meaning of sharing is to have something in common with other persons, and thus to be bonded to those others rather than be separate from them. All communities are based on shared experiences, shared problems, shared convictions, and shared aspirations. It is therefore natural to suppose that “the sharing economy” might provide valuable lessons for the construction of a participatory society. Some analysts have heralded it as the dawn of a new civilisation involving the “end of ownership” (Nanos 2013).

However, this hypothesis needs to be analysed carefully. Sharing is of course not new. Neither are the practices of the sharing economy fundamentally new. The expression “sharing economy” is very much a buzz word that has been invented by interested parties for marketing purposes, and which then came to lead an existence of its own (Eckhardt and Bardhi 2015, McCann 2015).

Increased sharing is not tantamount to increased social integration. Increased sharing always goes in hand with advantages for some people, as well as with disadvantages for others. It *can be a symptom of social disintegration*, and it *can even be the cause of social disintegration*.

Consider property held *en division*, as is often the case with goods received as an inheritance. The heirs who share an estate do not necessarily grow closer in friendship to one another. As many families know, such situations might entail exactly the opposite. The heirs are likely to disagree on the best use of the property and to quarrel about *usus*, *fructus*, and *abusus*. Sharing then is the cause of strife, rather than of friendship and cooperation.

It is therefore necessary to analyse the nature, forms, causes, and consequences of sharing very carefully. In what follows we shall outline the main considerations that come here into play.

3.1. Nature and forms of sharing

Sharing means having something in common with other persons. What is shared is necessarily a good, that is, something that stands in a positive causal relation to human welfare. One would not speak of “sharing” an illness or a death threat. But one can share love, faith, hope, language, thoughts, a culture, loot, or an apartment. The sharing *economy* by its very nature revolves around *economic* goods.

Economic goods are scarce, known, and they can be controlled (Menger 1976 [1871]). The latter aspect is particularly relevant to our question. Indeed, an economic good is always controlled by someone. There is always an owner. Ownership can be legitimised according to various legal standards, or it may not be so legitimised, but there is always a person or a group of persons who control the access to, and use of, any given economic good.

Economic goods may be shared intentionally or unintentionally (spontaneously). *Intentional sharing* takes one of the following three forms. Ownership itself may be shared, in which case we would speak of collective or shared ownership (1).

Irrespective of whether the ownership of an economic good is individual or shared, its owner(s) may allow other people to use it, either gratuitously or by way of a gift (2), or by way of an exchange, that is, against compensation (3). The exchange may involve the total property in the good (outright exchange) or only some of its services, as in rental agreements.

But economic goods may also be shared *unintentionally* or spontaneously. This form concerns most notably fixed capital goods. Consider the case

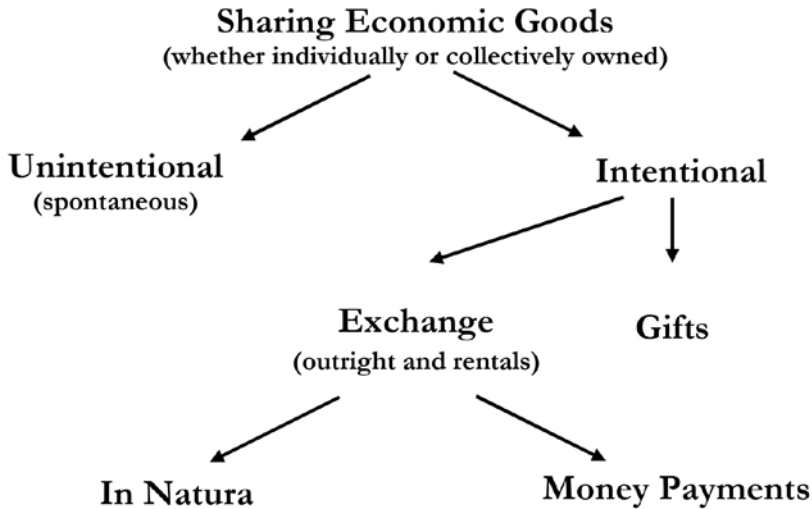


Figure 1. Typology of Sharing Economic Goods.

of an industrial sewing machine. The machine is privately owned by Mr Smith, who is a textile manufacturer. Smith is free to use or not to use the machine as he wishes. But clearly the only way for him to use it is in mass production of textiles. This is of course why Smith bought (or built) the machine. He wants to produce trousers, skirts, suits, and costumes in great quantities. This is how he makes his money. However, the point here is that, irrespective of however much money Smith might earn, his machine itself essentially serves the needs of other people. He is the owner, but the only way to use his property is by sharing its products with other people.

Ludwig von Mises was the first economist to point out this particularity of fixed capital goods. He concluded his analysis with the following statement:

All means of production render services to everyone who buys or sells on the market. Hence if we are disinclined here to speak of ownership as shared between consumers and owners of the means of production, we should have to regard consumers as the true owners in the natural sense and describe those who are considered as the owners in the legal sense as administrators of other people's property (Mises (1981 [1922], p. 31).

3.2. *Sharing economic goods in a free society*

Let us now study the causes and consequences of sharing.

3.2.1. *Common-pool resource ownership is private*

The collective ownership of common-pool resources is often supposed to be categorically different from private ownership. Private-property owners may join their forces to set up partnerships, joint-stock corporations, condominiums, and so on. But in all these cases, the argument goes, the property that is held in common is still private property. By contrast, there are certain resources that because of their physical characteristics *cannot* be owned privately. They have a special collective or public nature. Such common-pool resources include municipal land, lakes, seas, and waterways, as well as atmospheric air.

This conception is flawed on two accounts. One, common-pool resources usually are privately owned, and they can be preserved and developed only if they are privately held. Two, whether it is possible to *also privatise parts* of a common-pool resource does not depend on the physical characteristics of that resource, but on the economic context. Let us explain these points in a little bit more detail.

As a matter of fact, common-pool resources are usually privately owned (often by the state). This ownership does not come in the customary legal forms. There are, for example, no property titles to a lake or to a river. But it comes in the characteristic economic form of private use and private disposition. Only certain people may use the good, while others may not. Some are admitted to the restrictive circle of the beneficiaries. Others are excluded.

The reason of this state of affairs is straightforward. If access to a common-pool resource were not restricted, then the good would be quickly depleted. Few people have given more thought to the nature of common-pool resources and their efficient management than the Nobel Prize laureate, Elinor Ostrom (1990, 2010). She emphasised the need for clear definitions, both of the common-pool resource itself and of the entitled parties. She also stressed the crucial importance of effective exclusion mechanisms against unentitled parties.

In short, common-pool resources are either privately owned, or they do not last. But why does this private ownership only concern the good as a whole, rather than also its parts? Two economic considerations come into play here. The first one concerns the value of using the common-pool resource as a whole, rather than parts of it. The second one concerns the costs of dividing it into suitable parts.

A common-pool resource remains in shared ownership whenever the *cost of dividing* the resource is currently too high relative to the expected benefit. The good can then be owned efficiently only as a whole. The reason why a lake is not usually parcelled into different lots, as in the case of a piece of land, is that *with current technology* it would be exceedingly expensive to draw border lines within the water and monitor violations of these borders.

But conditions may change. Technology will change. While subdividing the water mass of a lake into privately-owned parts might be impossible today, and exceedingly expensive anyway, it may very well become feasible at reasonable cost tomorrow. In other words, there is no such thing as a common-pool resource *per se*. There are only economic goods that, *under current conditions*, cannot be efficiently divided and must therefore be owned as wholes.⁴

3.2.2. Sharing under the impact of capital accumulation and of capital consumption

The foregoing considerations can be extended by studying more systematically the impact of capital accumulation – respectively of capital consumption – on the sharing of economic goods.

In a free-market setting, in which the government does not intervene into the monetary order, capital accumulation results from an increase of savings. This entails an increase of physical labour productivity while at the same time the return on capital tends to decline. The higher labour productivity leads to larger output and higher aggregate real revenues. The output increase is typically higher than the concurrent increases of the money supply. As a consequence, free-market growth processes tend to be price-deflationary growth processes (details in Hülsmann 2013).

Under these circumstances, sharing in the form of gift-making is likely to be stimulated. The population becomes wealthier (increasing real reve-

⁴ Notice that these considerations only pertain to common-*pool* resources. A pool is a stock of homogeneous economic goods. The different parts of the stock can be separated from one another without affecting each other's serviceableness. Therefore, they can also be owned separately from one another. But there are also goods that need to be owned as wholes, because their parts are complementary. Such parts lose their serviceableness if they are separated from one another. It would therefore be absurd, for example, to sell the wings of an airplane during a flight and have their owner make independent decisions from the owner of the cockpit.

nues), whereas the incentives to invest diminish (declining return on capital). Therefore, alternative uses of wealth will become more important. This also concerns various forms of gratuitous wealth sharing. People will tend to increase their sponsorship of sports, arts, and sciences, as well as their support of charitable institutions.

At the same time, the process of capital accumulation is likely to have a negative impact on the extent of the commons. As more savings (and thus potentially more capital) become available, and as the return on capital that is expected of any investment tends to shrink, it becomes possible to finance projects that demand comparatively high investments at comparatively low returns. This is likely to influence the cost-benefit analysis of dividing common-pool resources.

For similar reasons, the process of capital accumulation is likely to have a negative impact on commercial renting services. Many durable goods are rented rather than purchased outright. This concerns consumer goods such as vehicles, apartments, houses, and gardening equipment, and also capital goods such as tractors, drilling equipment, and scaffolds. The reason why people rent these goods, rather than buy them outright, is the limitation of their budget (both consumers and firms) and the opportunity cost of an outright investment (firms). The reason why the current owners lease them, rather than reserve their use for themselves, is that leasing provides extra income. Now under capital accumulation, the budget constraints of the renters are relieved, the return on capital diminishes, and the necessity to earn extra income declines. Therefore, outright purchases will tend to grow relative to rentals.

The bottom line of these considerations is that, in free-market setting, the tendency of capital accumulation is to give a boost to the different forms of gratuitous wealth sharing, which as we have seen is likely to reinforce social integration; while at the same time, the more conflict-laden forms of sharing (ownership of common-pool resources and rentals) are likely to diminish in importance.

Exactly the inverse tendencies result from a process of capital consumption. As the volume of savings diminishes, capital becomes scarcer and thus the return on capital tends to increase. At the same time, labour productivity diminishes, with a concomitant impact on output and real revenues. Gratuitous wealth sharing is therefore likely to diminish, whereas rentals and shared ownership of common-pool resources tend to become more prominent. Social relations as a whole become more conflictual.

3.2.3. *Technological progress and sharing*

There can be no technological progress without capital. It is always necessary to finance research and development, and it is always necessary to finance the application of R&D in industrial production and elsewhere. Capital is the necessary foundation for technological development.

Even if the capital endowment of an economy remains constant, technology can improve. In what follows we will consider the consequences that would follow from such a scenario.

Technological progress makes it possible to earn higher profits with a given volume of capital. In other words, the return on capital tends to increase. At the same time, technological improvements tend to increase output, with a concomitant increase in aggregate real revenues.

This is likely to produce a mixed effect on the shared ownership of common-pool resources. The increasing return on capital means increased opportunity costs for investments designed to divide common pools into separate parts. Hence, unless the technological breakthrough in question specifically concerns such investments, it is likely to slow down the division of the commons.

Technological progress also has a similarly mixed impact on rental services. The increased return on capital invested in rentals makes it more interesting for investors to specialise in leasing various durable goods, and it also increases the opportunity costs of owning such goods without using them regularly. Now the concrete progress in question might benefit rental services, as in the case of the network software provided by Airbnb and similar firms. But it might also benefit outright purchases, as in the case of 3-D printers. Thus, again, unless the progress in question is made specifically in regard to goods that would otherwise be rented, it is likely to benefit the rental market.

As far as the gratuitous sharing of wealth is concerned, the impact of technological progress is not uniform either. On the one hand, the wealth effect is likely to increase such forms of sharing. On the other hand, the increased return on capital signifies higher opportunity costs for wealth that is not used as capital. Again, we have to conclude, therefore, that unless the technological breakthrough in question facilitates specifically the gratuitous sharing of wealth, it is not likely to be particularly beneficial in this regard.

We conclude, then, that technological progress *per se* is not conducive to an increase in sharing practices, and especially not to greater social integration. The latter fact needs to be stressed in regard to the often-exag-

gerated claims made on behalf of the Internet-based “sharing economy” (SE). While it is true that the services provided by these firms facilitate the leasing and renting of durable goods, this is not per se likely to increase social cohesion. The experience with SE (see Slee 2015) underscores our contention.

Conclusion

In the present contribution, we have studied the question of whether, and to which extent, a participatory society might benefit from two widely acclaimed economic practices: the sharing economy and the social market economy.

We have based our analysis on a preliminary discussion of the economic mechanisms of participation and exclusion. In the light of these mechanisms, it appears that the Social Market Economy is not per se, and not categorically, conducive to a participatory society. It contains elements that are useful in this regard, but only in a short-run perspective.

Similarly, in our examination of the sharing economy, we have stressed that not all forms of sharing are susceptible to reinforce social integration. Increased sharing can be a symptom of social disintegration, and it can even be the cause of social disintegration. It is unwarranted to see in all the very diverse practices that are today designated by the term “sharing economy” a reinforcement of the participatory society. We have found that the practices that do tend to promote social integration can be reinforced through capital accumulation, whereas the impact of technological progress needs to be nuanced.

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NETWORK PRAGMATISM: TOWARDS AN OPEN SOCIAL ECONOMY

YOCHAI BENKLER

Democratic market society is facing a crisis. For forty years, the nation state has eroded as the central organizing principle of economy, identity, and institutions, losing its centrality to competing sources both externally and internally. Externally, globalization, cosmopolitanism and universal human rights, and internationalism shifted economy, identity, and polity from the state to the regional and global. Internally, the role of the national public fragmented and shrank along the same three dimensions. Deregulation and privatization (economy), pluralism, civil rights, and individualism (identity), and private ordering through contracts and property (delegating to private actors the domain of polity – use of coercion to achieve social order) mirrored the internationalizing effects. The economic nationalism embodied by the Trump and Brexit victories, as well as by the ascendance of more explicit majoritarian authoritarianism as in Russia, Turkey, or Hungary, offers an internally coherent alternative by inverting all three dimensions of markets, identity, and polity.

The newly emerging economic nationalism is a fundamental rejection of the Davos Consensus: an intellectual congruence and political détente between neoliberalism, rights pluralism, and postmodernism that typified the United States and Britain since the 1970s, with clear echoes in other economically advanced democracies. Neoliberalism emphasized the free movement of goods, capital, and labor, freed from the fetters of social and national commitment, promising economic dynamism in exchange for economic security and enhanced consumer sovereignty and entrepreneurial freedom in exchange for solidarity. Cosmopolitanism and pluralism offered tolerance and celebration of difference and individual self-creation in exchange for the solidarity that came with the imagined community of nationalism and easy insider-outsiders binaries as the foundation of collective identity. Internationalism offered the promise of world peace and stability in exchange for loss of meaningful popular participation in many aspects of political self-governance. The economic nationalism of what we might call “the Third Right” (following the first right of Eisenhower, Churchill, Adenauer and De Gaulle and the second right of Reagan, Thatcher, and the

Washington Consensus) inverts those tradeoffs, while offering its adherents a new sense of identity and self-empowerment – a solidarity against the moral demands of “others” – migrants, women, minorities – and against the actual overwhelming power of international institutions and elites – trade treaties and the EU.

What is the alternative to economic nationalism? How do we re-embed markets in social relations, without falling back onto patriarchal, ethno-nationalist categories of solidarity as do the economic nationalists? How do we preserve the anti-authoritarian, pluralistic, open questioning, spirit that flourished in open societies since the 1960s without leading to the profound epistemological and identity crisis that seems to play such a central role in the re-emergence of xenophobic tribalism and the search for tribal authority figures typical of the politics of economic nationalism? And, how do we translate these abstract ambitions into a working policy agenda?

In a nutshell, the story is that from the beginning of the second decade of the twentieth century, economy and polity were organized around what one might call “iron cage progressivism”, following Weber’s study of bureaucracy and the optimistic progressive bent of the range of practices that has been variously termed “high modernism” or “modernism”, progressivism, or managerialism. It covered Taylorism and Fordism in industrial organization; the administrative state and Keynesianism in Anglo-American systems, or the Social Market Economy or *dirigisme* in Germany and France, respectively. The core epistemology was based on the authority of expertise, and the possibility of knowing all the moving parts of a system so as to be able to standardize practices and manage them efficiently – whether in the system of economic production or political organization. By the 1960s and 1970s, this approach had come under criticism from both the left and the right. Epistemologically, Hayek’s critique of managerialism, on the one hand, and the post-modern critique of knowledge and power, on the other hand, challenged the neutrality and coherence of expert management on which the entire edifice was built. Politically, the civil rights, women’s rights, antiwar, and student movements undermined the claims of legitimacy of the major sources of bureaucratic and patriarchal authority in the 1960s. The Great Inflation of the 1970s, in turn, undermined the authority of governments who had shepherded the post-War recovery and the “Golden Age of Capitalism” or “Glorious Thirty”, retreating before a sustained neoliberal critique of command and control economic management and an economics profession that used mathematically-precise simplifications to justify deregulation and privatization. Across a range of

domains, individual, market-based, consumer-sovereignty-focused policies and practices emerged to create a new model of organizing economy and polity. If you will, 1946 collapsed under the combined weight of 1968 and 1973.

The resulting privatized, deregulated, globalized, and financialized economy, and pluralistic, cosmopolitan, and internationalized polity, underwrote dramatic increases in inequality within the wealthiest economies, particularly in the United States and Britain, alongside a significant reduction in global inequality as Chinese, Indian, and other emerging-country middle-classes benefited from global trade. It also ushered in a global financial system that has been prone to repeated boom and bust cycles, by contrast to the relative stability of the post-war decades; lower productivity growth in the wealthiest economies, despite rapid technological development in information and communications technologies; and increasing economic insecurity for large working populations, whether through rising proportions of contingent employment in the workforce or high rates of unemployment. These trends culminated in the financial crisis of 2008, the Occupy movement in late 2011, and then the broad rejection of elite opinion that characterized the success of both economic nationalism, in the form of Donald Trump in the United States and Brexit in Britain; and left-oriented, anti-austerity political parties, as with Syriza and Podemos in Greece and Spain respectively, as well as the broad support for older-style socialists like Jeremy Corbyn and Jean Luc Melanchon, as well as Bernie Sanders in the United States. Even where the status quo did gain victory, it was through the enthusiastic rejection of status quo parties represented by the utter failure of both major traditional parties in France and the subsequent electoral success of Emmanuel Macron.

Economic nationalism leapt into the chasm created by the crisis, with a communitarian-authoritarian epistemology, a corporatist national economic order, and an illiberal-majoritarian political order. We know the truth when our tribal leaders reveal this to us. The authoritarian communitarian source of belief is being increasingly well documented.¹ The economic program is corporatist – integrating corporate decision-making

¹ D.J. Flynn, Brendan Nyhan, and Jason Reifler, “The Nature and Origins of Misperceptions: Understanding False and Unsupported Beliefs About Politics: Nature and Origins of Misperceptions”, *Political Psychology* 38 (February 2017): 127-50, doi:10.1111/pops.12394. Dan Kahan, The Politically Motivated Reasoning Paradigm, in *Emerging Trends in Social & Behavioral Sciences* (2016).

into national decision-making in order to assure sufficient economic security to stabilize the polity without fundamentally altering the conditions of production, and therefore preserving the power of the economic elite in exchange for a larger share of the rents going to workers who are “in the tribe”. National identity trumps class interest or conflicts between worker and employer. And the political order is charismatic leadership, using popular support as the primary source of legitimacy to overcome the resistance of the technocratic elites that were so central to the prior orders – the media, lawmakers, and scientists – who are subjected to attacks precisely due their claim to provide a pre-political, objective knowledge framework that precedes and transcends politics and tribal belief systems and shared narratives. The model of the political order is visible both in the more directly authoritarian-majoritarian regimes of Erdogan, Putin, or Orban, but the effort to establish these patterns is evident in the early months of the Trump Administration as well.

Three other trends or intellectual approaches for shaping knowledge, economics, and politics in the coming decades are visible in the sphere of competing ideas. The first approach we might call “nudge progressivism”.² Its epistemology is consistent with iron cage progressivism: scientific inquiry, by experts, leads to knowable best practices, which can then be designed into “choice architectures” that will see most of the population unconsciously following paths that will make them better off. Its major deviation from iron cage progressivism is its rejection of forcing rules (hard shoves, as opposed to gentle nudges), aimed to preserve choice in markets. Its major deviation from neoliberalism is its progressive and ameliorative normative orientation, and its acceptance of systematic deviations from self-interested rationality as foundational fact of life. Its weakest spot is that its method – behavioral science – undermines the coherence of its dependence on, and respect for, choice as a corrective for the failures of Iron Cage Progressivism. If preference and choice are endogenous to context, then the freedom of agents to choose within a context designed to lead them to a given action is neither a reliable corrective for errors in the design of the choice architecture nor a mode of respecting autonomy of the majority of those who act within it. Nudge progressivism seems to suffer both from the weakness of classic iron cage progressivism – the risk of er-

² Richard H. Thaler and Cass R. Sunstein, *Nudge: Improving Decisions about Health, Wealth, and Happiness*, Rev. and expanded ed. (New York: Penguin Books, 2009).

ror of those in authority – and the weakness of neoliberalism – its utopian dependence on choice in markets as both an epistemological framework and a locus of freedom.

The second approach includes both techno-libertarianism and techno-liberalism (differentiated by the role of ameliorative policies aimed to include the poorest or otherwise weakest in society in the abundance it promises, and how significant a role the state retains in countering market power).³ Its core feature is that it seeks to maintain the status quo of the neoliberal-pluralistic détente of the past forty years – minimizing government intervention in the economy or personal life choices – while turning to technology to (a) alleviate want, and therefore economic insecurity and (b) to improve democratic participation so as to increase legitimacy. Its most ambitious social reform program is universal basic income, which is part of a broader aim to separate remunerated work from the material necessities of life, but its core mode is to posit that technological solutions can and will outperform institutional-political solutions in both the economic and political domains. Its political ambition is to leverage technology to overcome the limitations of a participatory democracy.⁴

Sketching the elements of the third approach is the core purpose of my essay here. It is anchored in social practices and theoretical work on networks, commons, cooperation, and complexity, and in institutional analysis of capitalism. It insists that diversity of institutions, motivations, organizational forms, and normative commitments is the normal state of affairs, and that there is no convergence on an efficient equilibrium on any of these dimensions. It sees markets as no less arenas of power than politics; that economic security and equality are integral to the institutional design of markets, and that the two cannot be separated, analytically or practically. It is based on a quarter-century of studies on the commons, learning networks in innovation and knowledge and norm diffusion in social networks, on cooperation in evolutionary biology and the behavioral sciences, on collaborative practices in management science, and on the dynamics

³ This strong emphasis on technology as the solution to fundamental broad social problems is the core of Morozov's critique of Silicon Valley-centered progressivism. See Evgeny Morozov, *To Save Everything, Click Here: The Folly of Technological Solutionism*, Reprint edition (New York: Public Affairs, 2014).

⁴ Gregory Ferenstein 11 08 15 11:00 AM, "The Politics of Silicon Valley", *Fast Company*, November 8, 2015, <https://www.fastcompany.com/3053318/the-politics-of-silicon-valley>

of complex systems, alongside the same quarter-century of practices of the Internet standards development, the Free and Open Source Software (FOSS) community, and Wikipedia. I call its epistemology “network pragmatism” because it revives the core commitment to fallibilism introduced by C.S. Peirce at the foundation of pragmatism, an epistemology that gives a central role to continuous learning and updating of beliefs through cooperative reason-giving typical in learning networks; and its currency is practical applicability in observable practical contexts, and hence a return to classical pragmatism. It is an epistemology typified by the practices of “rough consensus and running code”⁵ of the Internet Engineering Task Force, of “given enough eyeballs, all bugs are shallow” of FOSS,⁶ or the Wikipedia “Ignore all rules” rule, which states “If a rule prevents you from improving or maintaining Wikipedia, ignore it”.⁷ It argues that “the network” framing is the best current mechanism for understanding social processes without getting bogged down in the standard agency-structure or micro-macro dynamics, by preserving both individual action and structural or macro-scale relations as central determinants of social processes. At a minimum, to borrow Padgett and Powell’s words, “in the short run actors make relations, but in the long run relations make actors”.⁸ This approach has been translated in many domains into practical policy. In some areas, where studies were early and the policy implications clear, models based on network learning and the commons offer clear alternatives to regional development models, away from trade-secret or non-compete agreements toward more regional-cooperative models. As I have outlined elsewhere, it suggests directions for institutional designs in areas as far ranging as wireless spectrum policy and police reform.⁹ In most areas, from labor economics to monetary policy, translating this framework into a full-fledged policy program will require new, extensive work.

⁵ David Clark, “A Cloudy Crystal Ball – Visions of the Future”, in *Proceedings of the Twenty-Fourth Internet Engineering Task Force*, ed. Megan Davies, Cynthia Clark, and Debra Legare (Cambridge: Massachusetts Institute of Technology, 1992), 539-545, <http://ietf.org/proceedings/prior29/ietf24.pdf>

⁶ Eric S. Raymond, *The Cathedral & the Bazaar: Musings on Linux and Open Source by an Accidental Revolutionary*, 1st ed (Beijing ; Cambridge, Mass: O’Reilly, 1999), 30.

⁷ https://en.wikipedia.org/wiki/Wikipedia:Ignore_all_rules

⁸ John Frederick Padgett and Walter W. Powell, eds., *The Emergence of Organizations and Markets* (Princeton: Princeton University Press, 2012).

⁹ Yochai Benkler, *The Penguin and the Leviathan*. Crown Business. 2011.

From iron cage progressivism to neoliberalism and postmodernism *Progressivism, managerial capitalism, and the administrative state*

The first seven decades of the twentieth century were marked by the adoption, across the industrial and industrializing world, of a class of solutions to problems of social order and economic organization based on hierarchical, scientific, formally standardized processes. The story has been told well, in diverse and detailed forms, by many, and I will not attempt to summarize all the perspectives here nor do justice to the full richness of the analyses. Whether focused more recently on “high modernism” and the post-World War II era,¹⁰ on the influence and expansion of Taylorism and Fordism from just before World War I,¹¹ followed by the adoption of national-level planned economies for wartime production by both Germany and the United States and the influence of these practices on inter-War Europe from the young Soviet Union to the Fascist and Nazi regimes in Italy and Germany,¹² or on earlier foundations in the emergence of managerial capitalism in response to the speed and scale of production as rail travel and telegraph increased speed, distance, and scale of production,¹³ the basic elements of the framework are not fundamentally in question.

The basic epistemological framework is confidence in the possibility of controlling and measuring – knowing precisely – all the information about actions, relations, and consequences in human systems, so as to determine the optimal calibration of the human and social system being managed. Fredrick Taylor’s theory of scientific management, published in 1911, was revolutionary in this regard. Taylor engaged in detailed motion studies, seeking to break down every motion of every worker in a factory down

¹⁰ David Harvey, *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change* (Oxford [England]; Cambridge, Mass., USA: Blackwell, 1989), 35. James C. Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Nachdr., Yale Agrarian Studies (New Haven, Conn.: Yale Univ. Press, 2008).

¹¹ Charles S. Maier, “Between Taylorism and Technocracy: European Ideologies and the Vision of Industrial Productivity in the 1920s”, *Journal of Contemporary History* 5, no. 2 (1970): 27–61; Charles S. Maier, “The Politics of Productivity: Foundations of American International Economic Policy after World War II”, *International Organization* 31, no. 04 (1977): 607–633; D. Bell, *Work and Its Discontents* (League for Industrial Democracy, 1956), <https://books.google.com/books?id=k8ETAQAAMAAJ>

¹² Maier, “Between Taylorism and Technocracy”.

¹³ Alfred D. Chandler, *The Visible Hand: The Managerial Revolution in American Business*, 16. print (Cambridge, Mass.: Belknap Press of Harvard Univ. Press, 2002); James Ralph Beniger, *The Control Revolution: Technological and Economic Origins of the Information Society*, 5. print (Cambridge, Mass.: Harvard Univ. Press, 1997).

to the precise motions each hand, leg, back rotation needed to make to be more efficient; the precise part of the shovel that should be loaded, and so forth, so as to prescribe a precise order of motions that would maximize the employee's efficiency at a precisely defined task.¹⁴ As Maier showed in detail, the revolutionary implications for productivity inspired adoption in diverse settings throughout Europe, including by Lenin after the revolution.¹⁵ Three years later Henry Ford opened the first assembly line factory, adding two major elements to Taylor's approach. First, Ford embedded the Taylorist control approach in a technological system that "naturalized" and systematized it: the design of the line itself would now regulate the precise motions available to workers and their speed. Second, Ford revolutionized the pay model, so that workers were paid enough to become consumers, as well as producers, of the products they bought – thereby dramatically increasing the size of the market and the welfare of the employees. The model increased productivity to a degree that overwhelmed competing models of production, however some found it dehumanizing.

The epistemological framework – that the world can be known in precisely measurable, standardized units and is amenable to rational planning aimed to optimization – is best managed through the authority of experts deployed through hierarchical control, with information flowing upwards and commands flowing downwards, generalized across fields of social order. From Burnham's "White City" at the Chicago World Fair of 1893 and the Chicago Regional Plan of 1907 and Le Corbusier through Robert Moses's grand ambitions, it marked architecture and urban planning for decades¹⁶ until the revolution we associate with Jane Jacobs in the 1960s.¹⁷ Scott documented its appearance in practices from 19th century Prussian forestry through Soviet collectivization to villagization in Tanzania from 1973 to 1976.¹⁸ It was the basic epistemological and organizational framework that drove classical Keynesianism and the detailed information collection and control that regulatory agencies in the United States sought to apply at their height from the New Deal to the 1970s. It created a shared knowledge frame that made it seem plausible for AT&T to claim that it must be

¹⁴ Maier, "Between Taylorism and Technocracy".

¹⁵ Ibid.

¹⁶ Harvey, *The Condition of Postmodernity*.

¹⁷ Jane Jacobs, *The Death and Life of Great American Cities*, Modern Library ed. (New York: Modern Library, 1993).

¹⁸ Scott, *Seeing like a State*.

able to prohibit companies from selling a “Hush-a-phone”, a plastic cup to cover the mouthpiece of a Bell Telephone for private conversation in the workplace, because only by controlling every element of the system could they guarantee universal service at sufficient quality to every subscriber. It was the essence of Weberian bureaucracy, and the absolute necessity of this kind of formal rationality imposed in hierarchical formal organizations was forced upon him by the logic of competition from those organizations that did adopt it. In this, he shared the sense of inevitability with Schumpeter who, twenty years later, wrote that monopoly, large scale organizations, both commercial and state, were the most productive, and hence ascendant, form of organizations. It was only in the 1980s that significant work challenged the unique fitness or productivity of the standardized, hierarchical mass production models that came to dominate most of the mid-twentieth century.¹⁹ But by then, Western democracies had undergone a major epistemological crisis, and the political and economic organizational strategies, institutions, and social norms had begun a radical departure from the centralized hierarchies that had governed them in the first seven decades of the twentieth century.

The authority structures from the political and economic domains also transposed themselves to the kinship or reproduction system. Rosie the Riveter emerged as an image of women’s empowerment through war production outside of the home, but the post-war period saw a sustained effort in popular culture to re-create a long-past culture of domesticity.²⁰ The “company man” was also the “family man”, earning a family wage to support his wife as homemaker. The effort to recreate the traditional patriarchal framework as a central pillar of society after it had been rocked by two world wars, a depression, and the brief interwar period that saw women’s suffrage and the roaring twenties’ rejection of Victorian culture, was a reflection in the kinship domain of the authority structure that had come to assert itself in economy, society, and culture more generally. It also projected back onto the economy, as the effort to send women back to the

¹⁹ Michael J. Piore and Charles F. Sabel, *The Second Industrial Divide: Possibilities for Prosperity*, Nachdr (New York: Basic Books, 2000).

²⁰ Jane F. Levey, “Imagining the Family in U.S. Postwar Popular Culture: The Case of The Egg and I and Cheaper by the Dozen”, *Journal of Women’s History* 13, no. 3 (2001): 125–50, doi:10.1353/jowh.2001.0069; María Cristina Santana, “From Empowerment to Domesticity: The Case of Rosie the Riveter and the WWII Campaign”, *Frontiers in Sociology* 1 (December 23, 2016), doi:10.3389/fsoc.2016.00016.

home and assure a high enough male salary to support a traditional family halted the shortening of the workday and workweek that had been a central goal of the labor movement for over a century.²¹ In the cultural system, the rise of mass media, the professionalization of news, the emergence of the Hollywood star system, and in particular the emergence of television, concentrated the production of culture in a relatively small set of actors who became the arbiters of what people knew, and how society at large was seeing itself. The technologies that typified the era were the assembly line, generalized electrification, widespread adoption of the automobile and national highway systems, and a broad adoption of civilian flight. Alongside them, radio and television became the defining technologies of both sense making and politics.

Neoliberalism, postmodernism, the rights revolution and the transition to oligarchic capitalism in a pluralist oligarchy

Rational planning under conditions of standardized knowledge and production has its limits. Human systems, as it turns out, are imperfect from the start and decay over time. Error and imperfection accrete, leading systems that do not have mechanisms for self-correction and self-healing to fail. The progressive impulse of high modernism reached its apogee in the 1950s and early 1960s as its authority structures and epistemological foundations were challenged left and right, as decolonization, the Vietnam War, the Great Inflation and globalization exposed the brittle inflexibility of hierarchical planning models of social organization.

Hayek's critique of the planning impulse was anchored in liberty, and fundamentally political, not economic. But it was founded on an epistemological challenge to the possibility of centralized, hierarchical knowledge actually describing the complexity that is the social and economic order, a complexity that meant that efforts to standardize social processes sufficiently such that they can be known by the state, or by the centralized planners, would necessarily have to constrain the human spirit and social behavior. While the theory was fundamentally a statement of political morality, it included a core economic claim. The world was too complex for any person or small group of persons to know. Organization under complexity could only emerge from self-organization by individuals adapting to their

²¹ Benjamin Kline Hunnicutt, *Kellogg's Six-Hour Day, Labor and Social Change* (Philadelphia: Temple University Press, 1996).

circumstances in response to local signals. And these signals were prices in a competitive market. “The more complicated the whole, the more dependent we become on that division of knowledge between individuals whose separate efforts are coordinated by the impersonal mechanism for transmitting the relevant information known as the price system”.²² Planning necessarily failed because it always lacked the information necessary to make sure all parts behaved as they should. It could limit people’s choices if it could know what they were up to and when – that is, only if it imposed authoritarian control over what people did. As Hayek put it, “Economic liberalism is opposed however, to competition’s being supplanted by inferior methods of coordinating individual efforts. And it regards competition as superior not only because it is *in most circumstances* the most efficient method *known*, but even more because it is the only method by which our activities can be adjusted to each other without coercive or arbitrary intervention of authority”.²³ Over the next four decades, neoliberalism would develop into an intellectual and political movement, building institutional anchors like the Mont Pelerin Society, the Free Market Study Program at Chicago, or Henry Manne’s Law and Economics Center, and the think tank system from the American Enterprise Institute and the Foundation of Economic Education, to Heritage and the Cato Institute.²⁴

The central role of neoliberalism in the dismantling of the post-War mixed economy settlement is well documented and needs no significant additional detail here.²⁵ Changes in labor law and the assault on unions in the United States and the UK led to declining union power, which played a central role in weakening middle-income wages,²⁶ deregulation hit un-

²² Friedrich A. von Hayek, *The Road to Serfdom: Text and Documents*, Definitive ed., The Collected Works of F.A. Hayek, v. 2 (Chicago: University of Chicago Press, 2007), 95–96.

²³ *Ibid.*, 68.

²⁴ Daniel Stedman Jones, *Masters of the Universe: Hayek, Friedman, and the Birth of Neoliberal Politics*, Updated edition with a New Foreword edition (Princeton, NJ: Princeton University Press, 2014); Steven Michael Teles, *The Rise of the Conservative Legal Movement: The Battle for Control of the Law, Princeton Studies in American Politics: Historical, International, and Comparative Perspectives* (Princeton, NJ: Princeton University Press, 2008).

²⁵ Jones, *Masters of the Universe*; Teles, *The Rise of the Conservative Legal Movement*.

²⁶ David Card, Thomas Lemieux, and W. Craig Riddell, “Unions and Wage Inequality”, *Journal of Labor Research* 25, no. 4 (December 2004): 519–59; Richard B. Freeman, “Unionism and the Dispersion of Wages”, *Industrial & Labor Relations Review* 34, no. 1 (1980): 3–23; L. Mishel, J. Schmitt, and H. Shierholz, “Wage Inequality: A Story of Policy Choices”, *New Labor Forum* 23, no. 3 (September 1, 2014): 26–31, doi:10.1177/1095796014544325.

ion jobs particularly hard, as rents from less competitive markets that had been shared with better-represented workers were shifted to markets where workers could not share in the rents.²⁷ Banking and financial deregulation provided the changes that allowed for financial industry income to create one part of the escape of the 1%, while the ascendancy of agency theory and shareholder value provided the intellectual foundation of the rise in income share by the largest group of people – managers and executives.²⁸ Expansion of free trade rules and financial flows allowed for the emergence of global supply chains, and the fissuring of the workplace as production moved to low-cost countries, while casualization of labor in older industries, and the feminization of labor in newly-growing service sectors weakened the bargaining power of labor and shifted the norms of management about what counted as a reasonable benchmark salary for workers, as opposed to managers. These ideological shifts were stoked in the United States, at least, by a significant realignment of political strategy in the business community, and the rise of what we might think of as “Organized Business” learning to harness its economic might to the political domain.²⁹

Much of the change, and most current explanations, focus on these changes on the political right. It would be a mistake, however, to imagine that everything that changed was purely a function of shifts towards the ideological and political right. Parallel to Hayek’s epistemological critique of iron cage progressivism was the rise of the New Left. Students who saw themselves, rather than the working class, as the vanguard of social change, embraced individualism, not as egotism but as authentic self-expression: “the object is not to have one’s way so much as it is to have a way that is one’s own”.³⁰ The rejection of traditional sources of identity and authority is nowhere clearer than in the Port Huron’s statement that “Personal links between man and man are needed, especially to go beyond the partial and fragmentary bonds of function that bind men only as worker to worker, employer to employee, teacher to student, American to Russian”. Turning

²⁷ Nicole M. Fortin and Thomas Lemieux, “Institutional Changes and Rising Wage Inequality: Is There a Linkage?”, *The Journal of Economic Perspectives* 11, no. 2 (1997): 75-96.

²⁸ Yochai Benkler, “Winner-Take-All Ideology”, working paper.

²⁹ Jacob S. Hacker and Paul Pierson, *Winner-Take-All Politics: How Washington Made the Rich Richer-and Turned Its Back on the Middle Class*, 1st Simon & Schuster hardcover ed. (New York: Simon & Schuster, 2010).

³⁰ Students for a democratic society, *Port Huron Statement* (1962). Available: https://en.wikisource.org/wiki/Port_Huron_Statement

away from the abusive failures of Soviet communism and the patent racism of the American South that the Civil Rights movement was pushing to the forefront, the students were rejecting both left wing authority structures and the benevolence or coherence of the major mainstream institutions of iron cage progressivism that nonetheless tolerated racism and replaced material progress for authentic meaning.

With this deep skepticism about authority acting as a backdrop, Thomas Kuhn's groundbreaking *The Structure of Scientific Revolutions* in 1962³¹ offered a foundational epistemological critique of science itself, the ideal model of what formal, value-neutral knowledge of the world that was a precondition to iron cage progressivism required. The deeply social and political nature of knowledge became the foundation of the field of Science and Technology Studies, and its intersection with other dimensions of oppression, most obviously race, exploded in the controversy over E.O. Wilson's *Sociobiology*, and the Stephen Jay Gould's public rejoinder in *The Mismeasure of Man*. In 1973 the American Psychiatric Association removed homosexuality from the Diagnostic and Statistical Manual of Mental Disorders (DSM).

The deep anti-establishment drive of the new left was translated to economic policy most directly by Ralph Nader and the consumer movement, developing the left parallel to the neoliberal criticisms of the core institutional anchors of the post-war mixed economy settlement. Nader's attack on the automobile industry's safety standards in *Unsafe at Any Speed* and subsequent battle with GM was followed by the creation of the Nader Raiders, a program which saw hundreds of law school students working to study the ways in which government agencies, beginning with the Federal Trade Commission, were failing to do their jobs and stand up to business interests. The individualism of the New Left could programmatically be translated into consumer sovereignty, rather than worker solidarity, as a new flag for the economically-oriented left. And, indeed, the consumers' movement was at the forefront of the battle to deregulate the airline, trucking, and banking industries, in the first two cases in direct conflict with the major unions who stood side-by-side with their employers.³² The New Left, unlike the neoliberals, did not create an alternative "objective" epistemology that could replace the standardization of knowledge and authori-

³¹ Thomas S. Kuhn, *The Structure of Scientific Revolutions*, Fourth edition (Chicago; London: The University of Chicago Press, 2012).

³² Benkler, *Winner-Take-All Ideology*.

ty-based claims of truth that were foundational to iron cage progressivism. Embracing critique and the practice of exposing how knowledge is used to legitimize power in social institutions, the left did not succeed in developing an epistemological framework that could break out of the confines of the academic discussion and turn to policy and politics. As we saw in law, the neoliberal-inspired law and economics movement quickly translated its core claims into prescriptions for every corner of the law, while the new left-inspired critical legal studies movement offered sophisticated and cogent critiques of law, but much less by way of programmatic legal reform. Programmatic innovation on the left shifted instead to three other groups: feminists, civil rights and critical-race scholars, and rights-liberals.

In the immediate post-war era the Democratic Party depended on a political alliance that simply could not survive the 1960s (and it shouldn't have). The core constituency was working white men represented by unions, and the core geographic alliance included the Southern Democrats committed to defending the racial caste system of the South. As Ira Katznelson's showed, the political necessity of gaining the support of Southern Democrats led both the New Deal and the Fair Deal to either formally or practically exclude African Americans from the foundations of the rising middle class in mid-century America – federal labor and employment legislation, Social Security, the G.I. Bill, and support for home mortgages, where most of the middle-class built its assets.³³ No less importantly, the old left was male-centered, and focused on re-asserting the traditional models of family alongside the traditional focus of a male-centered view of the ideal worker. By the 1960s and 1970s, neither the Civil Rights Movement nor the Women's Movement was willing to be kept waiting by a left still dominated by the concerns of white men. There was deep and broad theoretical and programmatic work to be done to dismantle the institutional inequality of half the population. Whether it took a more liberal form of litigation under the workplace discrimination prohibitions of Title VII of the Civil Rights Act to achieve equal hiring, retention, promotion and pay spearheaded by the NOW Legal Defense Fund then led by Ruth Bader Ginsburg, or more radical forms of sex domination, exemplified by the work of Catherine MacKinnon, both specific, as in the campaign

³³ Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York; London: W.W. Norton, 2006); Ira Katznelson, *Fear Itself: The New Deal and the Origins of Our Time*, First Edition (New York: Liveright Publishing Corporation, 2013).

against hostile workplaces or regulation of pornography, or general, about the ways in which society was structured from top to bottom around patriarchy.³⁴ Beyond theory, women's labor force participation and college matriculation and completion rates increased, making economic dependence of women on men a less prevalent characteristic of family structure. The Pill has generated extensive commentary and controversy, but it is difficult to argue that it did not interact with the ideological changes and social mobilization of the women's movement to help shift power over reproduction to women, allow many women to delay marriage and control childbearing, and at least in some social-cultural and class contexts, and where institutional changes in both family and employment law made it possible, use those powers to renegotiate the terms of reproduction and power in both family and work. Other dimensions of technology also played a role, as the National Organization of Women's founding Statement of Purpose in 1966 quite clearly evokes: "Today's technology has reduced most of the productive chores which women once performed in the home and in mass-production industries based upon routine unskilled labor. This same technology has virtually eliminated the quality of muscular strength as a criterion for filling most jobs, while intensifying American industry's need for creative intelligence. In view of this new industrial revolution created by automation in the mid-twentieth century, women can and must participate in old and new fields of society in full equality – or become permanent outsiders".³⁵

Programmatically, the political (as well as intellectual) effort of the left shifted from a focus on the institutional determinants of labor markets and of the structure of markets, and reoriented toward equality of opportunity to come to various markets without hindrance, as well as to reshape power in the domestic and political domains. Equal opportunity in employment, education, and housing markets, and searches for structural racism and sexism in these markets and social settings were central. There certainly were examples of alliance and alignment between the civil rights movement and

³⁴ Catharine A. MacKinnon, *Sexual Harassment of Working Women: A Case of Sex Discrimination* (New Haven: Yale University Press, 1979); Catharine A. MacKinnon, "Feminism, Marxism, Method, and the State: An Agenda for Theory", *Signs* 7, no. 3 (1982): 515-44; Catherine A. MacKinnon, *Feminism Unmodified: Discourses on Life and Law*, 9, printing (Cambridge, Mass.: Harvard Univ. Press, 1994).

³⁵ NOW Statement of Purpose, 1966. Available: <http://now.org/about/history/statement-of-purpose/>

worker advocates,³⁶ but the dominance of the focus on worker and class-focused political gains could not be maintained. The consumer movement and the environmental movement remained the two major forces focused on the economy, but these developed pro-competition, pro-market models of obtaining their desired results, and abandoned the project of understanding how markets fundamentally drove inequality. Whether in the form of pro-deregulation efforts of the consumer movement, or of market-based mechanisms to achieve emissions reductions through tradeable permits, the programmatic efforts of the left offered models oriented toward leveling the playing field while assuming that the market itself would work best once we had corrected for unfair initial endowments, discrimination, and failures of competition.

The right and left critique of the post-war settlement converged on several core pillars. The neoliberals challenged the central role of expertise by arguing that complexity of human systems was too great to be known, and that only choice in free markets will converge on the best decisions regarding who should do how much of what with what resources. The left challenged expertise as socially-constructed, reflective of power and privilege, rather than truth value in any objective sense. Participation, rather than authority, could lead to revealing the truth. The right emphasized the rational actor operating in pursuit of self-interest. The left emphasized individual self-actualization. Both rejected the central role of then-existing solidaristic forms that typified the post-war settlement – nation, party, unions, associations, and so forth – in favor of the individual. Privatization and globalization could co-exist comfortably with pluralism and cosmopolitanism, because both insisted on freedom from incumbent solidaristic forms of social relations, particularly state-centric social relations. From the liberal perspective, the battle over equal opportunity in markets and education was anchored in a conception of markets as fundamentally rewarding merit as long as people's merit was judged fairly. John Rawls lexically prioritized political rights to social and economic rights, and his Maximin principle focused on redistribution toward the very poorest at levels that would make those very poorest as well off as they could be. This theory of justice put welfare economics in the drivers' seat of deciding on incentive

³⁶ Dean Baker, Sarah Rawlins, and David Stein, *The Full Employment Mandate of the Federal Reserve: Its Origins and Importance*. CEPR, Fed Up, and the CPD, July 2017. Available <https://drive.google.com/file/d/0B96Y7zfqNdNoQTZRbzc3dl84SktZbzZubXh0eTEteTI5R2xr/view>

effects, growth, and efficiency and the extent to which a given redistribution policy would in fact benefit the poorest. Critically, it also meant that policies that extracted welfare from the middle classes to the re-emerging oligarchic class were exempt from the theory of justice, as long as it did not make the worst off worse. Ronald Dworkin and Bruce Ackerman offered theories of justice that constrained social insurance programs to accidents of birth and circumstance, leaving those who had made bad choices to bear the burden of the market consequences of these choices. The implication that markets were, as long as opportunity was in fact equal, representations of merit rather than power in social relations was a necessary precondition to any of these theories being an acceptable theory of justice. The market-oriented skepticism of the administrative state on the right and the academic work on the failures of collective action was matched by a deep anti-establishment sentiment on the left and the detailed investigative activism exposing cronyism and complacency in regulatory agencies. In the critical period of the 1970s, this congruence underlined the embrace of deregulation. In the 1970s in the United States deregulation was led by Democrats, particularly Ted Kennedy and Jimmy Carter, and while the 1980s saw the Reagan and Thatcher revolutions take this effort to new heights, the Clinton and Blair revival of the Democratic and Labor parties in the 1990s involved in large part adoption and synthesis of the neoliberal economic program, with a continued heavy emphasis on market-based reforms moderated by some greater redistribution, and a stronger emphasis on environmental regulation and consumer protection, on equal opportunity for women and minorities, and on investment in education, but less on a revival of workers as a powerful player in the economic arena.

While the congruence between neoliberal, liberal, and new left ideas created a political and ideological space for institutional transformation in the 1970s, the programmatic details of the institutional framework for the economy – legal and social norms – were supplied by the neoliberal and business-political sides. These included banking and securities deregulation and the deregulation of international financial flows that underlie financialization;³⁷ weakening of labor and employment protections;³⁸ lowering

³⁷ Greta R. Krippner, *Capitalizing on Crisis: The Political Origins of the Rise of Finance* (Cambridge, Mass: Harvard University Press, 2011); Thomas Philippon and Ariell Reshef, “Wages and Human Capital in the US Financial Industry: 1909-2006” (National Bureau of Economic Research, 2009), <http://www.nber.org/papers/w14644>

³⁸ Card, Lemieux, and Riddell, “Unions and Wage Inequality”; David Card and Alan

top tax brackets;³⁹ deepening free trade agreements that allowed for greater use of offshoring, alongside changes in employment law that enabled greater use of outsourcing and undergirded the fissuring of the workplace and the rise of contingent and alternative employment arrangements;⁴⁰ the rise of superstar salaries, shareholder value, and changes in associated social norms about levels of compensation and ratios of compensation between managerial and financial professionals and everyone else;⁴¹ and a wide range of other detailed regulatory changes.⁴² These changes, feeding back to each other as differentiation of political power, ratcheting dynamics in compensation norms, and social norms among managers, financial professionals, and workers generally ratcheted up the expectations and actions increasing the top 1%, and ratcheted down the bargaining power, security, and expectations of people in the middle and bottom of the income distribution. The result has been the dramatic pattern of inequality we observe in the United States and the UK, and with substantial variation, elsewhere among advanced economies. Nonetheless, the rough consensus among global elites, which we might call the Davos Consensus, translated in these two countries more than anywhere else into what might best be described as *pluralist oligarchy*: a political system governed primarily by economic elites, oriented toward constructing an institutional setting that enables the wealthiest centile to dramatically increase its share of national income, the economic elite to reproduce itself and legitimate its status as merit, and that implements a range of liberal pluralistic reforms that substantially reduced legal and explicit racism and sexism and increased individual self-actualization in the domains of reproduction and culture.

B. Krueger, "Minimum Wages and Employment: A Case Study of the Fast Food Industry in New Jersey and Pennsylvania" (National Bureau of Economic Research, 1993), <http://www.nber.org/papers/w4509>

³⁹ Facundo Alvaredo *et al.*, "The Top 1 Percent in International and Historical Perspective", *Journal of Economic Perspectives* 27, no. 3 (August 2013): 3–20, doi:10.1257/jep.27.3.3.

⁴⁰ David Weil, *The Fissured Workplace: Why Work Became so Bad for so Many and What Can Be Done to Improve It* (Cambridge, Massachusetts: Harvard University Press, 2014).

⁴¹ Benkler, Winner-Take-All Ideology, MS 2017.

⁴² Mishel, Schmitt, and Shierholz, "Wage Inequality"; Joseph E. Stiglitz, "Reforming Taxation to Promote Growth and Equity", *Roosevelt Institute* 28 (2014): 14–16; Joseph E. Stiglitz, *Rewriting the Rules of the American Economy: An Agenda for Growth and Shared Prosperity*, First Edition (New York: W.W. Norton & Company, Independent Publishers Since 1923, 2016).

Technologically, several innovations supported globalization, financialization and the reorganization of the family. For globalization, the primary pertinent technologies were the shipping container, which dramatically altered the cost and speed of international shipping, the barcode, which made supply chain management on a globalized level possible, as well as permitting a substantial increase in the size of firms now better able to manage internal flows as well as external supplies,⁴³ and the coaxial transatlantic cable that dramatically increased the capacity and fidelity of international communications flows. For financialization, the personal computer and electronic spreadsheet made implementation of new theories in finance developed in the 1970s practical in the 1980s – when the leveraged buyout and collateralized debt obligation fundamentally altered the global financial markets, and higher-capacity cables enabled the networking of global financial markets. Both trends contributed to casualization of labor. Universal electrification and running water in the pre-War decades made possible a range of domestic-labor displacing technologies – refrigerators, clothes washers and dryers, dishwashers, and ultimately the microwave oven – that reduced the number of hours necessary for domestic work, and correlated with the period of rapid expansion of labor force participation by married women.⁴⁴ The Internet, while high in everyone’s mind today, became widely adopted by the public, as well as private companies, only relatively late in the process of the emergence oligarchic capitalism, and at the very tail end of the process of top 1% escape, and almost two decades into the trend of median-income stagnation in the United States.

⁴³ Bartholomew C. Watson, “Barcode Empires: Politics, Digital Technology, and Comparative Retail Firm Strategies”, *Journal of Industry, Competition and Trade* 11, no. 3 (September 2011): 309-24, doi:10.1007/s10842-011-0109-2.

⁴⁴ Jeremy Greenwood, Ananth Seshadri, and Mehmet Yorukoglu, “Engines of Liberation”, *Review of Economic Studies* 72, no. 1 (January 2005): 109-33, doi:10.1111/0034-6527.00326; Daniele Coen-Pirani, Alexis León, and Steven Lugauer, “The Effect of Household Appliances on Female Labor Force Participation: Evidence from Microdata”, *Labour Economics* 17, no. 3 (2010): 503-513; German Cubas and others, “Distortions, Infrastructure and Labor Supply in Latin American Countries”, *Documento de Trabajo/FCS-DE*; 35/10, 2010, <http://cienciassociales.edu.uy/departamentodeeconomia/wp-content/uploads/sites/2/2013/archivos/3510.pdf>; Tewari, I. and Y Wang, Durable Ownership, Time Allocation and Female Labor Force Participation: Evidence from China’s Home Appliances to the Countryside Rebate (Apr. 2016). http://faculty.som.yale.edu/ishanitetwari/documents/LFP_HAGC_TewariWang.pdf

The PC and spreadsheet did not give us a society with oligarchic capitalism any more than the steam mill gave us a society with industrial capitalists or the hand mill, feudal lords. Technology is neither wholly autonomous with regards to the social relations from which it comes, nor is it strictly deterministic of the social relations it facilitates. The PC, electronic spreadsheet, barcode, and shipping container, co-axial cables and domestic appliances made certain practices feasible that were not practicable before. The fact that countries at the same technological frontier, like the US, Germany, and Japan, experience vastly different changes in individual and organizational behavior around the introduction of these technologies strongly suggests that it is the interaction of technologies with institutions, norms, and other social relations that shapes how a society changes. Technology makes some things easier to do and others harder. Things that are easier to do are more likely to get done by someone, and things that are harder to do are less likely to be done. It can make some relationships, organizations, and institutions easier to pursue, and others harder. In a challenging environment – be the challenges natural or human – it can make some behaviors obsolete by increasing the efficacy of directly competitive strategies. However, as among practices not rendered impossible by the adoption or rejection of a technology different patterns of adoption and use can result in very different social relations that emerge around a technology. Oligarchic capitalism, to the extent that it depended on these technologies, was only possible within a certain institutional framework, and a certain set of social relations – as I argued here, changes in social relations that stretched across economy, polity, kinship and culture. This doesn't make technology inert and wholly determined by social relations. It does exert a sticky set of constraints on some ideas or institutions. However determined aristocrats may have been to preserve horse-drawn carriages, the internal combustion engine would have devastated societies that hewed to those practices whenever the two came in conflict. Technological development is only partly autonomous, in the way in which science and art are partly autonomous. Technology is developed within communities of practice with their own internal norms and culture that sometimes resist or subvert other social relations within which they are embedded. Nothing captures this fact more clearly than the anarchistic design of the Internet that developed exactly in the period of the rise of oligarchic capitalism. And yet, technology is also a product of its time – as we see now that companies and states have caught up to the Internet and are taming its decentralized design into a vastly more tightly controlled network, with many gateways

and toll booths that the original developers of the technology would not have desired or intended.⁴⁵ Certainly, this view of technology is fundamentally inconsistent with the idea that “skills-biased technical change” is the core driving force behind rising inequality of the past forty years. For technology, through its effects on the relative value of higher and lower skilled workers, or routine and non-routine skills, to have been the primary driver of inequality, markets would have to be such that they reflect relative value more-or-less efficiently, while technological change is autonomous and exogenous to these markets. Neither of these assumptions are plausible.

The following table summarizes the critical shifts that characterised the shift from managerial capitalism to oligarchic capitalism in the 1970s and 1980s.

	Social Relations (institutions)	Meaning/identity	Tech	Social relations	Meaning making	Tech
Economy	Managerialism Taylorism/ Fordism Treaty of Detroit; Labor law; unions; regulated industries;	Expertise; Standardization “Company man” Loyalty; competence;	Assembly line; Electrification Internal combustion generalized use & highways Flight	Deregulation; privatization; weaker labor & employment law; globalization; offshoring outsourcing casualization; superstar salaries; shareholder value maximization; IP	Choice in free markets converges on equilibrium; Rational actor theory, self-interest; winner-take-all markets; brands as identity	Shipping container barcode/optic al reader, PC+electronic spreadsheet; High-capacity transoceanic cables
Polity	Administrative state; expertise- based planning and steering; bureaucratic organization; nation-state centric	Authority; standardization Expertise; National identity & solidarity	Radio and Television	Privatization, deregulation & internationalization shrink state; Organized Business; consumer vs worker; Davos consensus (pluralist oligarchy)	Agency capture; consumer sovereignty; identity vs. economics; civil rights, pluralism & political liberalism	Coaxial cable: 24 hour news channels; Cable television (many channels; distraction)
Kinship	Reasserting patriarchal family post war; nuclear family of more mobile workforce; Family wage	“family man;” rebuilding stable family after disruption of depression and two world wars		Women’s movement challenges patriarchal family; diverse family structures; Class- biased reproduction: stable assortative mating; single parents; no fault divorce	family values vs. self-actualization; patriarchy vs feminism, then sexual orientation and gender fluidity	The Pill Stove; refrigerator; washers & dryers; dishwasher, microwave
Culture	Mass media: radio then television; regulated public culture with undercurrents of counterculture	“high modernism”; youth popular culture emerges in the 1950s-60s; counterculture	Mass media; mass culture	The “Me” generation; consumption as status competition Mass culture embraces pluralism & cosmopolitanism;	Brands as identity: madonna-feminist Nike-self discipline & achievement United Colors of Benetton-diversity	Digital production lowers costs increases choice & channels

⁴⁵ Yochai Benkler, “Degrees of Freedom, Dimensions of Power”, *Daedalus* 145, no. 1 (January 2016): 18-32, doi:10.1162/DAED_a_00362.

Network pragmatism, social relations, and the open social economy

The neoclassical economics underlying at the epistemological foundation of neoliberalism predicted that the Internet, WiFi, Free and Open Source Software (FOSS), Wikipedia, voice over Internet Protocol, and so many other facts of life were impossible. By design, the Internet Protocol is an open access commons: anyone could transmit anything they wanted on a first-come, first served basis, and pricing could not be used to optimize transport. Proposals for replacing TCP/IP with an alternative, ATM, that could assure that prices could be used to prioritize traffic failed,⁴⁶ even as Bob Metcalf, inventor of Ethernet, predicted in 1996 that the Internet was about to catastrophically collapse because there was no packet pricing, and Bill Gates predicted that within three years (of 1995) quality of service assurances through ATM would be available.⁴⁷ No practicing economist in 1995 would have predicted that the Apache Web Server, developed by a network of volunteers and released under a license that allowed anyone who wanted to copy it and sell it to do so, would become the dominant infrastructure of the World Wide Web over the coming two decades. FOSS was simply incomprehensible to the economics discipline of the mid-1990s.⁴⁸ No less so Wikipedia or peer production more generally. Two of the most prominent information economists in the world described, in 1998, why Microsoft Encarta was the great new threat to Britannica.⁴⁹ A former chief economist of the FCC wrote confidently that spectrum commons, like WiFi, would necessarily fail because in the absence of pricing to clear competing uses, “the brain surgeon cannot read the life-or-death CT scan because the Internet backbone is clogged with junk e-mail”.⁵⁰ *Eppur si muove*.

Under iron cage progressivism, a telecommunications network was either owned and managed by a government-owned monopoly, as in most of the world, or was a monopoly service, as in the United States, following President of AT&T Theodore Vail’s famous motto: “one system, one compa-

⁴⁶ Barbara Van Schewick, *Internet Architecture and Innovation* (Cambridge, Mass.; London: MIT Press, 2012).

⁴⁷ <https://www.wired.com/2010/05/0526bill-gates-internet-memo/>

⁴⁸ Yochai Benkler, “Peer Production and Cooperation”, in *Handbook on the Economics of the Internet*, 2016.

⁴⁹ Carl Shapiro and Hal R. Varian, *Information Rules: A Strategic Guide to the Network Economy* (Boston, Mass: Harvard Business School Press, 1999).

⁵⁰ Thomas W. Hazlett, *The Wireless Craze, the Unlimited Bandwidth Myth, the Spectrum Auction Faux Pas, and the Punchline to Ronald Coase’s “Big Joke”*: An Essay on Airwave Allocation Policy, 14 Harv. J.L. & Tech. 335–491 (2001).

ny, universal service”. At its best, it meant a monopoly that could fund Bell Labs and employ some of the greatest minds of a generation. At its worst, it meant years of waiting for a phone line or service for a broken telephone, all at very high prices that made long-distance calls, much less international calls, a luxury. To deal with the complexity of managing the communications needs of millions of people over time, the company owned all the wires, local and long distance. The company owned all the telephones that were connected to the network. It issued a standardized set of tariffs, or services and prices, and then reported on these (in the US) to a regulator, who would demand detailed accounting for the costs of the various services and approve rates. The regulator would negotiate with others around the world what the tariffs for international connections would be. And so forth.

After the 1970s, the neoliberal answer was to push for deregulation and competition. Uncertainty could be solved not through centralized, hierarchical control over all aspects of the network, but by altering the legal environment to make possible robust competition among competitors in as many aspects of the communications service as possible. In the United States, that meant the breakup of AT&T and vigorous antitrust enforcement to force it to compete fairly. In Europe and Japan, it meant privatization of the previously nationally-owned telecommunications company, and vigorous engagement in introducing competitors. In both cases, the core shift was from imagining technocrats who can know all there is to know at the top of a hierarchy – national and corporate – to imagining consumers who know what they want and are able to encode what they want into willingness and ability to pay, and business executives who can read these signals and design the system that will answer those desires. The shift from spectrum licensing practices between the 1920s and 1990s, to the spectrum auctions and flexible spectrum allocations of the 1990s to the present follows an identical intellectual path.⁵¹

The Internet was not, however, invented or deployed on either the iron cage or neoliberal model. Instead, it reflected an engineering commitment to create the conditions for a community of practice to experiment and learn openly what to do with the system. It departed from both prior epistemologies in two critical ways. First, the core protocol, TCP/IP, was designed to be agnostic as among all uses and optimized for none. It em-

⁵¹ For a brief intellectual history of the debate, see Yochai Benkler, *Overcoming Agoraphobia: Building the Commons of the Digitally Networked Environment*, 11 Harv. J.L. & Tech. 287 (1998).

bodied the “end-to-end” principle – anyone who wants to use the system has to take its core design into account: the network can recognize packets of information and destination addresses, and offers nothing more than a best efforts service for each packet equally. Everyone who wants to use the network has to design their application so that it is robust to this basic agnosticism about what the network is for, and implement all the desired uses of the application such that the network itself needs to do no work other than recognize packets and destinations and forward them on a best efforts basis. Notice that, like neoliberal epistemology, this design eschews any claim that the designers or managers of the network can know what the network is for, let alone how to optimize it for that use. The network is not designed for hierarchical information flow “up” to designers or engineers and “down” to the network architecture to reshape it in light of expert judgments. Unlike neoliberal epistemology, however, the network gives no privileged room for prices as a source of decentralized information about what the network is for. The first-come, first-served, best efforts network explicitly and consciously rejected the possibility of packets to bid for slots. The voices pushing for “ATM”, or asynchronous transmission mode, did so precisely to introduce price as a privileged way of knowing what the network is for, or at least what it should be most optimized for. Without this change, there would never be voice over Internet, was the cry at the time. Instead, four Estonian engineers backed by a Dutch and Danish entrepreneur, who had designed the pirate music-sharing site Kazaa, used that core design to create Skype, and voice over Internet became widely used, without packet pricing. Today’s net neutrality debates are largely a product of rent-seeking by incumbent telecommunications carriers, but when they are engaged in by good-faith discussants, they are joined between those who still hold the neoliberal epistemology and want to make sure that net neutrality does not get in the way of the one true signal – pricing – and those who insist that prioritizing traffic based on ability and willingness to pay squelches the learning network process by privileging only a subset of the important signals – those that can pay their way.⁵² Again, the same exact dynamic of rent-seeking by incumbents backed by an epistemological commitment to prices in markets as the core mode of knowledge is

⁵² Van Schewick, *Internet Architecture and Innovation*; Brett M. Frischmann, *Infrastructure: The Social Value of Shared Resources* (Oxford University Press, 2012).

reflected in debates over spectrum policy between proponents of auctions and those of spectrum commons or unlicensed wireless.⁵³

Prices are necessary and sufficient in neoliberalism because human beings are adequately captured by *homo economicus*. If we are uniformly self-interested, acting with guile, then our efforts at reason-giving will collapse into “cheap talk”, manipulating one another to achieve what is most advantageous, disregarding whether this occurs at the expense of others.⁵⁴ Prices, by contrast, and “revealed preferences” through paying them, are the only real way of knowing what people want and coordinating for mutual advantage. Policy is therefore oriented toward eliciting prices and minimizing the scope of action governed by cheap talk. By contrast, the Internet Engineering Taskforce’s motto, “We reject: kings, presidents and voting. We believe in: rough consensus and running code”⁵⁵ expresses itself in political terms as rejecting hierarchy, but its adoption of a price-insensitive protocol and continued reliance on “rough consensus and running code” marks it as a fundamentally different critique of hierarchy than the neoliberal critique of authority. Indeed, it depends on “rough consensus”, every bit as much as Wikipedia depends on community norms that assume a shared goal and good faith⁵⁶ – the fundamental opposite of the assumptions of neoclassical economics and game theory.

Two critical elements underlie the success of the Internet as a technical infrastructure, and characterize network pragmatism as an epistemology and social practice. The first is that, given uncertainty and fallibilism, exploration in communities of practice trumps authority or price-mediated optimization. The second is that *homo economicus* is empirically incorrect and is practically counterproductive as a model of practice, and is better replaced with *homo socialis*.

By design, the Internet protocol prioritized decentralized experimentation and exploration, unconstrained by the power of incumbents or by the need to pay for priority.⁵⁷ Spectrum commons, similarly, permit diverse

⁵³ Yochai Benkler, “Open Wireless vs. Licensed Spectrum: Evidence from Market Adoption”, *Harv. JL & Tech.* 26 (2012): 69.

⁵⁴ Mancur Olson; Downs.

⁵⁵ David Clark, *A Cloudy Crystal Ball – Visions of the Future* <http://ietf.org/proceedings/prior29/IETF24.pdf>

⁵⁶ Joseph Michael Reagle, *Good Faith Collaboration: The Culture of Wikipedia, History and Foundations of Information Science* (Cambridge, Mass: MIT Press, 2010).

⁵⁷ Van Schewick, *Internet Architecture and Innovation*.

actors to experiment with wireless technologies without reference to the desires of a regulator or owner.⁵⁸ More generally, work on open access commons in the past twenty years has emphasized that open commons address uncertainty better than property or managerial hierarchies precisely because they make innovation and experimentation under uncertainty easier to pursue, and emphasize conversation and knowledge flows rather than arms-length negotiation around standardized packets of information goods. Property centralizes the point at which information and incentives necessary to determine the access, use, management, and disposition of a given resource in a single entity by giving that entity asymmetric power to determine who will get to access or use the resource, at what time, and for what purposes. The defining feature of open commons is that there is no such asymmetric power. Instead, the resource is subject to a set of symmetric rules concerning access, use, extraction, and management. The absence of asymmetry removes the owner as a focal point for transactions and as the coordinating mechanism for competing claims on the resource. The symmetry allows diverse users the freedom to operate without transacting, within the symmetric constraints and subject to the congestion characteristics of the resource. As in the case of property and unlike regulatory decisions, information is gathered and processed by decentralized actors. Unlike the case of property, information gathered by these decentralized actors is not collated in a single decision point. Rather, diverse actors act upon information they have or exchange without the need to translate it into a universally understood expression (currency, most importantly) that compares competing uses and clears them. Where the level of uncertainty is such that freedom of action (to adapt to changed circumstances) is an important desideratum, in some cases more than security in holdings (whose value and utility are part of the uncertainty) and power to appropriate outputs directly through exclusion (whose coming into being is part of the uncertainty) – we need, and we are ubiquitously surrounded by, both commons and property.

The field of study where the limits of property and the benefits of commons are most explicitly and exhaustively documented is innovation studies, where the trend of the past two decades has been to increase the emphasis on knowledge flows and sharing in learning networks, whether

⁵⁸ Benkler, “Open Wireless vs. Licensed Spectrum: Evidence from Market Adoption”.

market or non-market; on non-market sources of innovation, relative to market sources; and on commons, rather than property.⁵⁹ Economic history of innovation shifted its focus from heroic inventors on the Edison model to richer descriptions of communities of practice, networks of innovators who shared information and experiments to produce a series of incremental collaborative contributions rather than the light bulb image of the individual creative genius. From the steam engine and spinning jenny to the McCormick reaper and heavier-than-air flight, the story of industrialization through invention has been retold through the prism of network innovation among cooperators, rather than as individual genius or primarily market-oriented, price-driven innovation.⁶⁰ Organizational sociology documented the rise of the learning network, across diverse organizational boundaries, harnessing diverse motivational profiles, as central to the innovation process across a wide range of disciplines.⁶¹ Economic geography has exhaustively documented the role of social networks (in the real world, not in the online sense) in the diffusion of knowledge and the cross-pollination of ideas among different people with different experiences and relationships, starting with Saxenian's groundbreaking work⁶² and adding detail and measurement ever since.⁶³ Owen-Smith & Powell showed these interacting effects in the Boston biotechnology sectors, among firms and

⁵⁹ For a review of this literature see Benkler, Law, Innovation, and Collaboration in Networked Society, *forthcoming Annual Rev. of L. & Soc. Sci.* (2017) <http://www.annualreviews.org/doi/abs/10.1146/annurev-lawsocsci-110316-113340>; full text of preprint: <https://dash.harvard.edu/bitstream/handle/1/30704158/Benkler%20Law%20and%20Innovation%20%20Collaboration%20working%20paper%2011182016.pdf?sequence=1>

⁶⁰ For an excellent review see Bessen J, Nuvolari A. 2016. Knowledge sharing among inventors: Some historical perspectives in D Harhoff, K Lakhani, Harhoff D, Lakhani KR, eds. 2016. *Revolutionizing innovation: Users, communities, and open innovation*. Cambridge: MIT Press pp. 135-55.

⁶¹ Walter W. Powell, "Neither Market nor Hierarchy: Network Forms of Organization", *Research in Organizational Behavior* 12 (1990): 295-336; Walter W. Powell, Kenneth W. Koput, and Laurel Smith-Doerr, "Interorganizational Collaboration and the Locus of Innovation: Networks of Learning in Biotechnology", *Administrative Science Quarterly* 41, no. 1 (March 1996): 116, doi:10.2307/2393988.

⁶² Saxenian A. 1996. *Regional advantage*. Cambridge: Harvard University Press.

⁶³ Breschi S, Lenzi C. 2016. Co-invention networks and inventive productivity in US Cities. *J of Urban Econ.* 92. Schilling MA, Phelps CC. 2007. Interfirm collaboration networks: The impact of large-scale network structure on firm innovation. *Manag. Sci.* 53:1113-26.

across the firm-academia boundary.⁶⁴ These findings, in turn, have translated into insights about the institutional framework that leads to innovation – in particular, the fact that institutional forms intended to optimize for the self-interested rational actor – intellectual property rights or strong determinative contracts like non-compete clauses – harm, rather than help exploration in social networks, and therefore harm innovation.⁶⁵ In parallel, extensive research on user innovation following Eric von Hippel's groundbreaking work has documented the repeated centrality of users innovating for their own use, and sharing in practice communities innovations that market-based firms only adopt and productize after the initial exploration, identification of needs, and significant working out of the solutions to these needs has been conducted by users interacting freely with each other in social, not market processes.⁶⁶

The most explicit clash between innovation and the property relation has been in software development in general and FOSS in particular. The poor fit of intellectual property models to the lived experience of software development has long been a major topic in the study of law and technology.⁶⁷ The sheer incoherence of applying patent law to the field, and the poor fit of copyright law to this rapidly moving continuously in flux practice has sustained hundreds of articles and books.⁶⁸ But the most powerful argument has been the actual, real world adoption, by well over a million software developers, nearly half of the firms creating software, and

⁶⁴ Owen-Smith J, Powell WW. 2004. Knowledge networks as channels and conduits: The effects of spillovers in the Boston biotechnology community. *Organ. Sci.* 15(1):5-21

⁶⁵ Gilson RJ. 1999. The legal infrastructure of high technology industrial districts: Silicon Valley, Route 128, and covenants not to compete. *NYU Law Rev.* 74(3):575-629; Hyde A. 2003. *Working in Silicon Valley: Economic and legal analysis of a high-velocity labor market*. Armonk, New York: M.E. Sharpe; Marx M, Strumsky D, Fleming L. 2009. Mobility, skills, and the Michigan non-compete experiment. *Manag. Sci.* 55: 875-79 Marx M, Singh J, Fleming L. 2015. Regional disadvantage? Employee non-compete agreements and brain drain. *Res. Policy.* 44.

⁶⁶ Von Hippel von Hippel E. 2005. *Democratizing innovation*. Cambridge: MIT Press; von Hippel E. 2016. *Free innovation*. Cambridge: MIT Press. For a sampling of the diverse paths this literature has taken, see Harhof and Lakhani, *supra*.

⁶⁷ For one of the earliest such studies see, e.g., Pamela Samuelson, Benson *Revisited: The Case against Patent Protection for Algorithms and Other Computer Program-Related Inventions*, 39 Emory L J 1025 (1990); Pamela Samuelson, *Should Program Algorithms Be Patented?*, 33 Comm ACM 23 (1990).

⁶⁸ Litman, *Digital Copyright*; Boyle, *The Public Domain*; Lerner and Jaffe, *Innovation and its Discontents*. Lemley & Burke; Lemley & Cohen.

the majority of Internet users, of free and open source software practices, licensing, and basic infrastructure utilities. In other words, at the very heart of the most innovative and fast moving parts of the global economy, commons-based production has become a central model of industrial organization.⁶⁹ FOSS explicitly adopts a licensing mechanism that contains the role of property. It insists that every recipient of the software receive a copy of it, encouraging users to read, learn, and revise it; it grants every user the right to modify, copy, and redistribute the software, and in its most widely used form, the GPL, it requires those who do so modify and redistribute the software to recede the commons with their improvements.

If neither hierarchy nor price can outperform decentralized learning in communities of practice, we need a different model of human action to describe these cooperative interactions and we must design institutions to facilitate them. What kind of human being can operate under “rough consensus and running code”, or “assume good faith” as basic institutional models, and how does our understanding of human beings of this sort translate into actual built human systems?

The second critical transition of network pragmatism is therefore the shift from *homo economicus* to *homo socialis*.⁷⁰ With roots in work in the 1980s, but gaining steam in the 1990s and 2000s, there has been extensive work in evolutionary biology, experimental economics, political science, management science, psychology, and computer science that has consistently shown that the model of rationality that was the driving engine of the neoliberal moment – self-interested rationality – is a poor description of the actual diversity of human motivation. Few quotations can capture the vast transformation of the state of knowledge on cooperation than evolutionary biology. In 1976, the year that Tom Wolfe wrote his famous critique of the culture of the '70s in *New York Magazine*, “The ‘Me’ Dec-

⁶⁹ Yochai Benkler, “Coase’s Penguin, Or, Linux and ‘The Nature of the Firm’”, *Yale Law Journal*, 2002, 369–446; von Hippel E, von Krogh G. 2003. Open source software and the “private-collective” innovation model: Issues for organization science. *Organ. Sci.* 14(2):209–23.

⁷⁰ Samuel Bowles and Herbert Gintis, “Social Preferences, Homo Economicus, and Zoon Politikon”, *The Oxford Handbook of Contextual Political Analysis*, 2006, 172–186; Ernst Fehr and Herbert Gintis, “Human Motivation and Social Cooperation: Experimental and Analytical Foundations”, *Annual Review of Sociology* 33, no. 1 (August 2007): 43–64, doi:10.1146/annurev.soc.33.040406.131812; Dirk Helbing and Herbert Gintis, “Homo Socialis: An Analytical Core for Sociological Theory”, *Review of Behavioral Economics* 2, no. 1–2 (July 29, 2015): 1–59, doi:10.1561/105.00000016.

ade and the Third Great Awakening”,⁷¹ Richard Dawkins published *The Selfish Gene*, in which he famously wrote: “Let us try to teach generosity and altruism, because we are born selfish”.⁷² Thirty years later, writing in *Science*, Martin Nowak was able to write of the changed state of the discipline: “Perhaps the most remarkable aspect of evolution is its ability to generate cooperation in a competitive world. Thus, we might add ‘natural cooperation’ as a third fundamental principle of evolution beside mutation and natural selection”.⁷³

There are two major elements to this shift. The first is diversity of motivations. Empirically, human beings do not conform to a single uniform model of motivation, much less one that conforms to the predictions of self-interested rationality. Instead, we are diverse, and while a substantial minority conforms to the neoclassical model, the majority of people are more diverse. Some are reciprocators, who will reciprocate good for good and bad for bad. Some, a minority, behave as altruists. Some are more focused on social status than on reciprocity. A substantial minority indeed conforms to the predictions of *homo economicus*. All, however, are heavily influenced by social context and meaning, and will cooperate extensively when they believe themselves to be in a “cooperative” social setting, while handling themselves as *homo economicus* if they understand the context to be one where there is no room for social motivations.⁷⁴ In other words, while motivations do “exist” as a foundation for micro-economic analysis, these motivations are socialized and malleable based on the design of the interaction. They cannot be taken as exogenous to the mechanism design decisions. This is the second major element of the shift. Motivations are non-separable in context.⁷⁵ They can be crowded-in or crowded-out by

⁷¹ <http://nymag.com/news/features/45938/> (Aug. 1976).

⁷² Richard Dawkins, *The Selfish Gene* (New York: Oxford University Press, 1976), 3.

⁷³ Martin A. Nowak, “Five Rules for the Evolution of Cooperation”, *Science* 314, no. 5805 (2006): 1560–1563.

⁷⁴ Varda Liberman, Steven M. Samuels, and Lee Ross, “The Name of the Game: Predictive Power of Reputations versus Situational Labels in Determining Prisoner’s Dilemma Game Moves”, *Personality and Social Psychology Bulletin* 30, no. 9 (September 2004): 1175–85, doi:10.1177/0146167204264004.

⁷⁵ Samuel Bowles and Sandra Polanía-Reyes, “Economic Incentives and Social Preferences: Substitutes or Complements?”, *Journal of Economic Literature* 50, no. 2 (June 2012): 368–425, doi:10.1257/jel.50.2.368; Samuel Bowles and Sung-Ha Hwang, “Social Preferences and Public Economics: Mechanism Design When Social Preferences Depend on Incentives”, *Journal of Public Economics* 92, no. 8–9 (August 2008): 1811–20, doi:10.1016/j.jpubeco.2008.03.006.

interventions aimed to trigger one dimension of motivation by influence several in different directions. The neoclassical model long assumed that even if motivations were diverse, they are separable. As long as this is true, if I add money to a behavior or impose a fine on it, people would increase or decrease that behavior in response, relative to a baseline that the other motivations would have led them to. This meant that as a practical matter, neoclassical models could ignore other motivations without introducing error. Empirically, however, research has repeatedly shown that adding money or punishment to an interaction does change other, social and psychological motivations, so that the sum total of introducing material incentives or punishments may often result in behavior which is opposite to the desired behaviour these incentives or punishments are trying to elicit.

In combination, these two insights explain why adherence to *homo economicus* has been such a profound failure as a basis for designing institutions in the past forty years. Its micro foundational model systematically fails to predict actual observed human behavior under experimental conditions. And its prescriptions often have the opposite of their intended effect because they assume that the micro-motivations are exogenous to the intervention, when in fact they are endogenous. Nowhere is the failure more clearly presented than in the area of executive compensation, where the rational actor model, translated into agency theory and shareholder value, underwrote an institutional transformation that has, since then, attracted fraud, manipulation, and underperformance⁷⁶ more than any reliable evidence of improvement.⁷⁷ Indeed, by 2012 even the most prominent proponents of stock-based executive compensation in the 1980s had come to the conclusion that pursuit of stock options was leading corporate officers to playing earnings games rather than improving performance, causing “‘huge’ damage to ‘investors, customers, employees, communities, and the functioning of capital markets’”.⁷⁸ In parallel, studies are similarly beginning to show that the financialization that resulted from financial dereg-

⁷⁶ Lucian Bebchuk and Jesse Fried, *Pay without Performance: The Unfulfilled Promise of Executive Compensation*, 1. Harvard Univ. Press paperback ed. (Cambridge, Mass.: Harvard Univ. Press, 2006); B. S. Frey and Margit Osterloh, “Yes, Managers Should Be Paid Like Bureaucrats”, *Journal of Management Inquiry* 14, no. 1 (March 1, 2005): 96-111, doi:10.1177/1056492604273757.

⁷⁷Carola Frydman and Dirk Jenter, “CEO Compensation” (National Bureau of Economic Research, 2010), <http://www.nber.org/papers/w16585>

⁷⁸ Michael C. Jensen and Kevin J. Murphy, “The Earnings Management Game: It’s Time To Stop It”, *SSRN Electronic Journal*, 2012, doi:10.2139/ssrn.1894304.

ulation, again driven by erroneous models based on an erroneous view of human nature, has actually resulted in a decline, rather than improvement, in productivity. Finance seems to divert resources from the real economy and innovation to unproductive financial activities that raised short term profits but did not contribute to rising productivity or real growth.⁷⁹

From fallibilism to an open social economy

The core of Karl Popper's argument in *The Open Society and Its Enemies* emphasized the need for open and diverse institutions in the name of the deep fallibility of perfectionist projects – from Plato's Republic to Fascism and Communism. It was this focus that made his work congruent with the origins of neoliberalism and the Mont Pelerin Society.⁸⁰ Participatory institutions, openness to criticism and diversity of views and dissent were corrective mechanisms necessary in the face of the inevitable fallibility of human institutions. Ironically, the full neoliberal agenda, with its continuous effort to push all forms of human interaction into market relations and framings, is precisely one such perfectionist project that has led to substantial political instability, social injustice, broad economic insecurity, and slower economic growth and financial volatility. Once we understand that markets are no less fallible than other human institutions, however, the failure of market-centric perfectionism becomes as inevitable as were all other perfectionist projects. Translating an epistemological stance – fallibilism – into a basic argument of economic organization requires no less of a broad commitment. Here, I will only outline the theoretical flow from fallibilism to core normative and structural commitments of an economic system.

Fallibilism requires constructing learning, adaptive systems. These, in turn, require diversity of both motivations and relations (that is, institutions, which themselves require experimentation and continuous evaluation and updating, and organizational forms). Diversity of motivations is necessary because fallibilism and uncertainty make it impossible to fully characterize required behaviors for pricing or command. Intrinsic and social motivations must be engaged, and economic practice must be socially-embedded

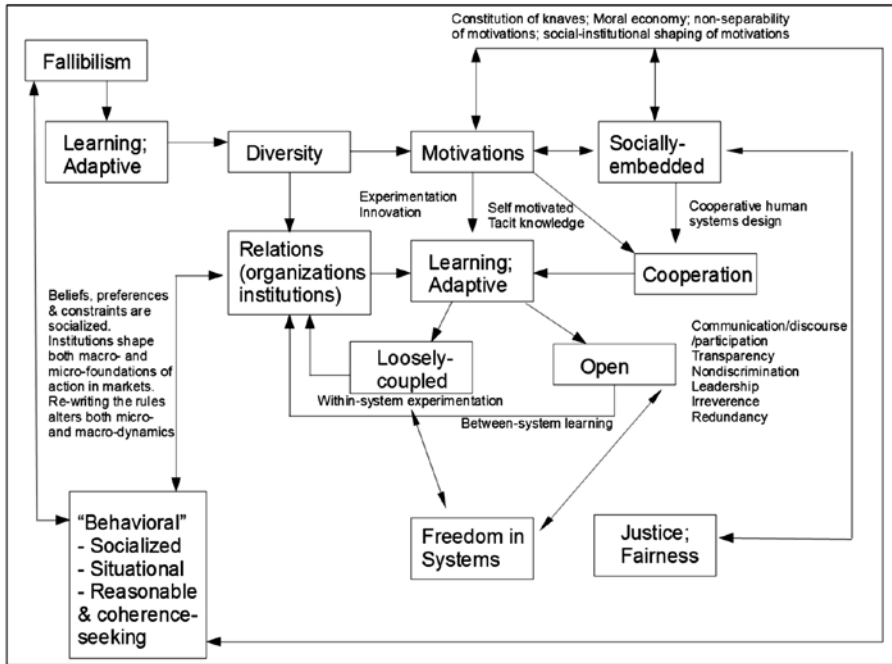
⁷⁹ Jean-Louis Arcand, Enrico Berkes, and Ugo Panizza, "Too Much Finance?", 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2127541; Stephen G. Cecchetti and Enisse Kharroubi, "Why Does Financial Sector Growth Crowd Out Real Economic Growth?", 2015, http://papers.ssrn.com/sol3/Papers.cfm?abstract_id=2564267

⁸⁰ Jones, *Masters of the Universe*.

in cooperative practices in order to elicit those diverse motivations in economic production. Diversity of social relations (institutions generally, and organizational forms in particular) is necessary to offer perspective and experimental opportunities to test existing practice. Rejecting the possibility of perfectionism, whether perfect markets or perfect controlled systems, requires that these relations be open and loosely coupled. By “open” I mean that they are designed such that actors and behaviors can move in and out of the relational networks within which they act together, to allow between-system learning. By “loosely-coupled”, I mean that systems are not overly deterministic about the outcomes of forms of interaction that occur within them, to allow within system experimentation. Both of these evoke a conception of freedom that understands human behavior and social relations as always occurring within systems of constraint and affordance, and always defined in terms of practical freedom to form beliefs, preferences, policies, and principles, pursue diverse outcomes, and engage in shaping the architecture of one’s constraints.⁸¹ Extensive work on cooperative work and self-governance has emphasized the need for communication and participation as foundational aspects of a cooperative system, and the commitment to open systems for continuous questioning and investigation requires transparency, nondiscrimination (so as not to entrench existing views), irreverence, and redundancy, even though there is also a need for leadership within this system open to continuous contestation. Justice and fairness, both in procedural terms of nondiscrimination and opportunity, and in terms of substantive economic equity, are required in this system in order to maintain the possibility of cooperative activity. Too great a differentiation, as we have seen in the past decade, creates conflict, rather than cooperation, and undermines the possibility of cooperation based on shared fate. Finally, network pragmatism incorporates the behavioral turn primarily by insisting that micro-foundational characteristics of individual behavior are plastic – that is, people’s baseline tendencies to behave in certain ways are socialized or even elastic – in the sense that people’s behaviors are situational, responsive within a broad socialized pattern in more locally responsive ways; and reasonable and coherence-seeking, in the sense that they are not strictly formally rational, but rather closer to Simon’s satisficers (reasonable) and will seek to understand the world, the options open to

⁸¹ Yochai Benkler, “Networks of Power, Degrees of Freedom”, *International Journal of Communication* 5 (2011): 39.

them, and the value of competing outcomes to cohere with what they perceive to be the actual practice and outcome they are likely to obtain. This means that designing rules that are more cooperative, normatively driven, and socially-embedded will, in turn, result in micro-motivational adaptations that will reinforce these relational, socially-embedded forms of economic practice.



Nascent programmatic translations of network pragmatism and an open social economy

Because network pragmatism has emerged organically, from human practices and from scientific developments that have not been coordinated in the way neoliberalism was from the 1940s to the 1970s, its policy prescriptions and engagement with the political system have been episodic and less comprehensive. There are some areas where politics and policy are clearly joined along the divide between neoliberalism and network pragmatism precisely in terms of the competing epistemologies. Net neutrality – the battle over whether to allow Internet carriers to control and prioritize traffic in return for prices, or whether to impose the continuation of the commons model that has typified the Internet from its origins

– is an obvious area. Debates over patents and copyrights, spectrum regulation, digital rights management, trade secret and non-compete law, are all already deeply enmeshed in the battle between the two fundamentally oppositional views of how we know and innovate. The political battle lines are largely drawn between incumbent businesses intent on maintaining their advantage, controlling critical resources through state granted property-rights, the telecommunications carriers, major patent-holding firms, etc., and decentralized social networks of actors, like free software developers, as well as entrepreneurial firms aiming to succeed within learning networks rather than by controlling opportunities for learning and innovation. The coalition that James Boyle long ago described as an environmental movement for the Net⁸² indeed emerged and has become a political force in its domains. But this work has been largely absent from more traditional labor economics, macro-economics, finance, or trade, so that there remain broad swaths of the most relevant work on economic governance that require extensive development. As a result, while some of the participants in the network political movements around politics of the Net and free culture, like the 15M movement, did in fact translate into a political movement (in the form of Podemos), the fit is imperfect, and translation from the political energy of the free culture movement or the open internet mobilization to a more egalitarian economic policy has been imperfect at best.

At this early stage, we can outline three primary translation efforts between network pragmatism and broader economic policy. The first is the effort to transform social relations within standard, investor-owned firms, based on understanding the critical role of social motivations to make firms into internal learning networks and connected to external learning networks. The second is an effort to make economic policy more transparent, participatory, and oriented toward socially-embedded economic production. The third is an effort to build on the experience of cooperative businesses of the past century, and extend their reach and effectiveness through leveraging the same technological affordances that made both commons-based peer production practices like Wikipedia and FOSS, and extractive platforms like Uber and AirBnB, such successful platforms.

⁸² James Boyle, *Shamans, Software, and Spleens: Law and the Construction of the Information Society*, repr., 1. paperback ed. (Cambridge, Mass.: Harvard Univ. Press, 1997).

A stakeholder value theory of the firm

In the summer of 2014 the Boston area was captivated by the puzzling images of workers and consumers standing shoulder to shoulder in protests over management philosophy. Arthur S. Demoulas, Chairman of the Board of Market Basket, a supermarket chain, engineered a board ouster of his cousin, Arthur T. Demoulas, from the position of CEO. The workers weren't protesting for wages or benefits. They were protesting over managerial philosophy. Arthur S. wanted to focus on the bottom line for financial-market-driven shareholders. Arthur T. managed the place like a long-term concern of multiple stakeholders. The protests worked. Arthur S. ultimately sold to Arthur T., the ousted CEO returned to his job, and Market Basket returned to even more successful operating results. Arthur T. ran a company that provided its employees with a sense of dignity and an emotional-social stake in the firm, as well as a secure economic base. The core of the debate was over whether the best way to run a business was derived from a rational actor, managerial authority, shareholder-value focused model, or a model that has for decades been taught and researched in business schools under diverse names, from "the firm as collaborative community", through "high-commitment, high-performance", to "good jobs" strategy. All depend on a conception of motivation, cooperative dynamics, and self-direction fundamentally at odds with the rational actor model that drove neoliberalism and oligarchic capitalism.

The Market Basket story represents the smallest conceptual change that network pragmatism could underwrite, but it is potentially the change that will have the broadest impact because it represents a fundamental change in practice for the large set of traditional investor-owned businesses. Neoliberalism offered justifications for a range of organizational practices. Critically, *homo economicus*, specifically in its shareholder value as the sole focus of the corporation⁸³ provided the intellectual justification, through agency theory, for extremely high and growing executive compensation at the top of the income distribution and the adoption of fissured workplace strategies – outsourcing, offshoring, and workforce casualization – as

⁸³ "The Social Responsibility of Business Is to Increase Its Profits, by Milton Friedman", accessed August 4, 2016, <http://www.colorado.edu/studentgroups/libertarians/issues/friedman-soc-resp-business.html>; Michael C. Jensen and William H. Meckling, "A Theory of the Firm: Governance", *Journal of Financial Economics* 3, no. 4 (1976): 3-5-360.

core elements of maximizing shareholder value.⁸⁴ These became pillars of oligarchic capitalism, as it saw broadbased economic insecurity for those who earned as workers in the fissured workplace⁸⁵ coupled with fantastic wealth extraction by the very small managerial and financial class.⁸⁶ At the simplest level, work in management science and organizational sociology that focuses on the need of the firm to continuously learn under uncertainty demands a more stable, committed, and engaged workforce that identifies with the firm. Ton's "good jobs" in retail,⁸⁷ Beer's work on "high commitment, high performance" organizations,⁸⁸ the work of a quite a few organizational sociologists like Heckscher and Adler,⁸⁹ all point to a possible basic reorientation of business culture and investor culture as to what counts as "good management". This applies both to what counts as an appropriate level of pay and stability for line workers, a revival, if you will, of efficiency wages, as Shapiro and Stiglitz explained it,⁹⁰ as the norm of good management rather than a nostalgic receding past, and what are acceptable levels of executive pay – that managers should, in fact, be "paid like bureaucrats", as Frey and Osterloh put it.⁹¹

⁸⁴ Weil, *The Fissured Workplace*; Gerald F. Davis, *Managed by the Markets: How Finance Reshaped America* (Oxford ; New York: Oxford University Press, 2009).

⁸⁵ Jean-Marc Fournier, Isabelle Wanner, and Isabell Koske, "Less Income Inequality and More Growth – Are They Compatible? Part 2. The Distribution of Labour Income", OECD Economics Department Working Papers, (January 10, 2012), http://www.oecd-ilibrary.org/economics/less-income-inequality-and-more-growth-are-they-compatible-part-2-the-distribution-of-labour-income_5k9h2975rhhf-en

⁸⁶ Jon Bakija *et al.*, "Jobs and Income Growth of Top Earners and the Causes of Changing Income Inequality: Evidence from US Tax Return Data", Unpublished Manuscript, Williams College, 2012, <http://piketty.pse.ens.fr/files/Bakijaetal2010.pdf>

⁸⁷ Zeynep Ton, "The Hidden Risk in Cutting Retail Payroll", *Harvard Business Review*, accessed October 22, 2015, <https://hbr.org/2008/03/the-hidden-risk-in-cutting-retail-payroll>; Zeynep Ton and Robert S. Huckman, "Managing the Impact of Employee Turnover on Performance: The Role of Process Conformance", *Organization Science* 19, no. 1 (February 2008): 56–68, doi:10.1287/orsc.1070.0294

⁸⁸ Michael Beer, Russell A. Eisenstat, and Nathaniel Foote, *High Commitment, High Performance: How to Build a Resilient Organization for Sustained Advantage*, 1st ed (San Francisco, CA: Jossey-Bass, 2009).

⁸⁹ Charles Heckscher and Paul Adler, *The Corporation as a Collaborative Community: Organization in the Knowledge-Based Economy* (Oxford: Oxford University Press, 2005).

⁹⁰ Carl Shapiro and Joseph Stiglitz, "Equilibrium Unemployment as a Worker Discipline Device", *American Economic Review* 74, no. 3 (1984): 433–44.

⁹¹ Frey and Osterloh, "Yes, Managers Should Be Paid Like Bureaucrats".

The basic point is simple. One critical driver of wage dispersion and labor instability at the median and bottom, as well as the stratospheric rise of the 1% and 0.1% is the set of norms that developed over the course of the 1980s and 1990s about what “appropriate” levels of compensation and workforce management were. These were not driven by the necessities of competition given technology and globalization, as becomes clear when we compare countries at the same technological and globalization frontier, like the United States and the United Kingdom, on one hand, and Germany or Japan, on the other. Rather, they were driven by a set of beliefs and ideas, elite norms, and popular cultural dynamics surrounding superstars and the inevitability of market dynamics that justified the rent extraction practices that are at the core of oligarchic capitalism, coupled with institutional changes that weakened labor’s bargaining power.

The combination of long-term changes in the intellectual understanding of human motivation and dynamics, the shift to *homo socialis*, and the political urgency instilled by the rise of populism and the rejection of oligarchic elites, creates a new urgency, and a new opportunity, for politics and institutional change aimed at recalibrating what counts as “normal” in firm organization. Just as institutional changes that weakened unions also weakened mechanisms for more egalitarian social norms enforcement,⁹² not least norms surrounding executive compensation and media worker compensation in firms,⁹³ or smoking prohibitions created positive feedback with public relations campaigns to change social norms around smoking,⁹⁴ a political commitment to change social norms surrounding the appropriate relations would not, and should not, limit itself to public relations campaigns or impassioned exhortations to elites to change their norms. There is a rich legal literature on how law shapes norms. Tax policies that more-or-less tax away the entire value of executive compensation that is more than a given multiple of median firm compensation, or some combination of lowest and median compensation, would likely force firms either to increase median and lowest compensation or decrease executive compensation, or likely some combination of both, and would push sta-

⁹² Bruce Western and Jake Rosenfeld, “Unions, Norms, and the Rise in US Wage Inequality”, *American Sociological Review* 76, no. 4 (2011): 513–537.

⁹³ Carola Frydman and Raven Molloy, “Pay Cuts for the Boss: Executive Compensation in the 1940s”, *The Journal of Economic History* 72, no. 01 (2012): 225–251.

⁹⁴ Lawrence Lessig, *Code: And Other Laws of Cyberspace*, Nachdr (New York: The Perseus Books Group, 2002).

tus competition among executives away from cash compensation and towards other, less tangible modes of status expression. Other proposals that might present themselves as examples of applying open society principles to economic organizations – discussed below, would also feed back into the norms and internal dynamics of investor-owned firms as well. Requirements for worker representation in boards, double and triple bottom line definitions of firm responsibility, and so forth could all both provide a corrective for too narrow a view of the firm's goals, and shift managerial social norms from extractive practices legitimated as shareholder value enhancing to a more stakeholder oriented view of the firm. Critically, if the thesis that managerial norms shifted across the board, in both public and non-public firms, over the course of the 1980s because of social norms dynamics rather than direct legal rules,⁹⁵ changes in firms directly affected by the legal changes would spill over to what counts as “normal” practice even in firms whose practices are not directly regulated. All these would represent a significant change in practice, and are reflected in some of the newly developing models such as for-benefit corporations, or the increasing recognition that not-for-profit organizations may be critically important in major growth areas of the most advanced economy – in particular in the fields of healthcare and education.

Applying open society principles to economic governance

The adoption of a stakeholder view of the firm, or the model of the “firm as collaborative community” is the most direct adoption of an open society, participatory decision-making as a corrective for error and fallibility into economic production. Participation on behalf of workers, consumers, and the communities affected by the decisions of firms and other economic organizations is not conceived of in this framework as arms-length bargaining between fundamentally oppositional forces within the firm, but rather as a corrective for internal errors and as a source of innovation and improvement within the firm and in the relations of the firm to its social environment.

Beyond the internal governance of firms, however, a core dimension of an open social economy would reflect the representation of a more diverse set of people in the decision-making processes of economic governance. Rather than industry self-regulation or participation by the regulated entities in the process, an open social economy model would focus on partic-

⁹⁵ Benkler, *Winner-take-all Ideology*.

ipation by all affected people. The Fed Up campaign in the United States offers one clear example of an effort to open up technocratic economic governance to participation from citizens affected by the policy choices the technocrats make. Founded in 2014 by the Center for Popular Democracy, the campaign aims to enable workers who are affected by monetary policy to participate in the Federal Reserve Bank's decisions, in particular emphasizing the Fed's double mandate – to reach full employment as well as contain inflation.⁹⁶ The campaign would seek to reduce banking industry representation on the regional boards, and increase community and labor representation, as well as racial and gender diversity on these boards.⁹⁷ Setting inflation targets and unemployment levels is likely the single most significant policy choice affecting workers' bargaining power in markets.

One of the more ambitious efforts to build an open social economy model that integrates the commons and the insights of open, learning governance models is reflected in the current plan of the Barcelona City Council. While the plan is in its early stages, and cannot yet serve as an empirical case study of its model, it provides a roadmap for the kinds of interventions that would make for a coherent public reorientation around the principles of an open social economy. Outlined in what the governing coalition called *The Impetus Plan for the Social and Solidarity Economy*,⁹⁸ the plan makes three critical contributions. First, it emphasizes participation at every level – active participation of the various participating enterprises in the planning, designing, and implementation of public interventions; and a focus on participatory economic organizations as a means to assure continuing commitment to social solidarity over time. Second, it underscores the already-existing diversity of organizational forms in the actual, real economy. In particular, it focuses on the large role of “third sector” or nonprofit organizations; worker-owned enterprises; cooperatives, both consumer and worker; and commons-based community productive projects. And third, it seeks to design a supportive and enabling role for the

⁹⁶ Benjamin Appelbaum, *Face to Face with the Fed, Workers Ask for More Help*. NYT Nov. 14, 2014. <https://www.nytimes.com/2014/11/15/business/economy/face-to-face-with-the-fed-workers-say-the-economy-needs-more-help.html>

⁹⁷ Yian Q. Mul, *Hillary Clinton to support Federal Reserve change sought by liberals*, Wash. Post May 12, 2016. https://www.washingtonpost.com/news/wonk/wp/2016/05/12/hillary-clinton-to-support-federal-reserve-change-sought-by-liberals/?utm_term=.fd5dce7a3295

⁹⁸ Ajuntament de Barcelona, http://www.socioeco.org/bdf_fiche-document-5461_en.html

government, rather than a managerial role, thereby seeking to avoid some of the more stultifying effects of government participation in economic production.

Materially, the plan calls for the municipality to offer facilities and resources – physical spaces for meeting and coordination, shared resources; offer public procurement and subsidy preferences to solidarity and commons-based practices; and offer tax incentives for participatory economic organizations. Still ambiguous in its details, the likely most meaningful line of work the city plans to invest in is to support the creation of an “ethical finance system” intended to bridge the systematic difficulties social solidarity organizations and cooperatives face in obtaining startup and working finance because of background assumptions in the financial system about the relative superiority of the traditional investor-owned model. Organizationally, the plan proposes to invest in the city’s ability to offer mentorship and training programs oriented to prepare students, workers, entrepreneurs, and SME owners to reorganize themselves in cooperative or social solidarity forms; and it seeks to set up platforms, technical and physical, for social solidarity economy organizations to find each other and create mutually-supportive economic networks. Perhaps more ambitious is the city’s plan to change perceptions: to foster events and public campaigns to create “a common narrative and imaginary” for the social solidarity economy. One of the lessons long learned in the history of cooperatives has been that cooperatives can thrive if they take root, but whether this happens is more a matter of local or sectoral contingency not any systematic advantage or disadvantage cooperatives have over investor-owned firms. Changing the background assumptions about what forms of business are available and successful will change both investors’ and banks’ perceptions, as well as those of workers and entrepreneurs. Again, I offer this plan here not as a working example, but as the most completely developed, politically-supported model currently in the works – a model that needs to be followed closely and whose successes and limitations will teach us quite a bit about what is feasible in reorienting government action toward a public-commons partnership, as they call it in Barcelona, rather than the public-private partnership that typified the solution space pursued since the 1990s across most economically advanced democracies.

Despite the potential promise of approaches like the Barcelona model, recognition of the fallibility of all institutional arrangements emphasizes diversity and context-sensitivity in locating power to regulate economic activity and design its institutions. Whether we think of it as polycentric

governance⁹⁹ or subsidiarity, the core idea that locating decisions closest to where they will have an impact is critical. The trouble with this principle is that nothing makes local institutions inherently better or less susceptible to capture or myopia. In the United States, “Federalism” and treating the states as laboratories for policy has a long history, but “States Rights” was also long an argument developed by Southern States to allow them to retain their racist institutions. When local communities want to build their own high speed broadband networks, states have occasionally been harnessed by telecommunications incumbent firms to deny municipalities that power, and the Federal Communications Commission has, in turn, sought to centralize the power at the federal level in order to remove it from the states and return it to the municipalities.¹⁰⁰ Deciding where to locate power cannot follow a simple rule, because both the sources of insight and the sources of error or corruption will change from issue to issue and from one historical-social context to another. The tension between “harmonization” and “market integration” so widely used by the European Commission, the principle of subsidiarity, and the reality that there is no Archimedean point from which to objectively decide what level will be optimal for what decision forever makes the design of polycentric governance and institutional diversity itself a continuous question for experimentation, learning, and adaptation in open, participatory decision making processes.

A resurgent cooperativism

A third pillar of the efforts to recover from the crisis of oligarchic capitalism is the effort to increase and deepen the cooperative sector. The success of commons-based peer production to produce some of the core pieces of communications, software, and knowledge utilities of the current period (Internet protocol, the LAMP stack, Wikipedia) has inspired a renewed interest in cooperativism as a real option for organizing a substantial part of the economy around worker and consumer cooperativism rather than investor-owned capitalism. Cooperativism or mutualism, in turn, has been in the repertoire of alternatives to capitalism since Owen and Proudhon. In some regions – Basque Country, Emilia Romagna – or industries – U.S. dairy farming – cooperatives have become major, sustainable parts of

⁹⁹ Paul D. Aligica and Vlad Tarko, “Polycentricity: From Polanyi to Ostrom, and Beyond: POLYCENTRICITY”, *Governance* 25, no. 2 (April 2012): 237–62, doi:10.1111/j.1468-0491.2011.01550.x.

¹⁰⁰ *Nixon vs. Missouri Municipals*.

the region or sector. But, realistically, cooperativism has not played a transformational role in the past two centuries of capitalism. Today, however, we are seeing a resurgent interest in cooperativism, most prominently in the middle of the second decade of the twenty-first century in the form of “platform cooperativism”¹⁰¹ and “open cooperativism”.¹⁰²

Enspirial is a network of individuals and small enterprises in New Zealand, working in and around software development. Participants of various forms set their own monetary contributions to the network, contributions are divided into two halves – a basic operations charge that goes into funding shared facilities, like professional services and a workspace in Wellington; and a collaborative funding “cobudget” fund through which members fund each other’s early efforts, or specific services to the network. While small, it reflects a fairly well-developed network-based model among software developers of something reminiscent of farmer-producer coops, the most common form of cooperativism around the world. The Freelancers Union, by contrast, has no pretensions at being a single cooperative with shared governance, but rather is a service organization for 350,000 freelancers who cooperate to obtain health, life and liability insurance, as well as retirement investment. Several cities, Barcelona as we saw among them, are beginning to introduce local benefits for cooperative businesses. This may range from the simplest functionality – providing tourists and residents context-specific information about which restaurants around them are cooperatives – to make ethical consumption along the dimension of worker ownership simpler, to more engaged efforts to provide local contracting, public spaces, training, and networking functionalities for cooperatives.

It is, of course, too soon to tell whether cooperativism will expand to cover a substantial part of the economy. Where they were able to take root as a matter of historical accident, cooperatives have been successful, stable, and productive. For example, cooperative utilities took root decades ago in some parts of the United States, including the South in particular, and they have consistently higher customer satisfaction than either mu-

¹⁰¹ Trebor Scholz, “Platform Cooperativism”, *Challenging the Corporate Sharing Economy*. New York, NY: Rosa Luxemburg Foundation, 2016, http://www.rosalux-nyc.org/wp-content/files_mf/scholz_platformcooperativism21.pdf

¹⁰² Michel Bauwens and Vasilis Kostakis, “From the Communism of Capital to Capital for the Commons: Towards an Open Co-Operativism”, *Triple C* 12, no. 1 (2014): 356-61.

nicipal or investor-owned utilities.¹⁰³ By contrast, in one classic study of Washington cooperative lumber mills, the cooperatives were as productive and efficient as conventional firms, but more resilient to downturns; and yet when the center of gravity of the industry moved from the Pacific Northwest to the South, the cooperative models did not move with it.¹⁰⁴ Cooperatives can thrive, or not, even within very similar sectors. In dairy farming, cooperatives became the dominant model, while in other animal farming activities they are largely absent.¹⁰⁵ Whether cooperatives develop in a region or sector, then, is a matter of historical contingency, not economic efficiency. Conventions, imitation, habit, and practice, not economic superiority, are what determine the presence or absence of cooperatives. Cooperatives have been good enough to be stable in the face of market competition where they do emerge, but not sufficiently superior to force their way into markets already saturated by conventional firms – whether investor-owned or state-owned – and conventional attitudes toward cooperatives. The question, in terms of the future of cooperatives, is where there is room to grow in a space of operations sufficiently open to disruption.

Three dimensions of disruptive opportunity suggest that cooperativism may be a productive pathway in the near future: technology, ideology, and experience in practical governance of collective action without property or hierarchy.

The first change is that the technological elimination of transactions costs challenges the continued role of the firm.¹⁰⁶ Coase's classic theory of the firm was based on transactions costs economics. Because transactions costs existed, firms developed and grew up to the point where the cost of allocating resources to projects through managerial hierarchies exceeded the cost of doing so in the market. Williamson's adaptation added monitoring of agents who acted under self-interest with guile. Both functions can

¹⁰³ American Customer Satisfaction Index, National, Sector, and Industry Results. <http://www.theacsi.org/national-economic-indicator/national-sector-and-industry-results>

¹⁰⁴ Craig, Ben and John Pencavel, *Participation and Productivity: A comparison of worker cooperatives and conventional firms in the plywood industry*, Brookings Papers, Microeconomics. 1995. https://www.brookings.edu/wp-content/uploads/1995/01/1995_bpeamicro_craig.pdf

¹⁰⁵ University of Wisconsin Center for Cooperatives, *Farm Supply and Marketing*. <http://reic.uwcc.wisc.edu/agricultural/>

¹⁰⁶ Y. Benkler, "Peer Production, the Commons, and the Future of the Firm", *Strategic Organization*, June 7, 2016, doi:10.1177/1476127016652606.

now be replaced by online labor markets and platforms, whether like Upwork, for high talent where a firm is trying to manage projects that require more diverse knowledge than its present employees possess, or, for more fungible work one can turn to on-demand economy platforms like Uber or TaskRabbit. One possible continued role for the firm is to finance high physical capital costs. Current experience with semi-conductor foundries suggests that very high capital costs lead to concentration of manufacturing, while still leaving R&D, patenting, and branding in the hands of other firms. The answer may be that the cost of prosecuting and licensing patents, or managing demand through control of brands is sufficient to justify keeping R&D and intellectual property within a single legal boundary of a firm, but it is far from clear at a theoretical level what advantage such a legal monopoly-based firm would have, from the innovation perspective, over a flash team that rapidly designs the next generation chip, and then uses the foundry to capture the rents through first mover advantage without incurring these larger costs.¹⁰⁷ One option for answering the question about the future of the firm, then, is that firms will continue to play a role when they have the advantage in amortizing high capital costs over many diverse innovation efforts where optimization of that innovation and its manufacture and distribution are core necessities. The present relationship of various companies like Qualcomm and Apple to the foundries suggests, however, that the firms that invest in physical capital are offering commodity production capability, and as robotics expands, they are unlikely to be the primary source of either profit or employment. Furthermore, if we are to take seriously the potential of distributed fabrication (what we think of as 3D printing), it is entirely within the realm of reasonable prediction that fabrication that today requires large, concentrated physical capital that can capture economies of scale and scope will in large part shift to smaller scale, distributed fabrication using standard materials and exotic designs. The second option for what firms will do is to exploit legally-created rent extraction opportunities in design or demand management (through protected brands). The necessity of continuing legal claim is what gives the advantage to a continuous legal entity such as a firm, over a fluid market relationship that comes together purely for the purposes of exploration and innovation. And this rationale for the firm is robust both to the

¹⁰⁷ Daniela Retelny *et al.*, “Expert Crowdsourcing with Flash Teams” (ACM Press, 2014), 75–85, doi:10.1145/2642918.2647409.

commodification of centralized fabrication and to distributed fabrication. It creates the possibility of multiple equilibria, where legal regimes that open the possibility for commons-based production elicit innovation that does not need regulatory protection and the rents it enables, and moves rapidly outside of the boundary of firms, while legal regimes that do create rent-extraction opportunities create firms to develop innovation along lines optimized to capture those rents, and further invest in securing the rent-extraction institutional devices. The continued role of firms in innovation, in this context, becomes contingent and path dependent, rather than efficiency- or growth-optimizing in a social welfare sense.¹⁰⁸ It is the rent-extraction rationale of firms that marks the way to the kind of exploitative relationship that “uberification” of work presents.

Another possible answer, however, emerges when we combine the technological shock with the rise of *homo socialis*. A firm that is particularly good at creating a culture that will be better at eliciting and focusing pro-social and intrinsic motivations on a given class of projects than a loose network of peers will have an important and persistent role to play. We could think of *cooperative capacity* as the idea that a firm could maintain its coherence in the face of vanishing transaction costs if it is able to harness diversely-motivated individuals to work in a persistent social relationship. *Motivational diversity* overcomes the problems of contractibility and monitoring, while *social integrity* permits sufficient interaction and learning feedbacks over time for knowledge to emerge within the networks of people who are part of the firm that is unique relative to knowledge outside the boundary of the firm, knowledge that gives the firm its distinct advantage over ad hoc networks of innovation and production.

The combination of technology and intellectual shift means that cooperatives under present technological conditions have a distinct structural advantage, while their highest cost – communication necessary for self-governance – is increasingly being reduced by better communications and governance platforms. If indeed lower transactions costs and competition from nimble, flash organizations and non-market innovation means that building communities of meaning around economic collaboration is the primary form of strategic advantage firms have over dynamic, fluid

¹⁰⁸ Landini, F. “Technology, Property Rights and Organizational Diversity in the Software Industry”, *Structural Change and Economic Dynamics*, vol. 23, n. 2 (2012): 137-150 offers an analogous dynamic model where different equilibria, in software development, based on diverging choices regarding the basic institutional framework.

networks of collaborators, then cooperatives have a built-in advantage as a model for communities of practice. What I have described here as the emergence of network pragmatism, *homo socialis*, and the commons has created an alternative cultural framing for what is the “normal” way of doing things. Practice and theory are providing the cultural framework within which people can come to believe that cooperativism can in fact work, on a mass scale, for important swaths of their Internet-mediated social practice. Moreover, the shifts that make up this transition in knowledge frame have included a range of experimentation, measurement, and design practices that allow us to construct organizations and collaborative networks that respect and mobilize sociality, rather than assume and harness guileful self-interest. And that is the third aspect of the present that makes cooperativism more plausible.

Commons-based peer production has provided a template and experience with the possibility of large-scale enterprises managing and governing themselves through online cooperative platforms. They offer extensive and growing experience with how networked peers govern themselves, allocate work and responsibility, and manage day-to-day operations across time and space. This experience suggests that the combination of economic disruption, the opportunities to capture new markets, a shared cultural imagination of the possibilities of cooperation, and deep practical experience with online cooperation as a practical solution space make this moment different than it might have been throughout most of the rise of industrial capitalism. Nonetheless, challenges remain.

Peer production has thrived on pooling voluntary contributions of participants. This has allowed commons-based peer production to release its outputs mostly free of charge. Peer cooperativism, if it is to become part of the solution to increased economic insecurity for many in the twenty-first century, must be able to sustain cooperation while charging customers and users a price and fairly distributing the proceeds among the peers. This is a challenge that commons-based peer production did not face. The established cooperative movement has shown that the challenge is not insurmountable, but it is real. Not least among these challenges will be the need to mediate the driving ethic of peer production, that its outputs are in the commons and available for all, with the necessity of providing income to the peers themselves. This will be easier for service models, as we have seen with FOSS, than for information goods that do not have a clear service model, like stock photography. Given that most work is likely to be of the service kind, rather than information-goods-sold-as-units mode, that

limitation is not too constraining. Ethical coherence strongly suggests that cooperatives providing information goods must develop models of shared membership or service, rather than aim for building on an “intellectual property” strategy that will separate these cooperatives from the heart of the movement.

The enormous literature on Wikipedia governance will be pertinent, because Wikipedia, unlike many other peer production communities, has evolved into a body that has a responsibility – cultural, if not economic – for an output. And Wikipedia tells us that things will not be easy. There is a wealth of literature on the problems, as well as the magic, of Wikipedia governance. Combining it with the Ostrom school literature must drive cooperatives to design not only participation, but also mutual monitoring and dispute resolution systems, and in particular affordances to permit nested power or subsidiarity – the organization of governance at the closest possible level to where the activity being governed is taking place, consistent with coordinating at the broadest level of the cooperative. The biggest likely difference from peer production will be the need to define membership more strictly. In cooperativism, as with commons-property-regimes and unlike open commons, it will be important to clearly define who the members are, and place a higher barrier on membership than peer production has done. This is so partly because the quality and timing of outputs will be more critical, and partly because of the need to maintain a reasonably-defined universe of participants among whom returns sufficiently high to make a real contribution to their livelihood must be shared. All these suggest that cooperativism of the future will be more like producer cooperatives – whether agricultural or craft-based – which share larger capital costs, provide a range of mutual insurance programs, political and institutional support, and credit facilities – but are otherwise more loosely-coupled networks than the tightly-integrated industrial firms that characterized traditional worker cooperatives like Mondragon.

Conclusion

Democratic capitalism is in crisis. The election of Donald Trump in the U.S. and the success of the Leave campaign in Britain represent the most transformative political manifestations of this crisis, although the politics of austerity in Europe, the persistent power of economic nationalism in France and the Nordic social democracies, the rise of illiberal majoritarianism in Hungary and Poland, and the high levels of unemployment in Southern Europe suggest that the EU too is under stress. The epistemic foundations

of the crisis are in the 1970s-1980s shift from Weberian expertise and managerial capitalism to a mixture of neoliberalism and anti-authoritarian left criticism of knowledge/power. Coupled with political and institutional dynamics over the course of the past forty years that is the result in asymmetry in the programmatic focus of the right and the left, embedded in technological systems, these changes underwrote the emergence of pluralist oligarchy as the political system within which oligarchic capitalism emerged as the economic production system. As we struggle through the already decade-old crisis, I have suggested here that a class of practices and intellectual trends have outlined one possible pathway out of the present crisis. Network pragmatism as an epistemology, based on the assumption that fallibilism and uncertainty are the norm, requires continuous learning, experimentation and adaptation in communities of practice which, in turn, base their organizing principles on these core values. Network pragmatism provides the foundation for an open social economy as a system of economic production, complementing what we already often see as an open society in the political domain. I do not present this approach as in any sense inevitable. But it does offer a more attractive image of participatory, cooperative, and human economy and society than its present competitors. And it is an image grounded in actual, successful practices and extensive empirically-grounded work, rather than in ungrounded utopian ideals or pure political imagination.

GOOD PRACTICES IN DEALING WITH YOUNG PEOPLE WHO ARE NEETS: POLICY RESPONSES AT EUROPEAN LEVEL

MASSIMILIANO MASCHERINI¹

Introduction

Youth are a fundamental asset for European economies and societies. Empowering young people by creating favourable conditions for them to develop their talents and to actively participate in the labour market is essential for sound economic and social development and for the future sustainability of European societies.

Nowadays, the integration of young people into the labour market poses great challenges to member states as youth have been hit extremely hard by the economic crisis in regard to their employment prospects. While the situation is now slightly improved, according to Eurostat, in 2013 a total of 23.7% of young people across Europe were unemployed, the highest level ever recorded in the history of the European Union (Eurostat, 2013).

Youth unemployment is not new in the European member states. It entered in the European policy agenda in the 80s, when the baby boom generation joined the labour market and entry-level jobs started to disappear (Freeman and Wise, 1982). However, what is new now is the size and the scope of the problem: in the frame of this recession in many member states the size of the youth unemployment cohort has reached its historically highest level and the problem of unemployment has hit all young people, regardless of their educational attainment (Eurofound, 2012).

While spending limited time in unemployment can be considered part of the school-to-work transitions of many youth, prolonged spells of disengagement from labour market and education at young age may result in lifelong scars on future employment and earning prospects. Furthermore, being excluded both from the labour market and education heightens the individual's risk of social exclusion and the likelihood of engaging in negative behaviour affecting both the individual's wellbeing and his or her

¹ European Foundation for the Improvement of Living and Working Conditions. mam@eurofound.europa.eu

relationship with society, including a detachment from democratic engagement and civic participation (Eurofound, 2014, Arulampalam, 2001).

Deeply concerned about the risk and the consequences of a “lost generation” and in order to better understand the complex nature of youth disadvantage, researchers and government officials began to adopt new ways of estimating the prevalence of labour market vulnerability among young people using the concept of NEETs: young people not in employment, education, or training. Originating from UK studies in the 1980s, the concept was adopted by the European Commission in 2010 as an additional indicator to measure and monitor trends in the European Union (Eurofound, 2012; European Commission, 2011).

Once it had entered the European policy debate, the term NEET quickly became a powerful tool for attracting public attention to the multifaceted vulnerabilities of young people and for mobilizing researchers’ and policymakers’ efforts in addressing the problem of labour market participation by young people (Eurofound, 2016).

Since the beginning of the crisis and putting young people who are NEETs at the centre of their policy action, European member states have designed and implemented several policy measures in order to reintegrate youth in education or in the labour market (European Commission, 2010a).

In 2013 the European Council proposed the Youth Guarantee: a set of coordinated policies for youth to provide the offer of education, training or employment to all young people aged 15–24 within four months of becoming unemployed. With a swift answer to this call, all MS started putting into practise this new policy framework and put in place immediate measures for bringing young people back into education or employment. However, three years after its launch and with the youth unemployment rate still above 20%, the Guarantee still appears like a Copernican revolution in youth policies that will take time and costly major reforms to be fully completed (Council of the European Union, 2013; Mascherini, 2015, Eurofound, 2015).

Against this background, this paper it will firstly introduce the concept of NEETs and will provide an up-to-date picture of the size and characteristics of the NEET population in Europe. Then, it will discuss risk factors and economic and consequences of spending protracted time disengaged from the labour market and education. Furthermore, the paper will provide a map of policies and initiatives implemented by European member states in order to reintegrate young people into the labour market or education. Finally it will discuss the status of the implementation of the

Youth Guarantee, the European Policy framework recently launched by the European Commission to foster the employability of young people and reduce the NEET rate in Europe.

NEETs: Young People Not in Employment, Education or Training

Labour market participation is usually described through indicators such as employment rates and unemployment rates, which provide information about those who already have a job or are actively looking for one. Traditional indicators for labour market participation are frequently criticised for their limited relevance to young people. In fact, basic unemployment and employment statistics do not adequately capture the issue for young people.

While the integration of young people into society has been traditionally imagined as a sequence of steps from school to work, it is now recognised that such linear transitions are being increasingly replaced by diversified and individualised trajectories from school to work (Eurofound, 2012).

Modern youth transitions tend to be complex and protracted, with young people moving frequently in and out of the labour force. They may involve backtracking and blending of statuses – especially in times of crisis. Additionally, greater importance is given today to individual self-responsibility as a driver of young people’s trajectories, while institutional and structural factors (such as parents’ social class, ethnicity, and economic status) are growing increasingly diversified. Consequently, traditional approaches to understanding this vulnerable position of young people in the labour market have become less effective as many of these transitions are not captured by conventional indicators of unemployment (Furlong, 2006, 2007).

The economic crisis, that mainly affected young people, has indicated the need of a more suitable method to better understand youth vulnerabilities, especially in terms of labour market participation and transition into adulthood. Hence, it revealed the need to move beyond approaches based on a simple dichotomy between the employed and the unemployed so as to capture the various “shades of grey” that represent labour market attachment in contemporary societies (Eurofound, 2014).

In response to this, researchers, national authorities and international organisations have started using alternative concepts and indicators for young people who are disengaged from both work and education and are arguably at a high risk of labour market and social exclusion (European Commission, 2010b). In this framework, the term NEET, which refers to ‘Young People not in Employment, Education or Training’, had

a strong catalysing effect in attracting and mobilizing policymakers and public opinion due to its capability to increase the understanding of the various vulnerabilities of young people by placing particular groups like the less educated, early school dropouts, young mothers or young people with disabilities at the centre of policy debates (European Commission, 2011a). Reflecting this popularity, the term NEET entered the European policy debate and the need of reducing the NEET rate is the target of the European Youth Guarantee (Council of the European Union, 2013; European Commission, 2015).

Origin and developments of NEETs

The need for an additional indicator capable of capturing those young people who were not in employment, education, or training first emerged in the United Kingdom in the late 1980s as an alternative way of categorizing young people aged 16–17. This need was mainly a result of changes in the UK benefit regime, specifically the 1986 Social Security Act and its 1988 implementation, which withdrew entitlement to Income Support/Supplementary Benefit from young people aged 16–17 in return for a “youth training guarantee” (Williamson, 2010).

As a result of this change and the consequent emergence of this new group, researchers and government officials started to adopt new ways of estimating labour market vulnerability among young people.

Istance and colleagues (1994) were the first to highlight the emerging crisis of young adulthood in a study of young people in South Glamorgan in Wales. This research, funded by the South Glamorgan Training and Enterprise Council, produced quantitative estimates of the number of young people aged 16 and 17 not in education, training, or employment. Here, the term Status 0/Status Zer0 was used to refer to a group of people aged 16–17 who were not covered by any of the main categories of labour market status (employment, education, or training). The term Status 0/Status Zer0 was merely a technical term derived from careers service records, where Status 1 referred to young people in post-16 education, Status 2 to those in training, and Status 3 to those in employment.

The term Status Zer0 was far from being intended as a negative label; it was more about reflecting societal abandonment of this group. However, the term soon came to represent “a powerful metaphor” for the fact that Status Zer0 young people appeared to “count for nothing and were going nowhere” (Williamson, 1997). The study in fact captured media imagination (McRae, 1994) and the term entered into the policy debate in sum-

mer 1994 as Status A, where A stood for abandoned, as in “the abandoned generation” (Bunting, 1994).

Against this background, the term NEET was coined in March 1996 by a senior Home Office civil servant who had detected resistance on behalf of policymakers working with the earlier, and often controversial terms of Status Zero or Status A. Embracing the concept previously introduced by Istance *et al.* (1994), the term NEET replaced the other labels and was then formally introduced at the political level in the United Kingdom in 1999 with the publication of the government’s Bridging The Gap report from the Social Exclusion Unit of the New Labour government (SEU, 1999).

The term NEET rapidly gained importance beyond the United Kingdom. By the beginning of the millennium, similar definitions had been adopted in almost all EU member states; similar concepts referring to disengaged or side-tracked youth were also emerging in popular discourse in Japan, New Zealand, Taiwan, Hong Kong, and, most recently China (Eurofound, 2012; Mizanur Rahaman, 2006; Liang, 2009).

However, still expressing a need of alternative measures to capture new forms of youth transitions, some of these new concepts went beyond the original meaning of NEET, also attaching a negative stigma to these newly identifiable categories of youth. For example, *hikikomori* in Japan means “withdrawal” and is used to refer to young Japanese NEETs, usually young men, living at home with their parents, spending their time alone in their rooms, without friends and only engaged with activities on the Internet and watching movies (Jones, 2015; Wang, 2015). In Spain the term *generación nini* became a popular way – before the crisis – of identifying young people who did not want to grow up by going to work or study (Navarrete Moreno, 2011); similar terms were also identified in Italy, such as *bamboccioni*, and Germany, such as *nesthocker*, with negative connotations usually for young men unwilling to leave home and ‘grow up’ (La Repubblica, 2007; Kurier, 2014).

NEETs at the European level

As a consequence of the lack of an internationally recognized definition of NEET, the characteristics of the youth classified as NEET differ greatly from country to country, making cross-country comparisons difficult also at the European level. Against this background, over the last decade international organizations, such as the OECD and the European Commission, aligned the definition of NEETs in order to perform cross-country comparisons, (OECD, 2010).

In this framework, while highlighting the difficulties in defining NEETs and creating an indicator to measure them, Walther and Pohl (2005) firstly investigated the extent of the NEET problem in thirteen EU member states and accession countries. Analogously, Quintini and Martin (2006) defined NEET as “Young People not in Education and in Employment” and investigated NEET numbers in the OECD countries.

In this framework, the Employment Committee and its Indicators Group (European Commission – DG EMPL) agreed on a definition and methodology for a standardized indicator to measure the size of the NEET population in member states. The definition was then outlined by Eurostat and the indicator is now used in the context of the Europe 2020 strategy (European Commission, 2011)

Operatively, the NEET indicator is expressed as a percentage of the population of a given age group and sex that is unemployed and is not involved in further education or training. The indicator, based on the Eurostat definition, uses a numerator that refers to a person who is either (a) not employed (i.e. unemployed or inactive according to the International Labour Organization definition) and/or (b) has not received any education or training in the four weeks preceding the survey. The denominator includes the total population of the same age group and sex, excluding those respondents who have not answered the question on participation in regular education and training. The NEET indicator is calculated by using cross-sectional data from the European Union Labour Force Survey (EU-LFS), while observing established rules for statistical quality and reliability (European Commission, 2010b).

The main NEET indicator produced by Eurostat covers various age groups. For analytical purposes, and due to a conceptualization of youth as an age group that varies substantially through different countries, (Wallace and Bendit, 2009), the indicator is then disaggregated by sex and is available for different age groups (15-17 / 15-19 / 15-24 / 15-29 / 15-34 / 18-24 / 20-24 / 20-34 / 25-29). Breakdowns by labour market status (unemployed, inactive) and education level (at most lower-secondary attainment/at least upper-secondary attainment) are also available on the Eurostat website (European Commission, 2011a). The NEET indicator is built constructed each year using the EU-LFS according to the following equation:

$$NEET_{Rate} = \frac{\text{Number of young people not in employment, education, or training}}{\text{Total population of young people}}$$

The NEET indicator measures the share of young people who are not in employment, education or training among the total youth population of young people. This is not the same as the youth unemployment rate, which measures the share of young people who are unemployed among the population of young people who are economically active. For this reason, while the youth unemployment rate is higher than the NEET rate, in absolute terms the overall number of NEETs is generally higher than the overall number of young unemployed people. For example, while in 2015 youth unemployment and NEET rate in Europe was 20.3% and 12% respectively, the number of unemployed youth accounted for 4,640,000 individuals while the number of NEETs was 6,604,000 individuals.

NEETs in Europe

The standardised indicator proposed by EMCO, and operationalised by Eurostat in 2010 allows to estimate the number of young people who are disengaged from the labour market and education in Europe and to perform cross-country comparisons. According to the latest Eurostat data, in Europe, in 2015, 12% of young people aged 15–24 were not in employment, education or training, which corresponds to approximately 6.8 million young people.

This prevalence of NEET however varies substantially among member states. Countries such as the Netherlands, Luxembourg, Germany and Denmark record the lowest NEET rates at the European level (less than 7%). Conversely, Greece, Croatia, Bulgaria and Italy record the highest NEET rate (greater than 19%) which implies that at least one out of five young people in these member states is not in employment, education or training. In absolute terms, the population of NEETs is highest in the UK and in Italy with around or above one million young people belonging to the NEET group.

Figure 1 shows the NEET rate for those aged 15–24 across EU member states in 2014. Member states are categorised into five categories ranging from very high NEET rates (dark red), where over 18% of young people are NEET, to those with very low NEET rate (dark green), where less than 7% of young people are NEET.

Still in 2015, considering the age category of 15–29, the overall number of NEETs increased to 13.5 million young people which corresponds to a NEET rate of 14.9% for that age category. Again, the countries with the lowest NEET rates are Luxembourg, the Netherlands, Denmark and Sweden, each with a rate below 8%. Conversely, the highest NEET rates are observed in Bulgaria, Greece and Italy with at least 24% or more NEETs.

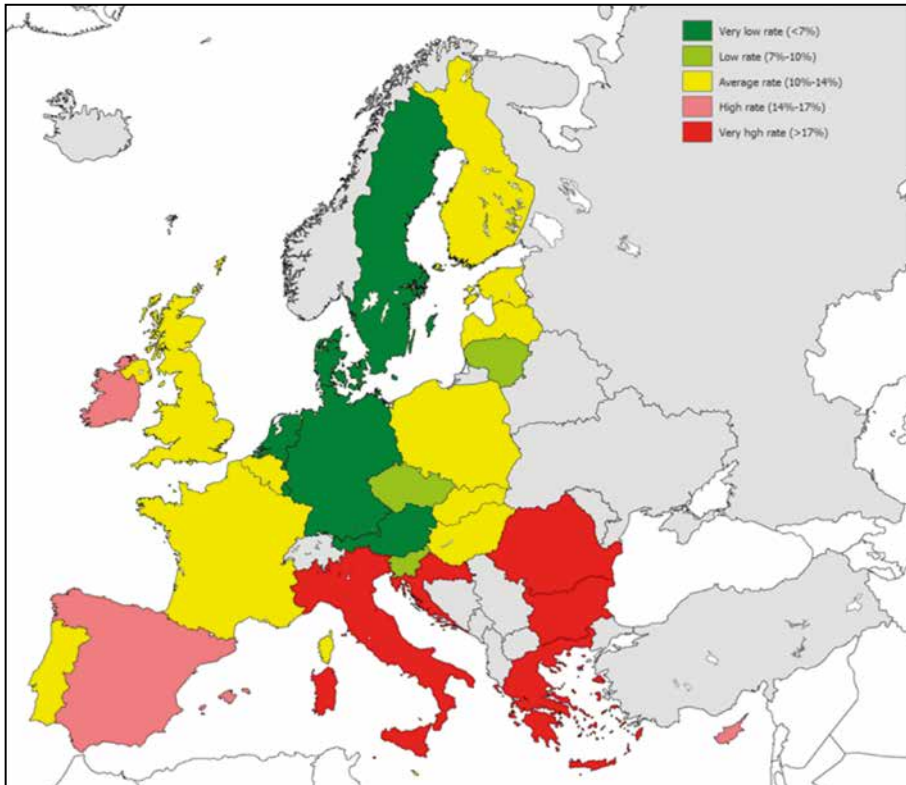


Figure 1. NEETs rate in Europe – 2015. Source: Eurostat.

The analysis of the different age categories reveals that the share of NEETs increases with age. In particular, while on average in the EU only 6.5% of young people aged 15–19 are not in employment, education or training, this share increase to 18% among those aged 20–24 and to 20.4% among those aged 25–29. In general, the highest rate among those aged 15–19 is found in those member states that also have the highest rate among 20–24 year olds. In this regard, it is worthwhile to notice that while a lot of attention has been placed on the reintegration of those young people aged 15–24, in countries such as Italy and Greece at least one third of young people aged 25–29 are NEET. As these statistics illustrate, this situation calls for more attention on youth who are NEETs, including those aged 25–29 who struggle to find their way into the labour market but are outside the policy focus.

The composition of the NEET population

The NEET population is very easy to compute statistically. However, the indicator captures a very heterogeneous population. A mix of vulnerable and non-vulnerable youth.

Disentangling the heterogeneity of NEETs and understanding the composition of its population is very important to understand the needs of this population and to address them with the appropriate targeted policies (Serracant, 2013; ILO, 2015).

Following (Eurofound, 2016) and using the EU Labour Force Survey, seven categories of NEETs can be identified:

- Re-entrants: those who will soon leave the NEET category as they have already found a job or an education opportunity;
- Short-term unemployed: those who are unemployed for less than 12 months;
- Long-term unemployed: those who are unemployed for more than 12 months;
- Unavailable due to family responsibilities: those who are NEETs due to family responsibility (children, adults, other family responsibilities);
- Unavailable due to disability: those who are unavailable due to their own illness or disability;
- Discouraged workers: those who are NEETs because they do not look for a job as they do not think there is job for them;
- Other NEETs: those who have not specified their reasons of being NEETs.

As shown in Figure 2, data from the EU Labour Force Survey shows that the largest category of NEETs aged 15-24 in Europe was the short-term unemployed (29.8%), followed by the long-term unemployed (22%), NEETs due to family responsibilities (15.4%), re-entrants (7.8%), and those unavailable due illness or disability (6.8%). Around 5.8% of NEETs are discouraged workers while the remaining 12.5% are 'other NEETs'. Considering the figures for discouraged workers, the short and long-term unemployed and re-entrants, the data suggests that on average in the EU28, around 60% of NEETs (approximately 4.7 million young people aged 15-24) belong to the NEETs group because of labour market-driven factors. The remaining 40% are NEET for more social-policy related reasons, such as family responsibilities, illness or disability.

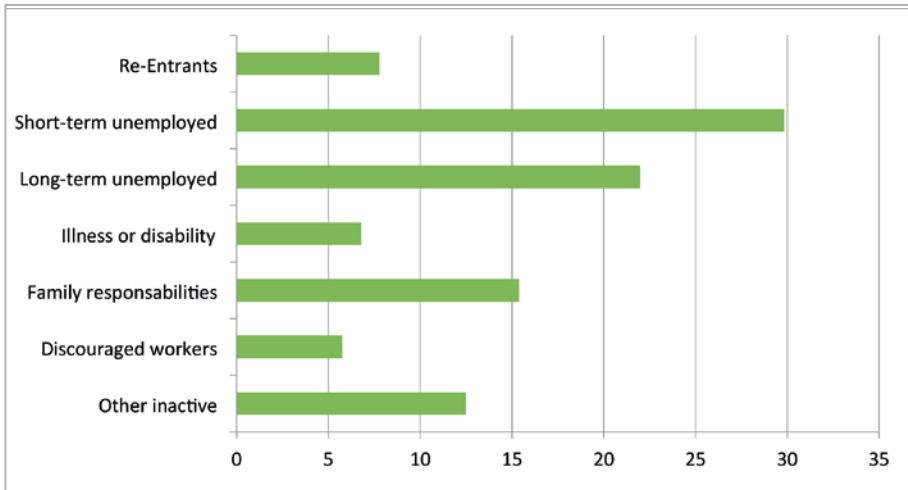


Figure 2. Composition of the NEET population in Europe. Source: Eurofound 2016.

While no inference can be drawn for the category of ‘other NEETs’, the data show that at least one-third of NEETs are at risk of further disengagement and in need of more ad hoc reactivation measures to reintegrate them. However, this is a very conservative estimate that takes into account only the long-term unemployed and discouraged workers, because it is not possible to investigate the degree of vulnerability of the other categories.

Characteristics and risk factors of becoming NEETs

While the descriptive statistics above are interesting, more in depth analysis is required in order to understand characteristics and factors that put youth at risk of becoming NEET. In this regard, there is reasonable agreement in the literature about the range of social, economic, and personal factors that increase the chances that an individual might become NEET, and it is generally perceived that the NEET status arises from a complex interplay of institutional, structural, and individual factors (Bynner, 2005; Hodkinson, 1996; Hodkinson and Sparkes, 1997; Eurofound, 2012).

The literature suggests that there are two main risk factors at play when it comes to NEETs: disadvantage and disaffection. While educational disadvantage is associated with social factors such as family, school and personal characteristics, disaffection concerns the attitude young people have toward education and schooling. More specifically, expressed by truancy or

behavior that leads to exclusion at school. There also seems to be a clear correlation between both educational disadvantage and disaffection prior to age 16, and later disengagement (SEU, 1999). Both educational disadvantage and disaffection are linked to a number of background factors such as family disadvantage and poverty, having unemployed parent(s), living in an area with high unemployment, membership of an ethnic minority group, or having a chronic illness, disability, and/or special education needs (Coles *et al.*, 2002).

While it should be emphasized that it is often not easy to differentiate between those factors that cause or lead to NEET status and those factors that are simply correlated with being NEET (Farrington and Welsh, 2003; 2007), existing research puts great emphasis on family background and individual characteristics as determinants of NEET status (Stoneman and Thiel, 2010). At the individual level, characteristics overrepresented among the NEET population are: low academic attainment (Coles *et al.*, 2002; Meadows, 2001; Dolton *et al.*, 1999); teenage pregnancy and lone parenthood (Morash and Rucker, 1989; Cusworth *et al.*, 2009); special education needs and learning difficulties (Cassen and Kingdon, 2007; Social Exclusion Task Force, 2008); health problems and mental illness (Meadows *et al.*, 2001); involvement in criminal activities; and low motivation and aspiration, including lack of confidence, sense of fatalism, and low self-esteem (Strelitz, 2003). Moreover, motivation is often identified as one of the key factors among the non-vulnerable who may be in a “voluntary NEET status”, that is, those who come from a privileged background are more likely to briefly remain outside the labour market and education in order to sample jobs and educational courses (Pemberton, 2008; Furlong *et al.*, 2003).

In order to perform a pan-European investigation of the NEET phenomenon, the Eurostat definition of NEET is implemented in the European Values Study survey (EVS), focusing on young people aged 15-29. The EVS is a large-scale, cross-national, and longitudinal survey research program on basic human values, which provides insights into the ideas, beliefs, preferences, attitudes, values, and opinions of citizens for 47 European countries and regions. It is an important source of data for investigating how Europeans think about life, family, work, religion, politics, and society, and specific attention is dedicated to individual socioeconomic and family-related variables. On this basis, we explore the characteristics of NEETs in Europe by making use of the set of key characteristics identified in the literature, which especially includes the investigation of individual and family background characteristics. In particular, in our analysis, we use the

2008 wave (the most recent) of the EVS by considering data from all 27 EU member states, with an overall sample of more than 40,000 observations that are representative for the EU population. NEETs are identified in the EVS as those young people aged 15–29 who declared not being in paid employment because of being unemployed, disabled, young carers, housewives, or not otherwise employed for undeclared reasons. This operationalization of the definition of NEET is equivalent to that implemented by Eurostat using the EU-LFS, and the computed rates are comparable. Data refers to 2008, so they capture the scenario only at the beginning of the crisis.

The characteristics of the NEETs in Europe have been investigated using a logit model that accounts for a broad set of individuals' socio-demographic and family-related variables, while also controlling for countries' heterogeneity. We investigated a large set of individual characteristics: sex, age, immigration background, perceived health status, education level, religiousness, and living with parents. Furthermore, at the family level, we considered household income, education level of parents, unemployment history of parents, and the area where the household is located.

The analysis is performed at the European and also at the cluster level, which are identified on the basis of the extent of the NEET phenomenon observed at country level and the mediating role of different welfare state models (Marshall, 1950). In this respect, the traditional grouping of member states in five clusters is adopted here: Employment-centred (AT, BE, DE, FR, LU, NL); Universalistic (DK, FI, SE); Liberal (IE, UK); Mediterranean (CY, ES, GR, IT, MT, PT); and Post-Socialist (BG, CZ, EE, HU, LT, LV, PL, RO, SI, SK). The results of our analysis show a high level of consistency with the general literature and reveal some heterogeneity among the risk factors observed in the different geographical clusters. In particular, the findings indicate that the probability of ending up as a NEET is influenced by the following factors and characteristics (see table 17.1):

- Young women are more likely to be NEET than men. The interpretation of the odds ratio shows that, due to family responsibilities, young European women are 62% more likely to be NEET than men. Interestingly, this effect is stronger in the Mediterranean and Post-Socialist clusters than in the Universalistic, Liberal, or Employment-centred clusters.
- As indicated in the literature, those perceiving their health status as bad or very bad and who are suffering from some kind of disability are 38% more likely to be NEET compared to those with a good health status.

This effect is stronger in the Liberal and Universalistic clusters than in the rest of Europe.

- Young people with an immigration background are 68% more likely to become NEET compared to nationals. This effect is strongest in the Liberal cluster, while it is not significant in the Universalistic or in the Mediterranean cluster.
- Young people living in a partnership are 67% more likely to be NEET than those living alone or with parents. This effect is mainly driven by young women with family responsibilities and is strongest in the Liberal, Mediterranean, and Post-Socialist clusters, while it is not significant elsewhere.
- Education is the main driver affecting the probability of being NEET: Young people with lower-levels of education are two times more likely to be NEET than those with secondary education, and more than three times more likely to be NEET than those with tertiary education. The effect of education is strongest in the Liberal cluster, while it is very limited in the Mediterranean cluster.
- Capturing both the heterogeneity of the NEET population and its composition (both vulnerable and non-vulnerable youth), the marginal effect of income emerges as a U-shaped curve. The probability of being NEET is higher for those with a lower income, then decreases for the middle-level income, and increases again for higher incomes. Again, the effect of income is strongest in the Liberal cluster, while it is more limited in the Mediterranean and Universalistic clusters.

Alongside these individual characteristics, certain intergenerational influences and family backgrounds play a significant role in increasing the probability of being NEET. In particular:

- Having parents who experienced unemployment is not significant at the EU level, while it is only marginally significant in the Mediterranean cluster.
- Those with parents with a low level of education are up to 50% more likely to be NEET than young people with parents with a secondary level of education, and up to two times more likely to be NEET than those with parents with a tertiary level of education. This effect is strongest in the Liberal cluster, while it is not significant in the Universalistic cluster.
- Young people who experienced the divorce of their parents are almost 30% more likely to be NEET than those who did not.

Despite some heterogeneity at the cluster level, the results of the investigation indicate that NEET status can be described as both an outcome and a defining characteristic of disadvantaged youth, who are at much greater risk of social exclusion. Education is the most important variable and has the strongest effect in influencing the probability of being NEET: this is true at both the individual and the family level and in all clusters considered. Moreover, suffering some kind of disadvantage, such as a disability or having an immigration background, strongly increases the probability of being NEET, and this effect is strongest in the Anglophone cluster. The importance of family background is confirmed as increasing the risk of becoming NEET. In particular, young people with a difficult family background, such as those with divorced parents or with parents who have experienced unemployment, are more likely to be NEET (as in the Mediterranean cluster). The heterogeneity of the NEET population, as a mix of vulnerable and non-vulnerable situations, is, however, confirmed by the effect of income, which is common to all clusters but the Universalistic one.

Economic and social consequences of spending protracted time in the NEETS

While spending short and limited periods of time disengaged from labour market and education can be part of any normal transition from school to work, it is essential to understand that spending protracted periods in NEET status comes with a wide range of dramatic and interconnected negative short and long-term consequences for the individual and society as a whole. Persistent disengagement makes the transition of young people to adulthood difficult and can have long-term consequences and scarring effects on their labour market performance both in terms of labour force participation and future earnings. Moreover, it can also induce a range of negative social conditions, such as isolation, involvement in risky behaviour or instable mental and physical health. Each of these negative consequences comes with a cost attached to it and, as such, being NEET is not just a problem for the individual, but also for our societies and economies as a whole.

Broadening the understanding of economic benefits accruing from re-engaging and encouraging young people to remain in education, training or employment plays a crucial role in strengthening the efforts of governments and social partners to reintegrate young people into the labour market. Eurofound (2012) provided a very conservative estimation of the economic costs of the NEETs phenomenon, which only takes into ac-

count forgone earnings and welfare benefit payments. On this basis, the loss for the European economies due to their inability to fruitfully employ young people in the labour market was estimated to be almost 120 billion Euros in 2008, corresponding to around 1% of European GDP. Considering the ongoing nature of the crisis, which continues to increase the size of the NEET population, in 2011 this loss was estimated to have increased to 153 billion Euros, corresponding to more than 1.2% of European GDP.

But the economic costs are just one part of the bill that member states have to pay. Serious concerns have been raised about the potential implications of the NEET status on democratic engagement and civic participation of young people. The danger is that this disengagement may lead some young people to 'opt out' of their participation in civil society or may engage at the extremes of political engagement.

Analysis performed by Eurofound (Eurofound, 2012), reveals that while the level of trust in institutions is similar to the one in other age categories, in general young people are less interested in politics and show a lower disposition to discuss politics with their friends and to vote in elections. Moreover, they also tend to be less civic and socially engaged and they participate less than other age groups. Fighting their political, social and civic apathy and fostering a greater involvement of young people in the society is a big challenge for European democracies.

In this regard, while access to paid employment and education is not sufficient in itself to prevent political indifference and disaffection of youth, the situation of those who are NEETs is much more dramatic. At the European level, NEETs distinguish themselves by having a dramatically lower level of political and social engagement and a lower level of trust compared to the non-NEET. This implies that they are not just disengaged from the labour market and education but are also at high risk of being politically and socially alienated from our societies.

Different behaviour in terms of trust and participation is however registered among the various subgroups within the NEET population. In particular, at European level it was found that while the subgroup of those unavailable because of family responsibilities are not interested in politics, they still have trust in institutions. Conversely, the subgroup of unemployed youth distinguishes itself for having less trust in institutions, and a lower disposition to vote and to be less socially and civically engaged. By not participating and distrusting institutions, the unemployed express their disappointment and frustration vis-à-vis the effort made by authorities in light of their situation. As a result of this withdrawal, it is hard to predict

where the disaffection and political marginalization of youth unemployed is directed. Earlier studies on political marginalization among the unemployed concluded that they tend to have more radical political attitudes.

However, the analysis within the various geographical clusters shows outstanding differences, complicating the conclusions that can be drawn. While in the Continental cluster, and with less emphasis in the Anglophonic and in the Eastern cluster as well, those who are unemployed are also the most disaffected with a lower level of trust in institutions and political and social engagement, in the Mediterranean cluster the opposite holds for all dimensions except trust. In particular, while the lowest level of institutional trust is recorded in the South European cluster, unemployment seems to have a more defined political connotation, as those who are unemployed tend to have a higher level of political engagement, with a high level of interest and disposition to vote and to talk about politics with friends, compared to the others. Still, it is worthwhile to notice that this higher engagement does not formally translate to a higher formal engagement with a political party or with “institutional” organizations, indicating an existing lack of identification with the main actors of the political arena.

As pointed out by Bay and Blekesaune (2002), a possible explanation of the phenomenon could be based on the different selection process of being unemployed in the Continental and Mediterranean cluster. As the Continental cluster is characterized by a generally low youth unemployment rate, the low level of trust and political engagement of the unemployed can be a result of the fact that unemployment in this cluster is largely an unusual condition. Unemployment amplifies what for the youth is already a marginal social situation of disengagement. Conversely, in South Mediterranean countries, where youth unemployment rates are some of the highest in Europe, recruitment to unemployment is broader and goes beyond the lower strata of society alone. The large size of the cohort indicates this problem as structural in the Mediterranean cluster, which may have fostered the creation of an “identity” of this group and permitted frustration to reach a level of political expression.

Finally, no particular differences between NEETs and non-NEETs were found in the Scandinavian cluster. There is reason to believe (Esping & Andersen, 1985, 1990) that the well developed and inclusive welfare system of these countries may counteract the fact that unemployment leads to marginalization and ensures that one may function as a citizen even without paid employment.

While more in-depth research would be needed in order to draw more precise conclusions, the five clusters can be classified differently along the Hirschman framework, (Hirschman, 1970). In particular, while the political behaviour of NEETs in the Scandinavian cluster could go under the label of “loyalty”, as no significant differences were found between NEETs and non-NEETs, the lower level of political and civic engagement of NEETs in the Anglophonic, Continental and Eastern cluster seems to indicate an “exit” in these clusters. Finally, given the positive effect of being NEETs in political engagement, the political behaviour of NEETs in the Mediterranean cluster seems to go under the label of “voice”.

In conclusion, it is important to highlight that the consequences of being NEET are not just economic and NEETs are at considerable risk of disaffection. Despite the differences and the different dynamics observed at the cluster level, the concern of policy makers is widely justified and young people who are disengaged from labour market and education are withdrawing from the political and social engagement of our society. In this regard, given the size the NEET population has reached in Europe nowadays, the economic and social consequences associated with the NEET status calls for a new policy action in support of the reintegration of young people into labour market and education. The efforts and the initiatives implemented by the member states to support young people in their pathway to employment will be the focus of the next two sections.

Policies for the reintegration of NEETs into labour market or education

Fostered by increasingly high youth unemployment rates and NEETs, and the economic and societal consequences associated with the NEET status, there is a renewed sense of urgency to develop and implement policies to bring young people (back) into employment, education or training across Europe. As a consequence, in recent years European Union member states have been more actively engaged in designing and implementing policy measures aimed at increasing employability and promoting higher employment participation of young people.

As it has been shown in the previous sections, while sharing some common traits the population of young people who are disengaged from labour market and education is extremely heterogeneous and composed by several subgroups, each of them with its own characteristics and needs. In this regard, governments have rightly set their interventions by disaggregating the NEET category and identifying the characteristics and needs of the various sub-groups who require distinct forms of policy intervention in terms of, for example, welfare or training provision.

While following a *productivist* approach mainly aimed at the reintegration of youth into the labour market, the policies implemented by member states to ensure a greater participation of young people in education and employment involve a wide range of different initiatives. These policies often intervene at different points along a process that can be described as “pathway to employment”, which describes young people’s pathway through formal education and their transition into the labour market and employment.

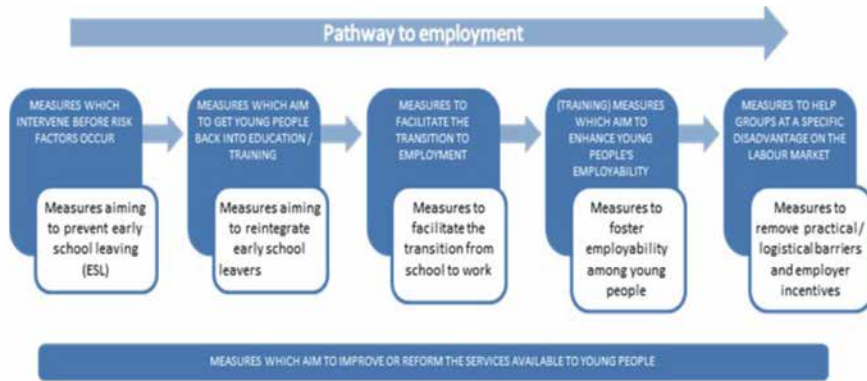


Figure 3. Pathway to employment. Source: Eurofound 2012b.

For many young people this pathway from education to employment is not a straight one and those that have ended up as NEETs have left or diverged somewhere along the way. Policies tackling the NEETs problematic are therefore either preventative interventions that keep young people from leaving this pathway or tackle the issue of bringing young people “back on track” in order to continue their way on the pathway, develop their skills and participate actively in society. As also illustrated in Figure 3, some youth employment policies seek to intervene in the early stages of the pathway with the particular goal of tackling the risk factors linked to potential disengagement from education and training, since young people with no or low level qualifications have a higher chance of experiencing unemployment than their skilled peers. Other policies intervene at later employment-related stages of the young person’s pathway to employment.

To be more specific, these policies can be grouped into five broad categories, which may be partially overlapping: *Measures to prevent Ear-*

ly *School Leavers* recognise that there are forms of ‘support’ that can be provided within the school environment, at home or through holistic measures that can improve students’ chances of staying in education or training. *Measures to reintegrate Early School Leavers* seek to provide timely support for those who have just made the decision to drop out by encouraging and enabling them to continue their previous studies or to find other, more suitable training alternatives. *School-to-work transition policies* intervene at a slightly later stage of the pathway as their primary goal is to ease young people’s transition ‘from learning to earning’ and therefore to ensure that public investment in education and training is maximized. Moreover, *Measures to foster Employability* and *Measures to Remove Practical and Logistical Barriers to Employment* are policy interventions that intervene closer to the labour market entry point, with the former seeking to address gaps in transversal and/or job-specific skills and competences (as well as other labour market abilities and aptitudes) and the latter aiming to address specific barriers faced by young people from vulnerable backgrounds in particular.

For each category of the five above, this section will discuss some examples of policies have been introduced at Member State level, where they intervene along the pathway to employment and what they aim to achieve.

Preventing early school leaving

The earliest point to tackle a problem is to intervene before it evolves. The pathway to employment starts with education and, as sketched earlier in this report, there is widespread agreement that educational attainment is a strong predictor of future labour market outcomes (O’Higgins, 2010). Moreover, education is often described as a shield against unemployment (ILO, 2012). An education system that helps children and youth from all backgrounds to realize their full potential is vital for continued prosperity and to reduce labour market exclusion among youth (OECD, 2010, 2015). Equally, the European Commission recognises the importance of education for individual and societal well being. Among the five headline targets of Europe 2020, the European Commission prescribes an increase of the share of people with tertiary education to 40% across the European Union as well as reducing the share of early dropouts to 10% (European Commission, 2010).

In this framework, member states have implemented several policy measures that take a preventative approach to early school leaving. Early school leaving is no longer seen as an individual problem caused by the

young person and his or her environment, but it is acknowledged that the reasons leading to early dropout are manifold and cumulative: often it is the combination of problems with the existing mainstream education and more complex personal needs that can lead to early dropout. It is therefore an issue that can be avoided in a joint effort on behalf of the education system, society and school (Eurofound, 2012a).

Overview of the policy measures for preventing ESL

There is no single approach to prevent young people from leaving school early. This study finds that member states rely on a set of various types of measures to prevent school dropouts. This set includes measures aimed at identifying potential early school leavers, policies focusing on specifically vulnerable geographical areas, the provision of alternative learning environments and increased career guidance and personal assistance. Moreover, some member states have also created financial support mechanisms and aim at greater parental engagement.

Diagnostic measures

Research shows that, in general, there are clear signs that someone is losing interest in school, about one to three years before a young person typically drops-out (Bridgeland *et al.*, 2006). Therefore, the first important step in preventing early school leaving is to understand which young people are at risk of dropping out and for which reasons (Dynarski *et al.*, 2008). One effective way of ensuring a timely intervention is to set up a monitoring and early warning system. Such systems not only provide information to school and education authorities on how many students have dropped out of school and why, but most importantly also help to identify those students at risk of doing so.

Diagnostic measures enable authorities to gather information on early warning signs of school leaving, such as data on absences or academic achievements. Indeed in recent years, these diagnostic policies and practices have been introduced in various member states including Belgium (Wallonia), Finland, Latvia, Lithuania, the Netherlands, Ireland, Denmark and Norway. In particular, Denmark, Ireland and the Netherlands, for example, have had electronic registration systems in place for some years (Eurofound, 2012a). In all three Baltic states recent legislative measures have focused on tackling absenteeism. In Lithuania for example, an online system called 'Your School' has been introduced as a way of providing a platform for schools, teachers, parents and students to share information

about school life and inform parents about the progress of their children in schools (including grades and absenteeism).

Area-based policies

Closely linked to diagnosing who is most vulnerable to early dropout is the realization that students in some disadvantaged areas are at heightened risk of leaving school early. Hence, some member states have implemented measures aimed at preventing ESL by targeting specifically disadvantaged areas and channelling additional support towards those geographies. These are often referred to as area based priority zones. In Greece for example, schools in 'Educational Priority Zones' (EPZs) are granted additional funds, new teaching methods are implemented and specially trained teachers are recruited. Particular attention is also paid to Roma students and repatriated Greeks. Results from similar programmes in Cyprus and in Portugal show that participating schools have not only witnessed considerable reductions in ESL, but have also experienced other positive outcomes such as improvements in literacy and academic achievement, as well as better classroom discipline, fewer conflicts at school and better quality learning. Additional support can be introduced in innovative ways such as in the case of 'Learning Communities' in Spain, which envisage the involvement of whole communities to foster educational success and the promotion of high expectations among young people.

However, it is important to stress that these types of measures are highly dependent on the availability of additional funding. If this funding is spread too thinly, it will be highly unlikely to produce a significant impact. At the same time it is important that funds focus especially on those pupils facing the most acute difficulties, those who are vulnerable and more likely to fall into a NEET situation. Nevertheless, despite the lack of formal evaluation concerning the performance gaps between priority education and non-priority education areas, priority education is considered to have inspired many small-scale examples of good practice on the ground and to have generated several positive qualitative outcomes (Eurofound, 2012b).

Alternative learning environments and innovative teaching methods

In order to provide solutions to the problems with mainstream education that lead young people to drop out of school, many member states have implemented measures that offer alternative learning environments and teaching methods within the existing public education systems. The most important feature about alternative learning environments is that stu-

dents still belong to the same public school, but are physically in a separate location or classroom doing alternative activities for a specific period of time. Such programmes usually use different and innovative teaching pedagogies and often teaching in non-classroom based environments to boost the motivation of young people to learn. These programmes are implemented in France, Germany, Finland and Luxemburg among others. In Luxemburg, the ‘Classes Mosaïque’ give schools the opportunity to temporarily remove students at risk of leaving school from their regular classes and enter them into a ‘mosaic class’ for a time period of six to twelve weeks, where pupils can get personalised help.

Moreover, member states have implemented a series of initiatives aiming at making the school curriculum at secondary level more varied, stimulating and relevant to the lives of young people by introducing new teaching methods or updating curricula and introducing one-to-one sessions. In most member states the curricular-specific reforms have also included the initial VET system, which is used to offer an alternative environment to those students at risk of dropout. This is the case for example of Germany and Norway. Also, the recently established ‘School and Work Alternation Programme’ in Italy has a special focus on work-based learning as it provides an alternative route to achieving formal qualifications by alternating between periods of study and work.

Career guidance and educational assistance

Providing effective career guidance is essential to support pupils during transitions periods, especially in the course of their education career. In fact, students are relatively vulnerable at transition points: for example, the transition to a higher level of education brings significant changes, both in terms of the curriculum and the school environment. This may put them at risk of dropping out of school. As a consequence, member states have introduced several bridging programmes and ‘pick and mix’ taster opportunities in order to support students towards successful transitions.

In Germany, many measures aim at supporting pupils in making an informed choice about their career, and a number of national programmes have been set up over the past few years to help ensure successful transitions. These programmes involve students in an analysis of their potential, interests and aspirations, as well as receiving occupational guidance. Moreover, as poor academic achievement is one of the top reasons identified for leaving school early (Bridgeland *et al.*, 2006), supplementary tuition and teaching assistants can help to tackle achievement problems before these have a seri-

ous impact on the risk of dropping out. This is especially relevant for those groups most at risk. In order to support the students more at risk, teaching assistant posts have been created in recent years in the Czech Republic, Malta and Slovakia. In some countries teaching assistants have been employed in schools with a high numbers of students from disadvantaged backgrounds (Czech Republic), while in others they may provide specific support to children from migrant backgrounds or to Roma children (Slovakia), as well as focus their support on pupils with special educational needs (Malta).

Financial incentives and parental engagement

In countries where early school leaving is mostly associated with household poverty and many children drop out of school due to financial difficulties, financial support mechanisms are introduced in the form of subsidies (e.g. subsidised study books in Poland), free school meals, allowances and scholarships (e.g. Italy, Poland, Portugal, Slovakia). In some countries school meals and books have been free of charge for a long time, either for compulsory school-aged pupils or pupils in primary schools. In others this is a newer approach (e.g. Bulgaria and Romania) and some countries have recently made free school meals available for children from disadvantaged backgrounds (e.g. Slovakia). In some countries financial support for children and their families is used as an incentive for continued school attendance. For example, the 'Free School Meals and Books' scheme in Slovakia is tied to children's attendance in school.

Conversely, other initiatives provide disincentives for children to drop out of school. For example, the Czech Republic introduced in 2005 that early school leavers risk losing their access to unemployment benefits, which resulted in reducing early dropouts. Other initiatives may provide disincentives for those parents whose children play truant or drop out of school.

For example, Hungary introduced a measure in 2010 where families with children may lose some of the state assistance if their children of compulsory school age do not attend school. Similarly, in Greece sanctions can be imposed on parents and guardians who fail to enrol their children in school and do not make sure they attend school regularly. In the Netherlands, instead, it is the schools that are targeted with financial incentives to reduce the number of school dropouts. Furthermore, some member states seek to strengthen communication between schools and parents by greater parental involvement. For example, in Luxemburg the national early school leaving policy recognises the importance of including parents in its early school leaving policy problems.

Strengths and weaknesses of policies aimed at preventing early school leavers

What all policies implemented have in common is that they try to keep young people in the education system by identifying and tackling their problem with mainstream education. They do so by offering additional support to stay in mainstream education, such as guidance or educational assistance or provide alternative learning environments. Some countries have also introduced financial incentives to stay on in school and aim for greater parental engagement.

The general strength of these measures is twofold: firstly, they take a preventative approach to the NEET problem. By doing so they tackle the issue at a very early stage in a young person's life before cumulative disadvantage can influence that person's life. They are therefore typically more cost effective in preventing social exclusion than reactive measures at a later stage in a young person's life (Eurofound, 2012b). Secondly, by addressing the young people's problem with mainstream education, these policies approach the fundamental issues that underlie early school leaving. In this way, they do not try to provide a quick fix, but acknowledge that non-mainstream ways of learning might be more appropriate for some. The table below elaborates the strengths and weaknesses of different types of policy in this category.

However, the way policies to prevent early school leaving are designed can also have some obvious weaknesses. Especially area-based policies may bear the risk that support is too thinly spread and overlook those groups that are at specific risk. It is questionable if the financial support from area-based policies is enough to eliminate the cumulative disadvantages of certain areas and more importantly if the additional support benefits those most in need within the targeted areas. Additionally, those receiving customised support might become accustomed to non-mainstream education with subsequent difficulties for reintegration. Consequently, the difference between those with special support needs and those attending mainstream education further deepens.

Finally, making these alternative learning forms acceptable to young people, parents and employers can be a mayor challenge. Without a change in thinking and the acknowledgement that education can be delivered in many ways, the "value" of such measures can be limited. If projects remain niche projects and participation becomes stigmatized, disadvantage might cumulate rather than resolve itself.

Type of policy	Strengths of such policies	Weakness of such policies
Diagnostic measures and parental involvement	Provide information on how many students drop out and why and identify those at risk of doing so, while informing and involving parents.	These measures rely on improved and extensive administrative capacities.
Area-based policies	Acknowledge that some areas are subject to multiple disadvantages; target additional funding or more human resources to deal with the specific problem of youth exclusion: policies are focused on the 'right target group'.	Funding can be too thinly spread to have a significant impact. Despite focusing on the right target group or target schools, measures may not always reach the students most in need.
Alternative Learning Environments	Address the issues from a long-term perspective. Can help to address the characteristics of mainstream education, which were 'turning off' young people. Foster the motivation to learn of young people at risk of ESL.	Can be costly and require significant cultural change/ investment in training of staff involved in delivery. New qualifications may not be understood/recognised/valued by young people, their parents, and employers, without significant efforts to build up reputation/'brand'.
Career and educational guidance	Address a vulnerable point in young people's lives that had been somewhat 'ignored' by public policies in the past.	Young people may become accustomed to the tailored, intensive support they receive through these measures.
Financial support mechanisms, incentives and disincentives	Recognise that many children may drop out due to household poverty and financial difficulties. Financial support is used as an incentive for continued school attendance.	They rely on available funding. Furthermore these measures may not reach the most disadvantaged pupils.

Figure 4. Strengths and weaknesses of policies aimed at preventing early school leavers.

Reintegrating early school leavers

Even when there are policies in place to prevent early school leaving, there will always be young people that fall through the precautionary net. Some students may not have profited from the preventive measures described earlier, while others may have needs that are too complex to

be addressed in the standard education environment. This can be highly problematic since these young people lack the basic qualifications that are needed in the labour market that will require even higher skills in the future. For this reason, the reintegration of early school leavers is seen as an essential part to combat dropout rates and reach the outlined Europe 2020 headline target. Dropping out of school does not have to be a definite dead end on the pathway to employment. Many policies implemented at member-state level aim to offer early school leavers a second chance and bring them back into the education system in order to acquire the skills and qualifications for sustainable employment in the future.

Overview of the policy measures for reintegrating ESL

The reasons for dropping out of school are varied and different sub-groups will need different policy responses. Therefore, reintegration measures tend to offer flexible instead of rigid pathways and are usually tailored according to the needs of the participants. For those who simply need a second chance to acquire formal qualification, these policies offer alternatives to mainstream education. Those with greater support needs and complex personal issues often receive holistic counselling services and support by a broad range of specialists, facilitating the reintegration. By offering the opportunity to gain soft skills, such reintegration measures are specifically addressed to young people with more complex needs and issues of self-esteem, confidence and personal development amongst others (Eurofound, 2012a).

Tracking/Catching up services

Before young dropouts can be included in programmes, they have to be identified and contacted. Countries such as Denmark, Finland, Luxembourg, the Netherlands, Norway and the UK have introduced tracking or “catch up” services to identify, support and monitor inactive youth. For example, in the Netherlands, the Regional Registration and Coordination Institutes monitor and keep records of young people who do not have basic qualifications and ensure that those who are inactive are contacted and supported in their efforts to find a training place or a job. In Luxembourg the Ministry of Education has collected a record of the status of every single early school leaver on a monthly basis since 2003. In other member states, regulations concerning access to personal data prevent the implementation of such approaches.

Second chance opportunities and alternative teaching formats

Once early-school leavers have been identified, many policies offer non-mainstream ways of acquiring formal qualifications, for example by providing second chance opportunities or creating a more motivating learning environment, which tends to be practically oriented and includes elements of non-formal learning. Second chance opportunities can take many forms: Sweden has put in place a formal and non-formal adult education opportunities scheme, ensuring that there are enough places for young school dropouts. In Belgium and Germany students can take a secondary-level exam without having completed the associated studies. Evening schools exist in Cyprus, Latvia and Romania, while distance learning opportunities are provided in Hungary. Finally, a mobile education system in Portugal aims to support early school leavers from the *traveller* community.

Furthermore, some of the main second chance opportunities in Cyprus, Portugal and Spain are vocationally oriented. In Spain, new 'Initial Vocational Qualification Programmes' (Programas de Cualificación Profesional Inicial, PCPI) are intended to be an option for young people aged 16 and over who left school early. They provide the opportunity to enrol in training courses to gain a professional skills diploma or a compulsory secondary education qualification, while allowing enrolment in a regular VET course later. During the economic downturn in Estonia, greater emphasis was put on the need to increase the qualification levels of young people who left their VET studies before completing the course. Consequently, new VET study places for former dropouts have been created and a media campaign to inform unemployed young people about the opportunity has been launched.

Another different form of second-chance opportunities is the validation of informal skills. Many young people have acquired useful skills and competences outside the classroom. Validating these non-formally acquired skills is seen as an opportunity to reintegrate early school leavers in Estonia, Latvia and Romania. For example, in Estonia, the 'Accreditation of Prior and Experiential Learning' programme offers a process where a person can take their study and work experience and convert it into study results (credits) when continuing or entering education. Moreover, since many dropouts have problems with mainstream schooling, teaching formats and alternative approaches to learning are provided in line with their specific situation and needs. The 'Springboard' pilot programme in Hungary aims

to create a motivating learning environment and to fill any skills gaps that may hinder students' performance when they re-enter vocational school.

Measures addressing more complex personal issues

Some young dropouts will need greater support than the sole provision of a second-chance opportunity. A 'whole-child', holistic approach to reintegration is suited for those young people with the most complex personal or social issues: it aims to identify and address the full range of barriers and issues the young person is facing. Reintegration measures under this category rely on an intense level of support offered by a range of professionals from education, social and health sectors. They also tend to start from the 'basics' such as helping young people rediscover an interest in learning and to learn how to live a structured life with boundaries.

Examples of such measures can be found in France (Établissements de réinsertion scolaire), Finland (Youth Workshops), Ireland (Youthreach), Lithuania (Youth schools), Luxembourg (L'École de la deuxième chance), Malta (REACH School Drop Outs Project), Poland (Voluntary Labour Corps), Romania (Second Chance programme), Slovenia (PLYA), and in the UK. These types of reintegration programmes are usually built around a concept of small learning communities with more individualised attention than the teachers in mainstream schools could grant to individual students.

Financial incentives

Financial incentives to encourage re-engagement of early school leavers were identified in Italy, Malta, Sweden and UK. In Sweden, for instance, from 2011 to 2013 unemployed young people aged 20–24 who did not have an upper secondary level qualification received a higher than normal level of student aid to enable them to finish their formal qualifications. In the UK, the 'Activity Allowance Pilot' project was run in 8 areas between 2006 and 2011, offering an allowance of GBP 30 per week to NEETs (16–17 yrs old) in exchange for agreeing to and participating in a personalised plan to re-engage in learning.

Strengths and weaknesses of policies aimed at reintegrating early school leavers

Even where preventive measures are in place, there will always be some young people who drop out of education early. These early school leavers are at a disadvantage in the labour market due to their lack of formal qualifications. Initiatives to reintegrate young people into education or

training have here been broadly grouped in two categories: those policies that provide young people with a second or alternative chance to acquire a qualification and those policies that address young people with greater need for support. Some countries also offer financial incentives to reintegrate early school leavers.

Similar to policies preventing early school leaving, policies to reintegrate young dropouts by providing alternative learning environments show some obvious advantages. They revitalize the interest of young people in education, for example by providing a more practically oriented curriculum with hands-on experience or by reducing class size. Equally, holistic programmes for those with greater needs profit from being able to offer personalized social and pedagogical support. Their strength is to offer targeted guidance for those with greater distance from the labour market and multiple disadvantages or barriers to social integration.

Nevertheless, policies to reintegrate ESL can have similar weaknesses as the preventive measures. It is important to decrease the stigma attached to attending such programmes and ensure that these alternative pathways to employment are valued and recognized by employers. Therefore close cooperation with employers and their representatives concerning programme design is desirable. Additionally, holistic programmes targeting the

Type of policy	Strengths of such policies	Weakness of such policies
Tracking/Catching up services	Track ESL in order to especially support them when the risk of social exclusion increases.	Additional administrative capacity may not be available in the most disadvantaged areas.
Alternative learning environments/Alternative qualifications	Revitalise the interest of learners who have rejected formal education.	Qualifications obtained <i>may</i> not always be valued or recognised by employers.
Holistic programmes	Seek to address the root causes and the broad range of personal and educational challenges young people face. Can help prevent social exclusion (and associated costs). Long-term action and results.	Can be more costly, even though the costs are often thought to be outweighed by the potential costs of 'non-action'. Harder to measure the results/outcomes/impact.
Financial incentives	Can reengage early school leavers, when money is an issue.	Can be more costly.

Figure 5. Strengths and weaknesses of policies aimed at reintegrating early school leavers.

full range of issues faced by young dropouts can be costly and may lead to soft quantifiable outcomes rather than hard ones. Furthermore, the young participants may become accustomed to such measures and special treatment, which is why a strong focus should be put on encouraging self-responsibility and emphasizing long-term developments.

Supporting school-to-work transitions

It is a good thing when many young people complete their pathway through education with formal qualifications. Unfortunately, in today's labour markets even for those who have successfully completed their education, the transition between school and work is not always smooth or easy. A first job, which is such an important stepping stone in a young person's working life, may be very difficult to find. There are numerous factors that may make transitions difficult: sometimes young people have not yet decided on their career or they may lack work experience and/or display a low level of qualification (Eurofound, 2012a). Other times there can be a mismatch between their skills and those sought by employers. Although it is normal to take some transition time between education and one's first "post-education" job, if such a period is too stretched out and protracted it can have a long-term negative impact on an individual's future career. Some young people may then be in danger of getting lost in transition with the risk of having permanent scars regarding their future labour market outcomes.

Overview of the policy measures supporting school-to-work transitions

Member states have implemented a number of policies to keep this transition phase as short as possible and limit the danger of the 'scarring' effects of a protracted disengagement from the labour market. There are four major types of policies that intervene at this stage of the pathway to employment: the first category of policies identified under this heading incorporates those which aim at shortening the transition phase by improving public services available for young job seekers. They aim at simplifying service delivery, e.g. through the set-up of one-stop-shops for young job seekers, or guarantee a job/study placement or other activation measures within a shortened time period. The second category includes policies aimed at offering information and guidance to young people in order to make informed career choices. The third category includes policies that provide young people with work-experience opportunities and skill development to smooth the transition between education and the "first job".

Finally, the fourth category includes policies that aim at fostering self-employment among young people by providing training or seed/start-up funding in order to support young people in their entrepreneurial dream.

Improving service delivery

An important measure to simplify the provision of services to youth is the establishment of one-stop-shop services, which address the diverse needs of young people in a single agency. Such centralised provision is for example implemented in the pilot 'Navigator Centres' (Sweden) which focus on the 'hardest to reach' young people. In Austria, 'Project Future Youth' (Aktion Zukunft Jugend) could also be categorised as a youth guarantee as it aims to decrease unemployment among 19-24-year-olds by providing every person of that age group who has registered with the PES with a qualification measure or employment within six months of registering.

Provision of information, guidance and counselling

Career counselling helps young people to better understand their expectations and options in the labour market and to match job-search efforts with available vacancies. It enables them to find out about study opportunities and it gives them better knowledge about the job-seeking process, as it can provide advice on how to behave in interviews or how to write CVs and motivational letters. Some of these guidance and counselling services are offered within the school environment. In Portugal, guidance provided within schools is intended to accompany the student along his/her school journey, providing support in the identification of interests and skills, intervening in case of difficulties, facilitating the development of the young person's personal identity and helping him/her to build a life project. However, the provision of information, advice and guidance does not necessarily have to be carried out by schools. In Luxembourg for example, there are several measures undertaken mainly by the public employment service and the 'Local Action for Young People' (Action Locale pour Jeunes). This aims to motivate all students to begin planning their professional development well before they leave school and to introduce them to possibilities as well as practicalities of their future professional lives.

Job-search assistance is the focus of measures in Bulgaria, the Czech Republic, Ireland, Latvia and Sweden, among others. This type of support can be offered in person or by electronic means. The Irish state training and employment agency (FÁS) provides guidance and resources for job-seekers, with access to job vacancies, online CV profiling for employers

from all over Europe, and CV-to-job matching. The provision of information and advice can also take place via websites and web-based tools, which is an effective way of bringing together a wide variety of information and reaching out to large numbers of young people at low cost. An example is the Latvian education and career portal www.prakse.lv, which brings together young people, employers and education institutions.

Finally, other preparatory-type measures bring school pupils together with potential employers. In Estonia, Greece, Lithuania and Slovenia career days and employment fairs are considered particularly important to provide pupils with information on the different opportunities in the labour market and thereby help them make a more informed decision regarding their future. In Austria, rather than holding events within schools, an alternative approach is to hold ‘job-practical days’ during which young people are given the opportunity to visit companies providing apprenticeship opportunities or vocational and higher schools.

Work-experience opportunities and skills development

Another type of measure that can help young people make decisions about their future career and develop useful skills for the labour market is the provision of work experience opportunities. These measures give students an insight into working life and enable them to learn by doing. Fundamentally, these measures provide young people with practical experience. In the Netherlands, ‘learn-work jobs’ are offered by recognised ‘learning companies’ where young people can gain experience while receiving a salary. The programme is administered via a website (www.stagemarkt.nl) where learning companies need to have a clear profile, so students can consciously choose the job that fits their needs. In this way vacancies are also filled more quickly.

Some countries aim to tackle the very core of the problem of school-to-work transitions by identifying and addressing other reasons why employers do not recruit young people who have recently completed their educational trajectories. This approach seems to be more common among Eastern European countries. For example, in Poland and Estonia the approach taken is to improve the provision of vocational training. In Romania, the ‘Transition from School to Active Life’ scheme aims to increase the employability of individuals while they are still in VET by supporting them to develop practical skills and work habits. Moreover, some measures focus on ensuring that the skills and competences young people develop, and the information and guidance they receive, actively help them towards

employment in sectors where there is a demand for workers. For example in the Netherlands, the 'XXL Jobs' initiative offers young people jobs in sectors where the departure of older people will lead to a shortage of skills and knowledge. The aim is for older employees to transfer their skills to the young people and for the young people to receive strong guidance in their transition to the labour market.

Entrepreneurship support

Finally, some countries (e.g. Bulgaria, Cyprus, Greece, Italy, Romania, Slovenia, Spain and Slovakia) have introduced specific measures to promote youth entrepreneurship and self-employment. Young people willing to set up their own businesses are provided with special services in order to promote alternative routes into the labour market. For example, in Greece special 'youth entrepreneurship support structures' have been established to provide consultancy services to young people interested in entrepreneurship and in setting up their own business, where they can also avail themselves of counselling provided by a network of collaborating professionals. In Cyprus and Slovakia young people are offered grants to promote their integration in the labour market through entrepreneurship.

Strengths and weaknesses of policies aimed at supporting school-to-work transitions

There are a wide number of policies supporting the school-to-work transition of young people. Most policies either aim to keep the transition phase short by improving public services for young job seekers, providing information and guidance to young people in order to make informed career choices or smoothing the transition through the provision of work experience opportunities. The main strength of such measures is that they help to shorten the time spent outside the labour market and therewith reduce the risk of 'scarring effects' or 'wage penalties'. Programmes that provide information, advice and guidance are good to enable young people to make informed career choices and often encourage them to plan their career from very early on. Specialised job-seeking assistance services can be especially useful for young people who don't know how to tackle the next step of getting their 'first job'. Equally, work-experience opportunities can be an important way to find out what career a young person wants to pursue.

All these policies risk being more appropriate for those who are ready to work. They could be described as aiming to reduce inefficiencies in

Type of policy	Strengths of such policies in Europe	Weakness of such policies in Europe
Improving service delivery and youth guarantees	<p>'Force' PES to focus on young people.</p> <p>Provide a one-stop-shop and bundle different agencies relevant to the needs of young people.</p> <p>Encourage immediate action to address youth unemployment, before disengagement 'sets in'.</p> <p>Avoid long-term consequences or 'scarring' effects of youth unemployment.</p> <p>Particularly effective for young people who are work-ready.</p>	<p>Money not always attached to youth guarantees, thus impact can be minimal (significant variation across countries).</p> <p>Success of PES depends quite strongly on other public policies (e.g. availability of student places) and broader labour market situation in the country.</p> <p>Social partners think that even the new shorter waiting periods are too long – PES should have an obligation to help a young jobseeker as soon as s/he is registered.</p> <p>Less effective for hard-to-reach groups, who may require cooperation between social and health services.</p> <p>Short-term solution: does not solve structural problems.</p>
Information, advice and guidance	<p>Enable young people to plan their careers from the outset and make informed career choices, therewith reducing later dropouts and dissatisfaction.</p> <p>May go beyond career issues to look at personal and social barriers to participation.</p> <p>Can bring together employers and young people.</p>	<p>Provisions can be too thinly spread (not available to all young people, especially during an economic downturn).</p> <p>Only appropriate for those who are most work-ready.</p>
Providing work experience and skills development	<p>Smooth the transition between education and employment.</p> <p>Enable young people to make more informed choices about their future career by providing them with hands-on experience.</p> <p>Equipping young people with practical skills relevant to future employment.</p>	<p>Can often give only a short glimpse of the world of 'real work'.</p> <p>May lead to adverse effects with employers relying on cheap labour rather than hiring people for more permanent positions.</p>
Promoting alternative routes to the labour market, also fostering youth entrepreneurship and self-employment	<p>Provide young people with a 'foothold' on the labour market and with valuable work experience.</p> <p>Can be relatively low cost.</p>	<p>Success depends quite strongly on other public policies (e.g. additional support/training offer) and/or the broader labour market situation in the country (e.g. whether employers are able to offer jobs/whether the business environment is favourable).</p>

Figure 6. Strengths and weaknesses of policies aimed at supporting school-to-work transitions.

terms of matching employees with employers. Those who might easily be overlooked in the process are those groups termed ‘hard-to-reach’. Moreover, the success of such initiatives may often depend on other public policies in place and on the macroeconomic situation. Specific criticism has also been raised by social partners pledging for even shorter waiting periods and faster processes – in the case of youth guarantees, for example. An important criticism of such measures may be that they tempt public employment services to provide quick fixes rather than long-term solutions. Rather than encouraging the transition to the ‘right place’, they might enforce the transition ‘somewhere’. Greater emphasis should be put on up-skilling and training rather than providing young people with any job, which might be of little advantage for their long-term development.

Fostering employability of young people

Closely linked to the previously presented measures, which smooth the transition from education to employment, are measures aiming to foster the employability of young people. Sometimes it is not lack of information or guidance that prevents one from making informed career decisions, but rather, the lack of qualities, attitudes, skills or competences important to the employer which prohibit young people from finding employment (Eurofound 2012b). Employers frequently state their problems in filling vacancies due to the lack of skilled workers because of skill mismatches. These skills can be either formal skills relevant to the attempted profession or more general basic and soft skills.

Overview of the policy measures fostering employability

For those cases in which young people have problems finding employment due to the absence of such skills, member states have developed a number of policies to help them develop these capabilities. Most policies identified aim to improve employability in specified training programs: this can be vocational training, work experience gained during internships or specific skills acquired through dedicated training courses. Emphasis is also placed on providing skills which are required in the current labour market and recognised by employers in a way which combines classroom-based education with ‘real life’ work experience, since a common critique of traditional forms of education is that they do not necessarily equip young people with the skills sought after in the labour markets.

Apprenticeships and vocational trainings

Apprenticeships and other dual education training schemes appear to be an efficient tool to foster employability as they successfully equip young people with relevant work experience and specialised skills in high demand by the labour market. This is especially valuable as lack of work experience and practical knowledge often hinders young people in finding their first employment after education. Indeed, apprenticeship schemes have proved to be an extremely successful measure to smooth the transition into work for young people. During the crisis, the so-called ‘apprenticeship countries’ (Austria and Germany) managed to keep their youth unemployment down (OECD, 2010) and several European member states have recently implemented or strengthened their apprenticeship programmes. In Germany, a successful apprenticeship system has been in place for decades and is continuously adjusted in order to respond to the latest labour market developments. In Italy, a new scheme of ‘Higher-level Apprenticeships’ was introduced in 2003. The scheme links apprenticeships to the educational system, enabling young people (aged 18–29) to gain higher-level qualifications (upper secondary and tertiary education) by combining training and paid employment. Moreover, the apprenticeship contract is a paid labour contract, and apprentices enjoy the protection afforded by normal contracts, such as pension contributions, holidays and social assistance.

Apart from representing an opportunity to take one’s first steps in the labour market and acquire relevant working experience, many initiatives promoting youth employability focus on the acquisition of those skills most sought after by employers. In Ireland, for example, the ‘Vocational Training Opportunities Scheme’ works with the long-term unemployed and aims to prepare them for employment or other learning opportunities leading to paid employment. As one of the target groups of this provision is the low-skilled youth aged over 21, the scheme helps participants improve their general level of education, gain certifications and develop their skills. They also prepare for employment, self-employment and further education and training through a range of education-led, vocationally-oriented and progression-focused second-chance learning opportunities. The courses are full-time and range from basic education and training to more advanced vocational training.

Training courses

Training courses can equally help young people improve their employability – even if they are provided for a shorter timeframe. Many of these

training courses have a practical or vocational focus, or they prioritise the crosscutting skills valued by employers. In Malta for example, short courses and training programmes are offered as part of the 'I CAN Employability Programme'.

In addition to providing relevant content, it is important for these training schemes to provide flexible solutions both in terms of practical aspects such as the timing and location of the training and the mode of delivery. For example, breaking a course down into smaller units or modules can present a more flexible opportunity for early school leavers, who may only need to fill in certain knowledge gaps rather than taking a full course. This approach is used in Germany, which introduced training modules in the vocational training context. Some countries offer financial support to individuals wishing to undertake training. In Italy, for example, some of the regions allocate individual funds called 'endowments' as an incentive to training. Beneficiaries can use these funds only if they undergo reintegration programmes, which are managed and designed by acknowledged institutions.

Internships

Internships are a good opportunity for young people to improve their employability. In fact, when properly designed and used, such placements can give young people the chance to develop practical skills and to become accustomed to the work environment, as well as to gain valuable experience in their chosen career. Several countries have recognised this and have developed recent initiatives focusing on internships. In Denmark, for example, it was recognised that the number of available places had fallen since the economic downturn and additional funding was allocated to maintain and create internship places. Some internship initiatives are specifically designed for those with tertiary education and promote employability via a partnership with private companies as well as NGOs. In Sweden, the 'Young Potentials Programme (YPP)' is a collaboration between some of Sweden's largest companies and the Swedish Public Employment Service and offers 1,000 academics aged 25-29 internships lasting three to six months in companies such as IKEA or Telia Sonera, followed by one month of work experience in an NGO.

Despite internships having the great potential of providing valuable work experience, it is important to acknowledge that there are also risks associated with them. In France, for example, there is growing concern for the so-called 'internship generation' of young people who have completed

several internships and cannot find their way into paid employment. The risk associated with internships is that employers can use them to replace a paid, possibly permanent position and thus reduce the number of paid opportunities available to other jobseekers on the labour market. This is of particular concern for young people who do not have the financial means to take on unpaid placements and are in need of paid work opportunities. Therefore, it is also important that any work experience or internship measures are well structured and monitored, to ensure that young people are able to achieve the intended learning outcomes. Despite these risks, well-organised internships enable young people to gain valuable experience in their chosen career.

Strengths and weaknesses of policies aimed at supporting employability of youth

Skill mismatches, a lack of ‘transversal’ competences or a lack of work experience can hinder the capability of youth to find adequate, stable employment. Measures to foster employability are designed to support young people to improve their employability, either by acquiring specific vocational skills through work-based learning, or by improving their general level of education and skills in preparation for employment.

Vocational training, work-based training programmes and internships have the benefit of equipping young people with a skillset that is relevant to employers and therefore address skill mismatch issues. Additionally, they provide young people with work experience, which decreases their labour market disadvantage in comparison to older workers. Especially successful vocational training programmes offer a combination of theoretical and practical learning. While some countries display a strong system of apprenticeships, which is often linked to the low level of youth unemployment, others still need to see a cultural shift towards such best practice models. It is especially important to make vocational training accessible to those with personal, social or learning difficulties.

A weakness of work-based learning programmes is that they can be more costly than school-based learning. They require the “buy in” of employers and employer organisations, which might be especially difficult given the costs attached to them. However, it is crucial that such policies are provided and supported by employers. Moreover, vocational training programmes are only suitable for those with a reasonable level of education and motivation and might be less suited to those with complex needs or with a longer distance from the pathway to employment.

Training in basic skills or programmes to reach formal qualifications can often offer an important element to increase young people’s chances in the labour market by increasing their self-confidence and providing them with a second chance on the pathway to employment. It should be emphasized, however, that longer training programmes are proven to have more positive effects on employment than shorter ones. Finally, although internships can provide valuable work experience, they pose a risk of creating an ‘internship generation’ participating in successive internships without using them as a stepping-stone for more permanent employment. They should therefore be regulated and monitored to assure positive learning outcomes.

Type of policy	Strengths of such policies	Weakness of such policies
Work-based learning/ vocational training	<p>Ensure that young people are acquiring skills relevant to the labour market and reduce skills mismatch.</p> <p>Enable employers to assess the competences of young workers and for some learners may lead to employment with the employer after their training has been completed.</p>	<p>May require a ‘culture change’ in countries where dual training is not currently embedded in the education/training system.</p> <p>Can be difficult to engage enough employers as such measures are costly to them.</p>
Training in basic skills, competences and qualifications required by employers	<p>Provide a second chance to return to learning and move a step forward on the ‘pathway to employment’.</p> <p>Can also generate soft outcomes such as increased self-confidence.</p>	<p>Benefits in terms of employment outcomes may not be evident in the short-term.</p>
Internships	<p>Enable young people to develop practical skills and become accustomed to a work environment.</p>	<p>Can be used in place of paid, permanent positions. May reduce the number of ‘real’ jobs available.</p> <p>Only suitable for those who can afford to take unpaid or low paid internships.</p>

Figure 7. Strengths and weaknesses of policies aimed at policy measures fostering employability.

Removing practical and logistical barriers

The final stage along the pathway to employment is to remove barriers for those in need of special support. Some people might require additional support due to disability or being exposed to multiple disadvantages. Others require additional support due to caring responsibilities, a simple lack of language skills or migrant background. Removing these barriers is therefore an important step in supporting these young people in their (re) integration into education and training, as well as employment. Additionally, as all young people face the shared barrier of lack of work experience, employer incentives to hire youth can help increase the demand for young people's skills and knowledge.

Overview of policy measures addressing specific disadvantages

Policies intervening at this stage of the pathway to employment target these specific groups and are best described as removing practical and logistical barriers to employment. They can be as diverse as supporting young people financially to reach their employment location or offering specific training for young people with disabilities. Another way to remove barriers is to incentivise employers to employ young, and often less experienced, employees. This can be done in the form of lowered wages or other subsidised employment measures.

Addressing special support needs

Some young people have complex support needs and in addition to lacking work experience or qualifications, can face a range of other practical and logistical barriers to taking up employment or further education/training opportunities. Young people with disabilities may require specific initiatives not only in terms of additional support (for example alternative provision of training) but also to access their study or workplace. In Latvia, for example, the 'e-learning initiative' run by the state employment agency (NVA) offers training to the employed in general but more specifically to people with disabilities. In Malta, the 'Pathway to Independent Living' programme is provided for students with mild to moderate disabilities and learning difficulties. Its objective is to support students to acquire the skills required to gain and maintain employment. In Austria, the 'IBA' programme was introduced to offer young people facing particular learning and integration challenges the opportunity to complete accredited apprenticeship training over a longer period of time or to follow partially accredited curricula in a workplace setting. Among its target groups, the

programme also includes pupils with disabilities and those needing particular socio-pedagogical assistance.

Some schemes aim to adapt the existing workplace or training environment, rather than offering alternative measures. In Austria, the 'Managing Diversity' project is intended to integrate disadvantaged young people from migrant backgrounds into measures run by the PES or into employment, by improving the accessibility for the young person (for instance, by providing information in several languages, taking into account family context, providing companies with support about diversity issues). A number of countries have recognised that language difficulties can present a barrier to employment or to further progression in education/training. Language support measures are introduced in Bulgaria, Cyprus, Greece, Italy, Malta, Portugal and Sweden as an important means to remove barriers to employment for migrants and minorities. In Bulgaria, for example, there is a national literacy programme aimed at the minority Roma community while in other countries (for instance, Cyprus, Italy, Malta, Portugal, Sweden), great focus is put on migrants.

In a small number of countries, measures have been implemented to take account of the difficulties faced by those with caring responsibilities to commit to a full-time job or training course. However, these measures often focus on people of all ages and not specifically on youth. Childcare support is offered in Cyprus, Hungary, Ireland, Poland, Portugal and the UK. These schemes range from general measures to more targeted ones focusing on people who are taking part in certain training courses or on groups who are identified as being more in need (for instance, single parents). In Malta for example, a subsidy of € .50 per hour on childcare services is offered specifically to individuals participating in training offered by the PES. Targeted approaches are also taken in Poland, where childcare costs are refunded for single parents, and in the UK, where childcare is offered to young parents who are participating in education.

Facilitating mobility and financial support

Some jobseekers may not be able to access training or employment opportunities as travel may be too costly, or the venues simply too far away to travel on a daily basis. For this reason, some measures aim to reduce this geographical mismatch and facilitate greater mobility of young people by providing mobility grants or accommodation support. However, these measures tend to apply to jobseekers as a whole and are not focused specifically on young people. In Bulgaria for example, the 'Close to work'

measure (2011–2013) covered the total travel costs of newly employed people for 12 months, when their place of residence was more than 80 km from their workplace.

This mobility support might be intended to pay for a specific cost (as in financial support to pay for transport or accommodation costs) or may be a grant or allowance intended to cover the cost of living while participating in a certain learning opportunity. These measures specifically tend to target young people. In Germany, for instance, young people with disabilities can access a training allowance (*Ausbildungsgeld*) if they have not previously taken part in vocational training or in a scheme preparing them for vocational training, or been employed in a workshop for the disabled. In France, young people who have completed their training are provided with financial support and may apply for a rent allowance. Measures providing direct financial support to employers were identified in the Netherlands, Luxembourg and Norway. They focus on facilitating the employment of young people with disabilities. In the Netherlands, for example, there are fiscal provisions in place supporting employers who have to make arrangements in order to employ disabled youth.

Employer incentives and subsidies

A key barrier to employment faced by many young people is lack of work experience. Thus, faced with high levels of youth unemployment, some countries have chosen to implement measures that can stimulate demand for young employees, apprentices or trainees, such as subsidised jobs or reductions in social security contributions for employers. The key rationale behind these measures is to increase the demand for young employees in order to give young people a foothold in the labour market. This enables them to acquire valuable experience to complement their educational achievements and skills and will help them in their future career.

Employer incentives can be positive as well as negative. For example, in France, rather than providing subsidies to employers, employers are required to pay a fee if they do not hire a certain quota of apprentices. In Hungary, instead, people entering the labour market get a ‘start card’ with two years’ validity (one year for tertiary education graduates) and employers hiring people with a start card pay a lower social security contribution. In Romania, for example, employers hiring a graduate with an open-end contract do not pay unemployment insurance contributions for that employee for 12 months. Additionally, if the graduate is disabled the waiver period is extended to 18 months. Some subsidised employment measures

are targeted at specific groups. In Denmark for instance, there are several initiatives focused on higher education graduates. In Malta, the 'Employment Aid Programme' targets disadvantaged and disabled persons. Some of these initiatives are aimed only at hard-to-reach groups. In Sweden for example, the 'New-start Job' scheme aims to increase the opportunities available for those groups who are most detached from the labour market, including the long-term unemployed, young people and immigrants. Employers willing to hire people from the target groups are not required to pay social security contributions or payroll tax for new recruits below the age of 26 for a maximum of one year.

Strengths and weaknesses of policies aimed at removing practical and logistical barriers

This category of policy measures includes policies that compensate young people for their specific disadvantages. It comprises three types of policy measures: those designed to remove practical and logistical barriers for young people with special support needs, those that facilitate mobility and those designed to provide subsidies to employers hiring young people.

A clear strength of the first type of policies is that they compensate young people for specific disadvantages some of them face. Due to the fact that they have an element of tailored training and other support needs, they can reduce the risk of social exclusion. This is also relevant for our societies and economies given the costs attached to social exclusion. However, these tailored policies can often be costly and rely heavily – as do all non-standard approaches to education – on being recognised by potential employers. Mobility measures compensate young people financially if their jobs or training schemes require greater mobility. These measures are especially helpful for young people from a low-income background.

The strength of providing subsidies to employers is that they break down barriers that young people face when looking to enter the labour market and give them the chance to prove themselves in a real work environment. In this way they are able to acquire greater human capital and enhance their employability. Equally, it may have positive effects on employers by helping them change their attitudes towards employing young people, as they will be motivated by previous positive experiences. Employer incentives are also often seen to be a rather effective measure to integrate young people in the labour market. Nevertheless, there is some criticism attached to such measures. Firstly, employer incentives may be more effective in some member states than in others. It has been shown

that in Spain, for example, employment subsidies have limited effects (Rocha, 2010). Secondly, such measures entail potential deadweight or substitution costs. Many of the subsidised jobs would have been filled anyway and the subsidy might not always be beneficial for those who otherwise would not have been hired. Moreover, such measures have come under criticism as providing the opportunity to exploit young people as cheap labour. Rather than being the stepping stone for a more stable employment situation, some employers might provide subsidised positions rather than creating 'real jobs'. Therefore, great attention has to be paid to policy design in order to prevent such adverse effects.

Type of policy	Strengths of such policies in Europe	Weakness of such policies in Europe
Policies addressing special support needs	Take account of the specific learning or logistic needs of the young person, e.g. disability, caring responsibilities etc.	Can be more costly. May not be recognised or valued by all employers.
Facilitating mobility	Decreases geographical mismatches. Especially valuable for young people from a low-income background.	Can be more costly.
Wage subsidies/ Apprenticeship subsidies and incentives	Encourage employers to take on young people – and in doing so may help change employers' attitudes towards hiring young people. Enable participants to gain valuable work experience rather than being unemployed.	Risk of deadweight/displacement effects – a significant share of employers would have hired the young person anyway. Wage subsidy schemes 'exploited' by some companies/chains.
Measures targeted at favouring the employability of discouraged workers	Encourage employers to hire youth that might not have been hired otherwise. They provide valuable working opportunities for young people, contributing to boost their confidence and fight disengagement.	Risk of deadweight/displacement effects are possible.

Figure 8. Strengths and weaknesses of measures aimed at removing practical and logistical barriers.

Lessons learned and characteristics of good practices

While governments have been very active in promoting policies for re-engaging young people into the labour market or education, the remaining issue is the extent to which these measures are effective, how well they perform in meeting their target and what the strengths and weaknesses of different approaches are. Evaluation of the effectiveness of policy measures is crucial and constitutes an essential input for the policy-making process. This is especially true in times of austerity when available resources are diminishing. The absence of formal evaluation or the lack of measurable targets in many of the analysed cases calls for better monitoring and evaluation of employment measures – going beyond data collection of the outputs and looking at the broader outcomes and impacts of the measures, in terms of effectiveness and value-for-money, in order to inform policy-making in this area in the future.

As they intervene at different stages of the pathway to employment, policy measures implemented by member states to re-engage young people into the labour market and education are extremely diverse in the range of aims, objectives and activities. Nevertheless, a number of lessons can be identified concerning good practices of policy design and implementation:

- Firstly, in the design and implementation of youth employment measures it is essential to take the beneficiaries' labour market readiness into consideration. Whilst it is important for measures to be grounded strongly in the needs of the labour market, it is also necessary to bear in mind that young people vary in their level of readiness for the labour market and person-specific labour market barriers need to be addressed before young people can be guided onto a pathway to employment.
- This goes hand in hand with the need to set young people on a long-term, sustainable pathway. For example, while some measures for young people might achieve positive results in the short-term, these may not lead to positive outcomes in the longer-term. Consequently there is a growing consensus around the need to ensure sustainable labour market outcomes for beneficiaries, with the sustainability of outcomes being related not only to the speed of labour market integration but also, importantly, to the quality and stability of employment. Ensuring that young people are equipped with the necessary qualifications for successful labour market integration and/or that they hold vocational and transferable skills sought after by employers is instrumental to a pathway to good quality, sustainable employment.

- The involvement of a range of stakeholders in the design and delivery of youth employment measures, including education and training providers, employers, public employment services, social partners, third sector organisations, health and other authorities, is therefore essential. In particular, measures that focus on fostering their beneficiaries' employability require a strong level of engagement with employers and their representatives. Engaging employers requires innovative yet persistent efforts on the part of the staff working on measures to promote the 'business case' of participation and to establish collaboration which benefits employers, providers and learners alike.
- Successful youth employment measures make use of a range of innovative ways to reach out to their target group(s), with outreach activities making up an important part of the efforts to engage disfranchised young people, while incentives, 'branding' and marketing campaigns can be useful in the context of more universal youth employment services.
- Youth employment measures should be client-centred, not provider-focused. This means catering for different pathways, for example, from mainstream learning routes to tailored, supported learning pathways. In this perspective, it is highly important for the staff delivering youth employability and ESL measures to have the right skills and profile to deliver youth services and to provide appropriate support to the beneficiaries. In fact, good quality guidance, which includes both career information and more comprehensive advice and support, is another key ingredient in measures supporting young people's transition from 'learning to earning'.

Measures thus need to be flexible in meeting the evolving needs of the labour market, including new skill requirements and demand for services during different stages of the economic cycle. Furthermore, the issues faced by young people can change over time, as the labour market policy context evolves. It is therefore important that there is the willingness and possibility to adapt measures in line with the changes in context.

The European Youth Guarantee

All the categories of policies presented in the previous section, which represent a pathway to employment for young people, are part of the European Youth Guarantee, a new policy framework for reintegrating youth in labour market or in education. The main novelty of the youth guarantee is to put NEETs at the centre of the policy action while promoting a holistic approach of better-coordinated policies for youth.

In December 2012, faced with alarmingly high youth unemployment rates, the European Commission proposed the implementation of a Youth Guarantee across all member states (European Commission, 2012). Important drivers behind this proposal were not only the fact that young people were disproportionately affected by unemployment as a result of the 2008 crisis but also the considerably high costs linked to an increase in the proportion of young people not in employment, education or training (NEETs) (Eurofound, 2012; Eurofound, 2014). Putting NEETs at the centre of the policy action and preventing long-term disengagement while fostering labour market integration of young people was at the centre of this Commission proposal of the Youth Guarantee: a holistic approach to reintegrate youth promote youth employability.

Inspired by similar good practice examples from Austria, Finland and Sweden, the Youth Guarantee was set out as a new ‘umbrella policy’ of better and integrated policies for NEETs in Europe which embeds all the various types of initiatives presented in the previous section. On 22nd April 2013, the Council of the European Union issued a Recommendation on establishing a Youth Guarantee, followed by an endorsement at the June 2013 European Council, which specifies:

The term ‘Youth Guarantee’ refers to a situation in which young people receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or leaving formal education (Council of the European Union, 2013).

Subsequently EU member states committed to setting up a Youth Guarantee for young people up to the age of 25. To do so, member states designed ‘Youth Guarantee Implementation Plans (YGIP)’, which is the first step for those regions suffering from more than 25% youth unemployment gaining access to EU funding through the dedicated Youth Employment Initiative (YEI). The Youth Guarantee is designed to trigger both short-term interventions providing young people with suitable opportunities as well as mid- to long-term structural reforms aiming to improve improving young people’s school-to-work transitions, not least by modernising employment, social and education services for young people.

Implementing the European Youth Guarantee at member state level

Taking on board some of the good practice elements from countries like Austria, Finland and Sweden where the youth guarantee is implemented since the 90s, the Youth Guarantee not just aims to prevent long-term

disengaged youth but also to streamline existing youth-centred policies in all EU member states. While not a new approach in some countries, the Youth Guarantee certainly was a novelty at EU level, especially due to the foreseen early intervention and activation with the four-month² intervention point ensuring that young people are not left stranded, the combination of immediate actions assisting young people and envisaged long-term reforms in education, training and public employment services as well as personalized and integrated support for young people.

Endorsed by the Council of the European Union Recommendation of April 2013 (Council of the European Union, 2013), the implementation of the Youth Guarantee started in 2014 with the presentation of the national Youth Guarantee Implementation Plans (YGIPs). Taking on board the elements described above, the European Youth Guarantee has now been in place for more than 3 years and has already produced some important results. The European Commission (European Commission, 2016) for example states the following achievements:

- Since January 2014 a total of 14 million young people have entered Youth Guarantee schemes (with the Youth Employment Initiative providing direct support to more than 1.4 million recipients)
- A total of 9 million young people took up a Youth Guarantee offer, the majority being employment offers
- Almost two thirds of young people took up an offer of employment, education, trainee or apprenticeship after participating in the Youth Guarantee.

Although the European Court of Auditors recently highlighted the limitations of the implementation of the Youth Guarantee, (European Court of Auditors, 2017), the above numbers again suggest that in comparison to other major policy reforms in Europe, the Youth Guarantee is certainly one of the most rapidly implemented ones.

Evidence collected during the first years of implementation by Eurofound (2015) as well as in the more recent staff working document from

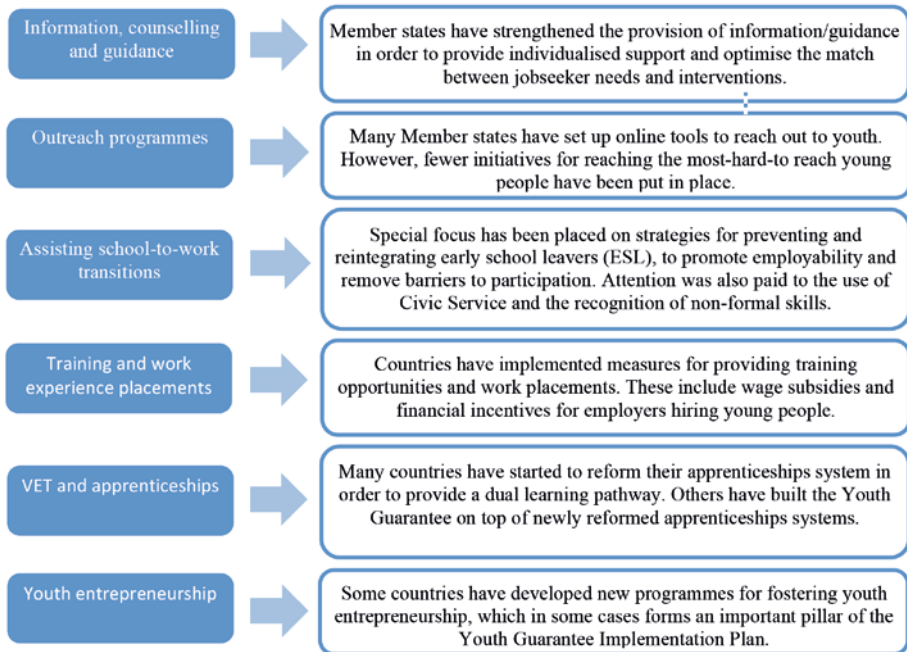
² This is the general reference point but Austria, Finland, Sweden, Denmark and the Netherlands decided to deliver an offer in a shorter time period and in the case of Hungary and two Belgian regions longer time limits may apply to specific groups of young people (European Commission, 2016).

the European Commission (2016) has revealed the following main features and concrete actions taken by member states:

- *Member states adopted different strategies for the implementation:* Due to different institutional set-ups, labour market and structural framework conditions each Member State has adopted its own strategy for the implementation of the Youth Guarantee. Some Member State have chosen a more holistic approach using the Youth Guarantee to improve links between labour market, education and vocational education training (VET) measures, youth policies and social policies more generally, while others have chosen a narrower approach predominantly focusing on employment policies. Social inclusion aims to ensure that all citizens have the opportunities and resources necessary to participate fully in economic, social and cultural life and to enjoy a standard of living and well-being considered normal in the society they live in. This concept encompasses, but is not restricted to, social integration and better access to the labour market, as well as equal access to services and benefits. Going beyond employment-focused approaches may offer member states more options for focusing on social inclusion and integration of those young people who are more distant from the labour market. However, Eurofound's review after one year of Youth Guarantee implementation revealed that in some countries a focus had been put on offering opportunities to job-ready youth during early implementation of the programme. Though a pragmatic approach given the high stock of unemployed youth at the time, in the long-run countries need to also focus on bringing disengaged and disadvantaged youth back on track.
- *Stakeholder cooperation:* The Youth Guarantee can be categorised as a public-private-people partnership (Finnish Ministry of Education and Culture, 2012) and accordingly member states have put in place new governance structures in order to overcome the fragmentation of responsibilities on youth policies and to enhance a partnership approach. Although there has been a lot of progress in this field, building and strengthening networks among actors remains an important challenge in some countries.
- *Reaching out to young people:* Participation to the Youth Guarantee typically starts with the registration at the Public Employment Services and an increasing number of countries have invested in online tools and websites specifically targeting young people in order to provide an entry point as well as a useful tool for attracting young people and

compiling information on available measures, vacancies and jobseekers. Again, progress has been made here but some groups have been notoriously hard to reach, a continuous challenge for the authorities involved.

In order to implement the Youth Guarantee several concrete measures have been put in place by member states. While approaches vary, the most common types of initiatives can be grouped along the following six axes:



Besides concrete actions it is also crucial to consider the combined efforts which have taken place at Member State levels with the European Commission recognising that the Youth Guarantee has been an important driver not just for structural reforms but also for innovation in youth-centred policies³. In this respect, the European Commission notes that “the

³ The European Commission divides member states into three groups regarding their reform activity as part of the Youth Guarantee effort: (1) those who underwent accelerated reform (BE, BG, FR, HR, HU, IT, LT, LV, PL, PT, SI), (2) those who rein-

Youth Guarantee acted as a powerful policy driver” and “was instrumental in supporting policy reform” (2016, p.18).⁴

Persisting barriers for effective Youth Guarantee implementation

The implementation of the Youth Guarantee is generally well on the way but more than 3 years after its birth a range of barriers for effective Youth Guarantee implementation continue to persist. As noted by Eurofound (2015), especially during the first year of implementation constraints mainly resulted from (a) establishing effective partnerships among labour market actors, educational providers and social partners; (b) limited funding as well as (c) limited absorption capacity of the labour market and the training system.

Establishing effective partnerships among labour market actors, educational providers and social partners is a key for ensuring the success of the Youth Guarantee. In the countries with long established Youth Guarantee Schemes major efforts have been made to include as broad a partnership as possible. In the Finnish case for example the driving force behind the Youth Guarantee is the cooperation model, which reduced the barriers between administrations to operate together to combat youth unemployment. Stakeholder cooperation in both design and delivery is considered essential for implementing effective policies to combat youth unemployment. The Irish Ballymun pilot project (European Commission, 2015c) for instance, frequently referred to as a good practice example of early Youth Guarantee implementation, owes part of its success to bringing together, in an effective way, a broad range of different stakeholders (i.e. public employment services, employers and trade union representatives, education and training providers, local government, local development and youth organisations) in delivering the Youth Guarantee. Many member states cooperate with a range of stakeholders to ensure effective delivery of the Youth Guarantee. However, building effective partnerships may take time to be established and during early implementation it was noted that in most countries social partners and youth organisations have only been involved to a very limited degree in Youth Guarantee design and delivery.

forced the national policy framework (AT, DE, DK, EE, FI, IE, LU, MT, NL, SE, UK) and (3) those subject to more limited reform (CY, CZ, EL, ES, RO, SK).

⁴ More than 130 labour market reforms targeting youth were adopted between 2013 and 2015 in the EU, again illustrating the policy focus on the youth employment issue.

Building effective partnership among all stakeholders, labour market actors, educational providers and youth organisations is key to a successful implementation of the Youth Guarantee.

In times of austerity and budget constraints many member states are struggling in order to find necessary resources to fully implement the Youth Guarantee programme. Funding of the Youth Guarantee is regulated through the Youth Employment Initiative (YEI) and in total €6.4 billion is dedicated to the Youth Guarantee Scheme between 2014–2020. While it is difficult to estimate how much setting up a Youth Guarantee Scheme actually costs in each Member State, the European Commission believes that the benefits are much higher than the costs associated with this policy provision. The European Commission also emphasises that not all measures under the Youth Guarantee framework are expensive. However a Eurofound report estimates that an additional €50 billion would be necessary to ensure that all European NEETs receive an intervention (Eurofound, 2015). In this light, member states may need to top up YEI funding with national resources in addition to what they have already committed under the Youth Guarantee framework. This will be mostly important in order to finance necessary structural reforms in their Public Employment Services and education provisions.

Moreover, a sufficient absorption capacity in the education system and the labour market is essential. A necessary condition for successful Youth Guarantee implementation is that the education and training systems, as well as the labour market, are able to absorb young NEETs. For the time being, in many member states education and training systems are not adapted to offer an opportunity for every young person due to the size of the cohort of young unemployed and NEETs as well as the gap between the labour demand expressed by companies and the ability of the VET system to respond satisfactorily. Moreover, the absorption capacity of employers to provide jobs and training places (such as apprenticeships) for young people may be equally limited. In many European countries, a culture of apprenticeships and dual trajectories and even internships still needs to be fully developed, including Sweden, a country with a weak track record in these areas. Under the Youth Guarantee framework, the majority of member states focus on making dual VET pathways a reality, but implementing a well-functioning apprenticeship system also requires a mentality change for education providers and employers as well as strong partnerships among them.

Furthermore, providing young people with good quality, sustainable opportunities under the Guarantee framework is central to the success

of this new policy approach and several stakeholders have repeatedly expressed their concerns about the quality dimension of offers. For now, in the majority of MS, the Guarantee resembles a ‘guarantee of opportunity’ (ensuring that all young people will receive an offer within the four months) rather than a “guarantee of outcome” (the *re*-entry of youth into the labour market). Moving the target from opportunity to outcome would be a valuable extension of the current Guarantee in the long run. Strengthening this quality dimension and providing sustainable training and/or employment opportunities for young people is a much more effective means of reintegrating youth within the labour market.

Other barriers mentioned by assessments of Youth Guarantee progress reveal (European Commission 2016) that besides the issue of providing good quality offers, barriers in reaching out to and successfully engaging non-registered NEETs, by definition a hard-to-reach target group, as well as low-skilled young people persist. While member states have made considerable efforts in identifying, reaching out to and engaging these two particular groups of beneficiaries, a lack of update suggests that those subject to the most vulnerable situations remain under-represented among Youth Guarantee beneficiaries.

Conclusions

Given the extent of youth unemployment, there is a renewed sense of urgency for a better understanding of the problem and for immediate interventions aimed at promoting youth employment and at preventing the disengagement of youth from our societies. In this context, with traditional indicators for labour market participation displaying limited relevance for youth, the concept of NEETs, young people Not in Employment, Education and Training, entered the policy arena. It is meant to better describe and analyse the vulnerability of young people.

While from a statistical point of view NEETs are very easy to capture, they represent a heterogeneous population which include vulnerable and non-vulnerable subgroups with different characteristics and needs. However, despite this heterogeneity, young people who are NEETs share some common and fundamental characteristics: they are all in a status in which they do not accumulate human capital through formal channels, they are more likely to cumulate several disadvantages and more likely to experience future poor employment outcomes. As the risk factors that increase the chances of becoming NEET are often a combination of personal, economic and social factors, NEET can be in many cases described as both an

outcome and defining characteristic of the disadvantaged youth who are at a much greater risk of social exclusion.

Fostered by increasingly high youth unemployment rates and the economic and societal consequences associated with NEETs status, there is a renovated sense of urgency to develop and implement policies to bring young people (back) into employment, education or training across Europe. As a consequence, in recent years European Union member states have been more actively engaged in designing and implementing policy measures aimed at increasing the employability and promoting higher employment participation of young people.

Yet, the use of the concept of NEET for policymaking is not unproblematic, mainly due to its limitations grounded in its heterogeneity. On the one hand, the use of a concept like NEET attracts attention to young people's problems and the multi-faceted nature of their disadvantage. It helps to call policymakers' attention to all patterns of vulnerability of young people, integrating particular sub-groups such as young mothers and those with disabilities under one framework rather than further marginalizing them by the use of the traditional label "inactive". On the other hand, the heterogeneity of the NEET group has crucial implications for the policy response: as the concept includes different groups who might have different needs, but who are characterised by common vulnerabilities, governments and Social Partners are right to set overall targets to reduce the overall level of NEET, but they must set their interventions by disaggregating the NEET category. In order to effectively reintegrate NEETs, the different needs and characteristics of the various subgroups have to be taken into account as there will be no one-size-fits-all policy solution. Only a tailored approach for different subgroups has the potential to effectively and successfully reintegrate NEETs into labour market and education.

In this context, following a *productivist* approach, member states have correctly diversified their initiatives along the different characteristics of the NEETs sub-groups, paying attention especially to those vulnerable groups who are more likely to cumulate disadvantages and being excluded from the labour market. These policies often intervene at different points along a process that can be described as "pathway to employment", which describes young people's pathway through formal education and their transition into the labour market and employment. In particular, they aim to prevent early school leaving or reintegrate early school leavers, facilitate the transition from school to work, increase the employability of young people or remove practical and logistical barriers for those young people

with more complex needs. As they intervene at different stages of the pathway to employment, the policy measures implemented by member states to re-engage young people into labour market and education are extremely diverse in the range of aims, objectives and activities.

All these different types of policies are part of the European Youth Guarantee which is a holistic policy approach that aims at providing to all young people an opportunity of work, education or training within four months since becoming unemployed or finishing education. The youth guarantee calls for better and coordinated policies for youth in order to optimize the match between the needs of the young job seekers and the intervention, which should be the provision of the opportunity that should be the one with the greater likelihood to succeed. However, the provision of this tailored and targeted approach is based on well-functioning public employment services and good partnership among labour market actors, educational providers and social partners. For this reason, given the challenges that some member states have to face in order to implement such a complex policy framework, in some countries it resembles a Copernican revolution in youth policies which will take time to fully deliver its promises.

Finally, while governments have been very active in promoting policies for re-engaging young people into labour market or education, questions remain about how effective these measures are, how good they perform in meeting their targets and what strengths and weaknesses of different approaches are. Evaluation of the effectiveness of policy measures is crucial and it constitutes an essential input for the policy making process. This is especially true in times of austerity when available resources are diminishing. The absence of formal evaluation or the lack of measurable targets in many of the analysed cases calls for better monitoring and evaluation of employment measures to inform policy-making in this area in the future.

However, now is the crucial time to act. Not only for the future of 14 million young people not in employment, education or training, but for the future of all of us.

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PARTICIPATION, TOP-DOWN COLLEGIALITY AND INTERMEDIARIES

EMMANUEL LAZEGA¹

Organizing for participation

In society at large, top-down participation provided by institutional authorities, mainly in the form of dialogue and consultation, is often taken up (or even driven) by associations (for example, as part of “governance” among “stakeholders”). However, at the same time, it is often approached by the very same associations with defiance and mistrust. In contexts where asymmetries of power and inequalities are huge, the avoidance of sharing truly decisional power with weaker and nevertheless legitimate parties has been widely documented (see Fisher, 2012). For example, decisional power is rarely shared with parties such as vulnerable citizens or migrants with human rights, from different origins in need of welcome, orientation, and integration. Civil society organizations in particular, which try to locally push a broad agenda or a set of general causes, are suspicious of officials offering participation because they think they are trying to avoid the emergence of counter-powers, counting on citizen apathy, and trying to invite “anyone” to the table, short-circuiting representatives of civil society associations, by inviting only highly selected people based on clientelistic criteria and hiding purposes of social control behind co-optation (Selznick, 1949).

In other words, bottom-up participants try to avoid the traps of top-down “fake” participation, where their demands are not truly taken into account, where decisions are made before projects are submitted for consultation, etc. The dilemmas of institutional participation are nevertheless managed by bottom-up participants, especially when they are in weak positions, often in contradictory ways. Nevertheless, they often participate to represent the collective will, to defend interests protected by the law, to mobilise their knowledge and competencies, and to obtain recognition. They get involved despite this because they fear that if they are not at the table, they will be on the menu. They want to strengthen participative democracy so as to create closer links with representative democracy, i.e.

¹ Institut d’Etudes Politiques de Paris.

between the social and the political, and prevent confiscation of the latter by the *notables* who tend to think of themselves as the sole representatives, if not owners, of general interest at large. Weak bottom-up participants and their associations can also think that, if their interests are not recognized and catered to, they need to keep playing the game so as to be able to undermine such institutionalized participation settings, boycott the official ones and produce alternative ones.

Bringing together representatives of the weak and representatives of the powerful is violent. Violence to which the weak are subjected requires linchpin intermediaries. The latter provide two kinds of resources at least: knowledge and learning, i.e. experience, and personal relationships with the other side. Both these resources facilitate engaging the other side by finding points in common and making commitments as credible as they can be. Super-centrality of intermediaries can help them punch above their weight: intermediaries such as the professions have always chosen their side eventually, more often that of the powerful than that of the weaker parties.² Perhaps the best way to start this presentation of an organizational approach to participation is by defining its organizational form, i.e. collegiality, as two-dimensional.

Participation from an organizational perspective: two forms of collegiality

Participation in that sense always involves the will to represent the collective, to defend interests protected by the law, to mobilise knowledge and competencies, to obtain recognition. From an organizational perspective, participation requires participants to come together and find ways to collaborate, even in highly conflicting situations (Archer, 2017). Recent work in the sociology of organization has taken a second look at collegiality as an organizational form that accounts for participatory efforts towards collective action among peers with non-routine problems to solve. This organizational form has been used, for example, by experts and professionals who exert formal self-control and are thus, to a large extent, self-regulating. They create at least one forum, the committee of the whole – that may rely on

² In this presentation, I will not consider the case where these intermediaries transform themselves into independent institutional entrepreneurs whose status inconsistency helps with political action provided they use the right rhetoric and culture (Lazega, 2001). The relationship between intermediary and independent institutional entrepreneurship remains to be further explored.

the input of a more or less complex and hierarchical system of committees and sub-committees – where decision-making can be collective.

Waters' (1989) approach to the collegial form of organization has listed the formal characteristics of collegial settings that help peers manage the dilemmas of their collective action. Further examination of collegiality has also shown that it works based on a form of social discipline and collective responsibility that depends on personalized relationships between members, i.e. on 'relational infrastructures' (Lazega, 2001; Archer and Donati, 2016). Indeed, in organized settings, participation in non-routine collective action – for example, for team production, regulatory activity, or enforcement of previous agreements – requires personalized cooperation with others. This cooperation is expressed through personalized transfers / sharing or exchanges of various kinds of resources, especially knowledge and experience, as well as in commitments to exchange partners. These resources include, for example, information, a coworkers' goodwill, advice and, at times, emotional support, including many other means that can serve individual and collective ends. In an ideal-typical collegial organization, personalized ties become the source of a social discipline that helps close/distant members exchange, learn, monitor, exert pressure, sanction each other, select leaders, or negotiate precarious values for self-regulation. Collegiality as an organizational form based on self-governing by personalized relationships has thus been described, for example, among professionals and semi-professionals (lawyers, scientists, teachers, priests, judges, social workers, etc.).

In this collegial form, which is not democratic,³ cooperation is not based on purely moral virtue but on the existence of personalized interdependencies, the need to manage them strategically in situations of uncertainty and performance of non-routine tasks, even in highly conflictual situations, and a definition of collective responsibility (Lazega, 2017).

A case of articulation of bottom-up collegiality and top-down collegiality

This organizational approach recognizes that the formal and social features of a collegial organization are ideal-typical, like those of classical bureaucracies. Indeed we live in an increasingly bureaucratized world where

³ "There is absolutely nothing 'democratic' about collegiality. When the privileged classes had to guard themselves against the threat of those who were negatively privileged, they were always obliged to avoid, in this way, allowing any monocratic, seigniorial power that might count on those strata to arise" (Weber 1978:362).

tasks are routinized, work relationships are increasingly impersonal and hierarchy is taken for granted, except at the top of organizations where everything is political, or in “collegial pockets” where management must let professionals self-manage (this typically occurs in R&D departments). But bureaucracy and collegiality challenge each other constantly, stimulating change in each other’s implementation. The Catholic Church itself has often been studied as a particularly interesting and sophisticated example of combination of bureaucracy and collegiality. A diocese is a bureaucracy in which the bishop is the absolute master of his organization. But a diocese cannot exclusively be conceived as a bureaucracy. It is also a collegial setting because priests consider each other as peers and are driven by their own religious orientations and senses of professionalism. At the beginning of the twenty-first century, if a bishop does not try to understand how each of his priests is motivated by his *Beruf*, or calling, and values his autonomy, the latter may simply leave.

An empirical example can be used to illustrate the importance of the combination of bureaucracy and collegiality in a Catholic diocese in France. A diocese is a complex organization with fuzzy borders due to the great number of associations, movements and groups that gravitate around it. It is composed of bureaucratically organized local communities complete with administrators, committees and a multitude of services. It is led by a bishop; nominated by the bishops of the given province; and appointed by the Pope, the Bishop of Rome. When focusing on the relationships between priests, a collegial form of social discipline emerges; based on their interdependencies in performing their various pastoral responsibilities, it is possible to identify a division of labour among them implying religious “orientations”, among which it is difficult to establish any particular order and where the role of the Catholic chain of command is also somewhat uncertain. The social organization of the diocese, when examined from the priests’ point of view, displays characteristics of a collegial organization. The fact that priests dedicated to different orientations interrelate makes it possible for them to build separate, local forms of consensus. All these elements substantiate that a bottom-up type of collegiality among priests exists.

The notion of “religious orientation” refers to the principle of an internal division between heterogeneous approaches to pastoral activities. An orientation is the basis for these priests’ commitment and expectations, for their conception of themselves and of their church. Between 1998 and 2001, Wattebled (2004) identified three different orientations – ritual, activist and intellectual – themselves stemming from two other orientations

that had become nearly extinct: Catholic action directed at independent occupations and a specific orientation directed at the working class (*prêtres ouvriers*). Those orientations are part of distinct, historically ancient traditions updated at the local level and by the contemporary situation of each individual diocese. The plurality of religious orientations is not solely linked to religious logics. It also depends on the diversity of the groups of believers and their social evolution: for example the development of highly under-privileged urban areas (*banlieues*), and the disappearance of traditional working-class neighbourhoods, the transformation of middle class attitudes to politics, or the quest for social distinction among the well-off bourgeoisie.

But the Roman Catholic Church is also a bureaucracy in which the bishop, as an absolute master of his diocese, retains most of the power; his authority is monocratic in theory. Formally speaking, his power can be curbed from above, since the Bishop of Rome and the Roman Curia have the capacity to intervene should disagreement arise; as well as – since Vatican II – from below through the councils, particularly with respect to finances (i.e. the existence of the Diocesan Council for economic affairs). It is the bishop's duty to appoint at least one Vicar General to assist him in directing the diocese. In the example used here, the bishop reintroduced elements of collegiality by setting up an Episcopal Council, an equivalent to the “executive suite” in the diocese. The Episcopal Council was where decisions were made and important diocesan orientations decided upon. The bishop carefully selected the members of this Episcopal Council. This selection was based, on the one hand, on the system of committees set up by the bishop in top-down fashion to cope with the pressures stemming from below, and on the other hand, on the perception, by the bishop and Vicar General, of the legitimate religious orientations present in the diocese and “deserving” representation. Under such constraints, the bishop as an absolute master did not always have much choice as to who should sit on the Episcopal Council if he did not want his diocese to disaggregate under centrifugal forces.

The figure below maps the advice network among the priests of the diocese as reconstituted by Wattebled (2004). Religious orientations that are organized by the priests in the Diocese include *activist*, *ritual* and *intellectual* orientations for the main part and illustrate the variety of a priest's expertise, commitments and initial form of participation. They may explain the plurality of Catholic identities noted in and between parishes. The size of the nodes represents the centrality of the priest in this network. Priests

represented by white circles are uncommitted in terms of orientation. The three most central light grey rounded squares are the “linchpins”, i.e. most central priests in the advice network with an uncontroversial, declining ‘Catholic orientation towards independent occupations’, high popularity among the peripheral and uncommitted (in terms of orientation) priests, and high administrative positions close to the bishop. The white squares with a cross represent an intellectual orientation. The triangles represent activist priests, i.e. black upward triangles for priests sharing a militant orientation, and black downward triangles for priest sharing a working class orientation.⁴

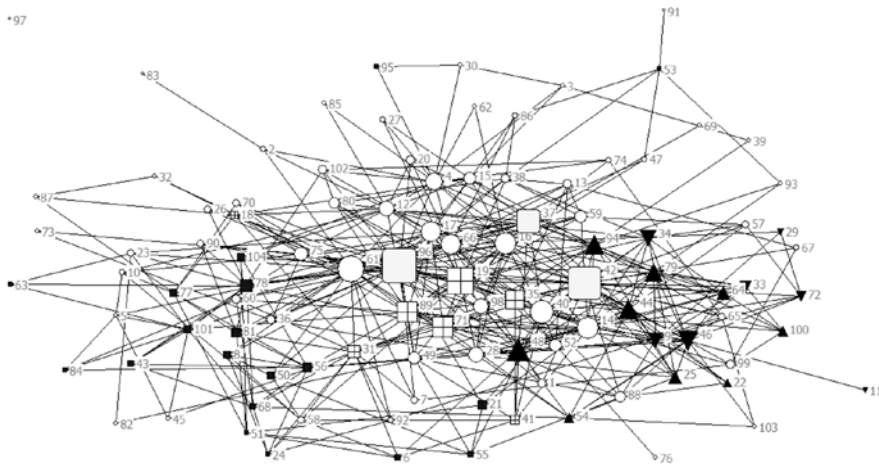


Figure 1. Collegial pockets and linchpins in a hierarchical structure: Religious orientations of the priests in a Diocese as mapped on their advice network. *Legend:* Representation of the advice network among the priests in the diocese. The size of the nodes represents the centrality of the priest in this network. Priests represented by white circles are uncommitted in terms of orientation. The three most central light grey rounded squares are the “linchpins”, i.e. most central priests with an uncontroversial, declining ‘Catholic orientation towards independent occupations’, high popularity among the peripheral and uncommitted (in terms of orientation) priests, and high hierarchical positions close to the bishop. The white squares with a cross represent an intellectual orientation. The triangles represent activist priests, i.e. black upward triangles for priests sharing a militant orientation, and black downward triangles for priest sharing a working class orientation. The black squares represent the priests with the ritual orientation. For an interpretation of this structure, refer to the text.

⁴ The black squares represent priests with ritual orientation. For an interpretation of this structure, refer to the text. For a detailed presentation of the network study of this diocese, see Wattedled (2004) and Lazega and Wattedled (2011).

Bottom-up collegiality among priests is based on the diversity of their commitments expressed by these orientations and on their will to jointly transform them into locally credible pastoral projects. The orientations reflect the fractioning of a diocesan clergy, thereby better able to respond to, and socialize, part of the several Catholic identities present. Bottom-up collegiality organizes cooperation between interdependent priests building up their orientations locally and wanting to remain in control of them. The top-down creation of the presbyteral council towards the end of the 1960s formally translated the hierarchy's reaction to that observable fact and its recognition of the need for participation. At stake in this collegiality is the preservation of commitment and professionalism, i.e., in the present case, defending a specific and minimal authority of the priest with regard to lay people as much as with respect to the bishop.

The bishop maintained a participative social order in this institution which was thus segmented by identifying in each of these groups / orientations the most vocal persons, the priests with social status in their group, and invite these 'representatives' to become members of the Episcopal Council. In exchange for participation in running the diocese from this committee they had to agree not to develop any form of oppositional solidarity or criticize each other in public, i.e. accept the internal heterogeneity of the diocese, thus avoiding the appearance of organizational and "institutional drift" (Selznick, 1949). Observing exchanges between priests in their specific organizational context is a good way to grasp specific dimensions of bottom-up collegial organization, for it brings to light the existing exchanges in their specific social discipline and relational infrastructures, and thus in the joint production of their respective pastoral orientations.

It is worth mentioning that this participation, that brings top-down and bottom-up forces together, is complex. As shown in the figure, the most central members are priests who are often (but not always) administratively closest to the bishop. They often represent the declining orientation of "Catholic action in independent milieu": they have authority individually but they are perceived to be as a spent force collectively. To understand this paradoxical situation it is important to add two additional characteristics of the diocese to the picture. Firstly, many priests are 'peripheral' in these networks. Their relational capital is quite modest. They do not belong in any social niche and do not declare any specific orientation. These 'peripheral' priests tend to seek advice from the colleagues who represent uncontro-

versial orientations; they do not necessarily care whether these advisors have administrative responsibilities. Formality matters, but not exclusively.

Secondly, it is important to know that the bishop himself had a militant and intellectual sensitivity. In order to pacify the milieu, he needed as deputies priests with high intermediarity and representing such an uncontroversial orientation. He found them, at the time and in this case, in these representatives of Catholic action in independent milieu. Structurally speaking these three persons became the linchpins or pivots of the structure. They were in a position to be trusted by the bishop and the many peripheral priests, as well as remaining on speaking terms with the traditionalists, intellectual and militants, i.e. the orientations that were the most creative in terms of adaptation to the environment, but also generating the tensions in the diocese. This intermediarity and linchpin position is thus complex, mobile, processual; it includes a mix of unthreatening popularity among the 'unaligned', brokerage between the 'aligned', and proximity to the bishop who backs them up while keeping them under close supervision.

Participation through top-down collegiality and intermediarity is the complex management device thanks to which the bishop tries to manage the diversity of Catholic orientations, and the unity of his diocese. If bottom-up collegiality depends on a form of specialization in various domains – in conceiving of diverse and often opposed religious orientations for instance – which makes it easier to grasp the diversity of Catholic identities (Donégani, 1993, 2000), this bishop manages this diversity and preserves unity by co-opting the most central colleagues/intermediaries in matters of collaboration, advice and personal support. Here network analysis shows how the meeting of top-down and bottom-up collegialities can produce (or the lack thereof could hinder) social participation. Bringing in the most visible representatives of the various religious orientations as members of the Episcopal council is an attempt at maintaining and keeping this fragile balance of social participation. When it is a priority for the bishop, it can also sometimes be at the cost of closing his eyes on deviant, abusive or wayward behaviour, i.e. avoid sanctioning destructive practices of members whose exclusion could threaten this fragile balance.

Violence and the role of linchpin intermediaries: providing learning and networks

Generalizing this precise example of participation based on a combination of bottom-up and top-down collegiality among heterogeneous peers could be misleading, especially for more violent contexts in which the

weaker parties in participation do not always have the skills and trained capacity, resources and personal relationships required by top-down collegiality with dominant elites. In this empirical case, priests speak the same language to some extent, refer to a common framework even if they do not agree on priorities, and live in the same diocese, which facilitates the creation of personal relationships, for better or for worse. The elites' portfolio of strategies available for coordinating bottom-up and top-down collegiality is fairly large. The first step is co-optation by carefully choosing members of social niches to sit on executive councils. According to the level of managerial rationalization implemented, the transformation of collegiality into a management tool may either constantly refine the relationship between the two types of collegiality, or even forgo bottom-up collegiality, keeping only the rhetoric, thus sterilizing creative cooperation between peers.

For example, at the international level, private and voluntary partnerships have been created to define voluntary sustainability standards for agricultural commodities (Busch, 2011) based on a participative governance model: all stakeholders participate in horizontal manner in an inclusive process of negotiation of such standards in "roundtables" (Aldaba, 2002; Cheyns, 2011). Tensions arise between local minority voices, international NGOs and industries because having a voice in such partnerships is not easy. The top-down collegiality constructed in such roundtables is presented with the rhetoric of horizontality, but in fact it is bureaucratized, infused with taken for granted values, technical knowledge, pre-accepted balance of interests, and a posture of technocratic detachment that makes negotiators on the powerful side feel free from moral responsibility. In such situations, weaker minorities are usually emotional and angry. They wish to talk about the violence (material and symbolic) that they experience, violations of their rights, damage (loss of water, land, pollution, health issues, etc.) to their environments, and about justice and collective responsibility (Varman and Al-Amoudi, 2016).

This often tends to discredit and desolidarize them in this top-down collegiality context and to make them even more vulnerable than before they came to the table. The lesson that can be learnt from such situations is that there is a collective learning process going on in participation. Learning and mentoring (to become a strategic, political actor) is often provided by third parties with competence and experience, i.e. intermediaries that help the parties converge, or believe they converge, towards a "pragmatic" definition of the situation that will be more or less recognized as a com-

mon basis for political negotiation. This presumed-to-be-common definition of the situation can be that of the strong, that of the weak, or some kind of compromise.

Intermediaries, such as the “linchpins” identified in the example above, participate either by introducing stakeholders to a predefined framework or to appropriateness judgments. They often help them learn the skills and use the equipment needed to hold their own in the company of the dominant “peers”; or they help stakeholders to build or redefine a framework for negotiation in which their capacities to generalize their problems and claims are improved. Beyond accompanying critical participation, intermediaries are often expected to be able to define, much beyond their recognized status, new forms of personalized collective responsibility and solidarity, and draw the parties to this common cause and attached commitments. High or lower level elites, to the extent that they have an interest in participation, also need the framework of top-down collegiality and intermediaries to whom they subcontract personalized relationships with usually segregated weaker parties.

The intermediaries’ position can be in a contradiction that sometimes forces a party, whom they try to help, to take its distances and dissolve its dependent relationship with them. Bringing together bottom-up and top-down forms of collegiality is not easy, precisely because of the initial and asymmetric distribution of power. This is in fact part of the core of political activity at all levels. Either adapting to predefined appropriateness judgments and participation framework created by powerful players trying to both empower and manipulate weaker parties; or creating a new kind of appropriateness judgments and framework that are meant to help weaker parties increase their negotiation power and achieve a better defence of their interests.

The integration of migrants is another example of violent political issue in Western democracies where linchpin intermediaries play a key role. It generates contradictory policy designs, implementations and evaluations by public authorities, corporate actors, political parties, and civil society associations. The category of “migrant” covers diverse sociological realities. A migrant’s situation varies due to many factors: their economic and political conditions of departure and arrival, their language and culture, and the support that they can gather. Integration profiles combine different factors. In particular, social and organizational network analyses of migrants (composition, structure, and resilience of personal networks) observe how their integration takes place and ask what is a successful integration. Lubbers

et al. (2010) and Molina *et al.* (2011), for example, show that, in Spain, migrants who feel well integrated have at least one third of their personal network composed of persons who live in the host country already. This is a rare situation for many categories of migrants. The lesson of such situations is that participation and integration requires personal relationships with several linchpin intermediaries from the host country.

Migrants themselves usually try to survive individually or with their families by creating such personalized relations with locals, often themselves previous migrants. Research has shown how individuals in general develop (increase the size and composition of) their network (although not necessarily its structure). They do so using at least three ways. First by “preferential attachment”: they identify central persons in the collective and try to establish a relationship with these persons. The latter become mechanically increasingly central over time. A second strategy uses transitivity: one follows the networks of one’s neighbour. Thirdly, one can use “homophily”, i.e. establish relationships with others similar to us (in terms of socio-demographic characteristics, for example) by signalling and using this similarity. The more actors use transitivity, the more linchpin intermediaries are likely to play a role in these network dynamics. When households lose their initial network and intermediaries, for example displaced households in their new forced places of residence, they may no longer be able to cope with life contingencies and, in such precarious conditions, new linchpin intermediaries are a way out of relational capital traps.

In violent contexts, however, especially when public authorities do not put welcoming policies into place, migrants have to rely, for their long integration process, on intermediaries with resources, including experience and relationships. Within the institutional framework and its implementation of policies that facilitate or prevent migrant integration, the organizational level of agency identified above deserves some attention here as well. Along with the bureaucratic fortresses of migration policies that structure the context in which integration does or does not take place, the issue of the participation and representation of migrants arises as a very problematic one as well, even when they speak the language of their host country perfectly. Unless they belong to very well-organized communities where they can represent their interests themselves, their personal survival networks do not overlap with the policy networks that organize their necessarily slow integration, if any, and/or much more rapid exclusion, segregation, exploitation if not destructive overexploitation. From an organizational perspective, this means that their participation and interactions with the

fortresses depend upon linchpin intermediaries who can represent them by sharing some of their status, resources and legitimacy.

These linchpin intermediaries try to help them participate in a bottom-up process that may take a very long time to meet with the top-down policies designed for them, if that meeting ever takes place. The role of these intermediaries is again underestimated because they can be in a position to speak on behalf of the weaker parties that they help participate because the creation of personal relationships in the host population, as shown by Lubbers and Molina (2010), is key. In addition, these linchpin intermediaries can also add organizational and institutional weight to migrants' rights when they are professionals (social workers, lawyers, doctors, priests, etc.) with capacity to, on the one hand, mobilize civil society associations, charities, and concerned citizens (especially around children); and on the other hand access the fortresses and speak on behalf of the migrants to the main players of public and private institutions and policy networks. Eventually, it is often again through these intermediaries that top-down collegiality meets with bottom-up collegiality, if at all.

Understanding how collegiality works, and its frequent dependence upon intermediaries, shows what is needed for "honourable" participation of the weaker party in fragile co-regulation with the stronger party. When the weaker party has mobilization capacity, experienced and well-connected representatives with the stronger party, top-down collegiality can work, often with difficulty for those who compromise the most, materially and symbolically. But the above illustrations also show that top-down collegiality cannot work in coordination and negotiations between weaker parties and stronger parties in which the weaker party does not have mobilization capacity, as well as experienced and well-networked representatives at the table. In such situations, third parties – often militants, concerned citizens and/or professionals who act as experts, advisors – can be helpful to the weaker party if they choose that party's side. The brokerage that such third parties perform is not only that of a go-between; it provides the weaker party with both (re)framing capacity, buy-in or access to personalized relationships with the other side, i.e. some of the main resources for bottom-up participation in the top-down collegiality model. This is why, in helping the weaker party organize for participation, linchpin intermediaries can also play very destructive and damaging roles (for this weaker party). Intermediaries whose loyalties are taken for granted could mislead, promise more than they can deliver, leave the weak in deeper desolidarization, misery and oppression just to let them know where real authority

lies, sometimes for purely ideological reasons. Perpetuating subordination, segregation and betrayal exactly where participation had generated hope is also part of the dark side of the moral history of the professionals – social workers, teachers, lawyers, priests, etc. (Maines, 2001).

Will the new forms of online social networking help?

Online social network platforms are often used by vulnerable but pre-organized actors in situations of exclusion to find support and capacity for mobilization and collective action. When backed by pre-existing social organizations, online social networks may increase collective action, mobilization and emancipation capacity of entire populations. Social sciences currently do not have access to existing big social network data that would help them test hypotheses on the extent to which online social networks have increased the capacity of vulnerable actors to participate in bottom-up collegiality, to rely on new knowledge and relationships, and participate more actively and efficiently in their own integration as they see it – perhaps especially with less dependence upon linchpin intermediaries. More generally, public research is late in understanding the relationship between concrete physical social networks and online virtual social networks. Private research laboratories set up by large existing platforms are currently studying the interactions, overlaps, differential dynamics and mobilisation of both concrete and virtual networks. Results of such analyses are not shared, and highly manipulable by powerful companies and institutions, for which they also represent high stakes.

Understanding how young generations and citizens in general use and develop their own network “literacy” and online mobilization practices is an important issue for the development of civic engagement in policy-making. Online engagement may alter and disrupt democratic processes, practices, and occurrences.⁵ A better understanding of how these technological solutions interact with the social and political arrangements of participative engagements might provide answers to such questions and represent important stakes, opportunities and/or threats for democracies.

Becoming a participatory actor: a three-players “game”

The aim of this paper is to summarize available bits of sociological knowledge on this organizational dimension of integration and partici-

⁵ See ICA’17 conference themes and interventions.

pation via top-down collegiality, i.e. political work, experience and personalized relationships, and their potential pitfalls. Participation most often takes place in social contexts that are already violent in terms of imposing their inequalities and discriminations on the population, thus depending on the “generosity” of the masters willing to “share” some of their power. In periods of such inequalities, discriminations and upheaval, the elite knows that their contours might be redefined. Therefore they may become genuinely, or simply pretend to be, interested in participation and co-optation of threatening forces, but on their own organizational terms based on top-down collegiality. As a consequence, even in favourable political and institutional contexts, working on specific participatory projects requires intermediaries that come attached to top-down collegiality. Linchpin intermediaries bring experience (i.e. appropriate knowledge) and personal relationships to both sides. Indeed, in such organizational frameworks, the cogs of politics are profoundly knowledge-based and relational.

Participation is a three-role situation that can generate much discontent. Especially in contexts where consensus does not reflect what participants engaged in the process really think and does not speak to their real life (Bühler, 2002) personalized relationships, in which private interests can be recognized and safeguarded, matter. In situations where the weaker party is very vulnerable, subject to delegitimization and symbolic violence as understood by Norbert Elias, a third party of intermediaries can help this weaker party “become a strategic actor”. It can provide material support, advice, relational access and symbolic recognition as a party that can honourably come to the discussion table where change and common actions are designed, and commitments are made. This requires struggle against exclusively top-down collegiality and work in favour of the latter’s meeting with bottom-up collegiality, i.e. a definition of collegiality that makes it inclusive, underlines its principles of heterogeneity, rotation in positions of authority, consensus building, last word for the committee of the whole, etc. This ideally accepts the weaker party’s participation in the definition of joint regulation, i.e. the political order itself.

When negotiations and coordination become tense, experience, skills and personal relationships of intermediaries are used to manage tensions, share knowledge and, nevertheless, keep cooperation going. When there is no will, time, and resources for that, the process becomes too costly and artificial, with players going through the motions, *pour la galerie*, not with the aim to reach compromises. A knowledge of how to confront the other side, value and use experience, organized learning, mobilized per-

sonal relationships to manage conflicts, are required for participation as an organizational process in institutional contexts where demands of the weak are considered legitimate. Any cooperative situation is based upon conflicting definitions of the situation, appropriateness judgments, construction of a minimal shared meaning and experience that modifies each other's representations. Short of these adjustments, participation is fake and does not reflect any form of cooperation at all. Developing learning and personal ties to the other side has long been the role and turf of professionals with experience of such situations, for example lawyers, social workers, or priests. This development is not a sufficient condition, a guarantee that participation in a regulatory process will be truly integrative, but it is a necessary condition.

Two issues are raised by this need for linchpin intermediaries. Firstly, it is often argued that the danger that intermediaries represent for the parties is a recursive transformation into *notables*, the very category that participation intended to avoid in the first place. Rotation of intermediaries (when there are enough of them) might help prevent them from thinking of themselves as sole owners of the definition of the general interest. Secondly, at some point, third parties as intermediaries are put by principals in a situation in which they must choose their side. As seen above in the description of religious orientations in a Catholic diocese, priests in the Catholic Church often do choose their side. But their institution has built an internal organizational structure, that of top-down collegiality, that helps ensure its longevity by integration of these diverse and potentially conflicting orientations, i.e. priests that have chosen different, conflicting sides, in particular the side of the strong more often than the side of the weak. Intermediaries' work is ambiguous and uses ambiguity. With top-down collegiality, the institution organizes for participation in the long run by taking sides without taking sides while still taking sides (Litwak, 1961). Network analysis of peer production in a diocese suggests that institutions designed for managing participation can live with such contradictions and tensions for centuries. They allow individual members to choose their side as intermediaries in the participation processes, while still belonging to an institution that claims neutrality and promotes values that are impossible to live up to in real life.

What lesson can be drawn from this approach to the combination of top-down and bottom-up participation? Top-down collegiality is still mostly practiced in traditional ways, i.e. in exclusive, rarefied, privatized rooms, from the beginning to the end of the process. Powerful parties con-

trol the risk of goal drift by identifying intermediaries who are not always properly elected representatives and by building personal relationships with and among these intermediaries. In such collegial oligarchies, elitist egalitarianism can be cosy. Perhaps online social network platforms will prevent this organization of participation from taking place outside the surveillance of public opinion and the media, and without open and inclusive political debates. With institutions using top-down collegiality, at least network analyses could give the weaker party a chance of monitoring their linchpin intermediaries and the quality of the latter's help. Participation thus needs intermediaries but also mechanisms of social control of intermediaries. The institutional entrepreneurship of intermediaries can perhaps be used while still avoiding the dangers created by their 'rent seeking' status. In spite of the difficulties / disappointments generated by participation, it could help the weaker parties hold their own in the framework imposed upon them from above. Over time, attempts to redefine collective rights behind collective responsibilities may exploit this capacity to try to keep others' powers in check. In a context of bleak prospects for vulnerable and weak parties, that in itself may be a lesson that should perhaps not be ignored.

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RELIGIOUS AGENCY AND THE INTEGRATION OF MARGINALIZED PEOPLE

ALLEN D. HERTZKE¹

Introduction

Mounting empirical research suggests that violations of religious freedom and agency, both by governments and powerful social actors, tend to reinforce oppressive structures that marginalize, or prevent integration of, impoverished people, exploited women, migrants, ethnic and religious minorities, and outcasts. Protections of religious agency, on the other hand, particularly the right to practice, interpret, criticize, or change one's faith, act as powerful engines of empowerment and integration of otherwise marginalized people. Repression of this religious agency, moreover, produces cycles of persecution, societal instability, and violence that redound disproportionately on fragile economic and social institutions of integration. Sadly, in many places around the world we see massive repression of this empowering religious agency. Indeed, religious discrimination serves as a major driver of marginalization in numerous societies.

This paper presents the findings of major research initiatives sponsored by the Religious Freedom Project at Georgetown University.² Involving commissioned studies by multiple scholars and teams, this research enterprise draws upon unprecedented global data and employs sophisticated methodologies to explore the empirical relationships between the freedom of religious exercise and human flourishing. In this paper I will provide the context for this research, synthesize key empirical findings, and outline the

¹ University of Oklahoma.

² This project was begun under the auspices of the Religious Freedom Project (RFP) at Georgetown University's Berkley Center for Religion, Peace & World Affairs and made possible by the support of the John Templeton Foundation. Continued support for this work is being offered by the RFP's successor project, the Religious Freedom Research Project at the Berkley Center. My involvement has included co-directing the Christianity and Freedom initiative (*Christianity and Freedom, Volume I: Historical Perspectives* and *Christianity and Freedom, Vol. II: Contemporary Perspectives*, co-edited by Timothy Samuel Shah and Allen D. Hertzke, New York: Cambridge University Press), and synthesizing the research of a dozen team members exploring the economic and political benefits of religious freedom (in progress).

initial liniments of a theoretical framework for understanding them. The challenge of the Plenary Session has helped me comprehend the significance of *religious agency* as a crucial dimension of empowerment and inclusion.

A word about terms. In this paper I often use the terms *religious agency* and *religious freedom* interchangeably. This makes sense, in part, because agency represents the active dimension of religious freedom as defined in international law. Agency suggests the capacity to act on – or change – ones beliefs, commitments, relationships, and religious practices. This capacity, as I will show, helps explain the powerful impact of religious freedom on human development, good governance, and inclusion. In another sense, religious freedom enables more specific forms of beneficial agency. In some instances, therefore, it is pertinent to employ the broader rubric of religious freedom, as in explorations of its impact on international peace. In other cases, such as women's empowerment, agency captures the more specific dynamics at play.

Why religious agency matters

Before turning to specific research findings, it is helpful to outline features of the global context that underscore why religious agency matters, especially now.

1. Religious agency matters to integration and inclusion because religion matters

Any framework for understanding the dynamics of exclusion or integration must reckon with the force of religion in societies across the globe. The global resurgence of religion, both demographically and in terms of public impact, came as the great surprise of our age. Contrary to predictions of the West's leading minds from the 19th century onward, secularization peaked in 1970 and then began to retreat in most parts of the globe, as religious communities began to push back at their marginalization by secular forces and states in what Gilles Kepel termed *The Revenge of God*.³ Thus not only have we seen a demographic expansion of religious affiliation, but religious movements now exercise more independence from states, marshal greater resources, and command greater transnational authority than they ever have before. This is, for good or ill, *God's Century*.⁴

³ Gilles Kepel, *The Revenge of God* (University Park: The Pennsylvania State University Press, 1994), translation of *La Revanche de Dieu* (Points-Actuels, 1991).

⁴ Monica Duffy Toft, Daniel Philpott, and Timothy Samuel Shah, *God's Century: Resurgent Religion and Global Politics* (New York: W.W. Norton, 2011).

Global demographic growth rates, moreover, indicate that the world's population will become even more religious in the future, dwarfing the non-religious. This trend owes to the fact that fertility rates are extremely low for non-religious or unaffiliated populations, while the religious devout (of diverse religious traditions) tend to have larger families and often invite others into their ranks.⁵ Drawing upon demographic projections of the Pew Research Center, Grim and Connor chart the changing religious and non-religious shares of the global. In 1970, the unaffiliated (or non-religious) share of the world's population stood at nearly a fifth (19%). This reflected, in large part, the height of communist (and atheist) power in the Soviet Union, Eastern Europe, China, Vietnam, etc. In many cases religious movements have filled the void caused by the collapse of communism. So despite the decline of religious affiliation in Western Europe since 1970, the unaffiliated share of global population had shrunk to 16% by 2010, and by 2050 it will decline further to 13%.⁶ Moreover, this latter figure hinges on very conservative estimates of growth rates of religious affiliation in China, especially for Christianity. If projections by Fenggang Yang (the leading expert on religion in China) bear out, then the global percentage of the non-religious will be even lower than 13%.⁷

Consequently, for an increasing majority of the global population into the future, religion will powerfully anchor forms of identity, meaning, community, and purpose. This is particularly fateful for poor women, the doubly marginalized. Given that these women in developing societies often disproportionately belong to religious communities and adhere to faith

⁵ Michael Lipka, "Why people with no religion are projected to decline as a share of the world's population", Pew Research Center, April 7, 2017 <http://www.pewresearch.org/fact-tank/2017/04/07/why-people-with-no-religion-are-projected-to-decline-as-a-share-of-the-worlds-population/> accessed April 17, 2017.

⁶ Brian J. Grim and Philip Connor, "Changing Religion, Changing Economics: Future Global Religious and Economic Growth", Religious Freedom & Business Foundation, October 21, 2015; "The Future of World Religions: Population Growth Projections: 2010-2050", Pew Research Center, April 2, 2015; <http://www.pewforum.org/2015/04/02/religious-projections-2010-2050/> accessed March 17, 2017; Michael Lipka, "Why people with no religious are project to decline as a share of the world's population", Pew Research Center, April 7, 2017 <http://www.pewresearch.org/fact-tank/2017/04/07/why-people-with-no-religion-are-projected-to-decline-as-a-share-of-the-worlds-population/> accessed April 17, 2017.

⁷ Fenggang Yang, "The Growth and Dynamism of Chinese Christianity", in *Christianity and Freedom, Vol. II: Contemporary Perspectives*, Allen D. Hertzke and Timothy Samuel Shah, editors (New York: Cambridge University Press, 2016).

commitments, guaranteeing or expanding their agency in religion is pivotal to their broader integration.

Solutions to exclusion and marginalization, therefore, cannot rely on the secular assumptions of economic factors, but must, as the introduction to this plenary program observes, flow from a proper “anthropological” framework. As Timothy Shah documents, anthropological (and psychological) research suggests “that the capacity for religious belief is natural; that belief appears early and easily in the lives of individuals; that it appeared full-blown at the dawn of human civilization; and that the suppression of religious belief, expression, and practice runs against the grain of human nature and experience”.⁸ Repression of what people experience as fundamental to their human dignity fuels division, destabilizes societies, and undermines integration.

2. Religious agency matters because religious diversity matters

The dominant paradigm in the sociology of religion finds that, at the deepest ontological level, the default condition of religion is diversity.⁹ While societies and states once expected (and some still strive to impose) religious uniformity, that model is increasingly untenable in the global age. Sociologist Peter Berger, once a leading theorist of the secularization thesis, now says he was wrong in thinking that modernization and globalization would bring secularization; rather, they bring plurality, as people of widely diverse religious beliefs and practices find themselves cheek to jowl with religious others. With travel, migrations, and now massive refugee flows, people encounter a dizzying religious pluralism, where “everyone is everywhere”, as Berger puts it.¹⁰ The denial or repression of this diversity produces persecution, social hostility, violence, and instability. People in a diverse and fervently religious world must find a way of navigating their shared lives.

⁸ Timothy Samuel Shah, *Religious Freedom: Why Now?* (Princeton: The Witherspoon Institute, Inc., 2012).

⁹ Brian Grim and Roger Finke, *The Price of Freedom Denied*. (New York: Cambridge University Press, 2011).

¹⁰ This is how Peter Berger described our era at a conference I organized in Istanbul in April of 2013. See Peter Berger, *The Many Altars of Modernity. Towards a Paradigm for Religion in a Pluralist Age* (De Gruyter Mouton, 2014).

3. Religious agency matters because it is enshrined as a fundamental right in international law

Article 18 of the *Universal Declaration of Human Rights*, adopted by the United Nations in 1948, reads as follows:

Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.

Notice the emphasis on active agency in the definition. Similar language is found in the *International Covenant on Civil and Political Rights*, the *Hel-sinki Accords*, the *Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief*, and the *European Convention for the Protection of Human Rights and Fundamental Freedoms*.

As with the foundational Vatican II proclamation *Dignitatis Humanae*, the *Universal Declaration* anchors religious agency in human dignity and its correlates. Indeed, the preface to the *Declaration* roots all rights in the “inherent dignity” and “worth of the human person”, and in the “equal and inalienable rights of all members of the human family” who are “endowed with reason and conscience”. Article 18 also emphasizes the relational aspect of human life, that people must be free “in community with others” to manifest their faith or beliefs. *Dignity, equal worth, reason, conscience, and community* – these traits of common humanity provide the clues to why agency in religion can play such a powerful role in integration and inclusion.

Not surprisingly, the freedom to exercise one’s faith unmolested is a near universal aspiration. In a recent Pew Global Attitudes Survey, over 90% of respondents in every region on earth indicated that it was important to them to live in a country where they can practice religion freely (only 2% saying it wasn’t important at all).¹¹

4. Religious agency matters because it is massively denied

Global measures by the Pew Research Center find that over three-quarters of the world’s population live amidst high restrictions on their religious practice, either by repressive government actions or hostile social agents.¹² Companion global data from the Religion and State Project at

¹¹ Pew Global Attitudes Project, October 4, 2007, <http://pewglobal.org/reports/pdf/258topline.pdf>

¹² “Global Restrictions on Religion Rise Modestly in 2015, Reversing Downward

Bar-Ilan University in Israel document an astonishing array of repressive government practices against religion, especially targeting religious and ethnic minorities who are uniquely vulnerable to marginalization.¹³ If the default condition of religion is diversity, and if freedom to exercise one's transcendent duties – to seek truth about ultimate questions and act on them – is a near universal aspiration, then government or social repression will inevitably cause harm to societies, governance, and economics. We see this in the devastating marginalization of Baha'is in Iran, where theocratic leaders treat them as a contagion to be eradicated. We see it in the efforts of Hindu nationalists in India to marginalize non-Hindu minorities. The list goes on. Indeed, the Pew Research Center finds that government restrictions on religion are strongly related to social hostilities and violent religious extremism. It is thus highly unlikely that societies can erect structures and build norms of inclusion and uplift if wracked by such forces.

With the context provided by these four factors, we can now explore in some detail new research findings into the pathways of religious agency in uplift and integration.

Religious agency, sustainable development, and women's empowerment

A growing literature documents the links between economic outcomes and religious freedom (and the agency it entails). One of the most active scholars investigating the links between religious liberty and inclusive economic development is Brian Grim. After directing the landmark annual reports for the Pew Research Center on global restrictions, Grim left in 2014 to found the Business and Religious Freedom Foundation, which documents the quantitative and causal relationships between religious liberty, thriving business, and sustainable economic development. Grim anchors this research in the UN and World Bank definition of sustainable development: "Development that meets the needs of the present

Trend", Pew Research Center, April 11, 2017, <http://www.pewforum.org/2017/04/11/global-restrictions-on-religion-rise-modestly-in-2015-reversing-downward-trend/> accessed June 14, 2017. This is the latest of the Pew reports on global restrictions on religion. The first report, issued in December of 2009, found that 70% of the world's population lived in countries with high or very high restrictions on religion, <http://www.pewforum.org/2009/12/17/global-restrictions-on-religion/> That figure rose to 79% in the 2017 report.

¹³ Jonathan Fox, *The Unfree Exercise of Religion: A World Survey of Discrimination against Religious Minorities* (New York: Cambridge University Press, 2016); *Political Secularism, Religion, and the State* (New York: Cambridge University Press, 2015).

without compromising the ability of future generations to meet their own needs”. He then prodigiously tests (and controls for) virtually every other explanation that could explain the strong relationships he finds between low restrictions on religion and sustainable economic development. He concludes that religious freedom contributes to sustainable and inclusive development – and their underlying socioeconomic conditions – in at least seven ways:

1) Fosters respect for differing faiths and beliefs, which is crucial to stable societies in a world in which 8 of 10 people identify with a religious faith and which produces the societal diversity shown to be beneficial to economic growth.

2) Helps reduce corruption, which is a key ingredient in sustainable development. Laws and practices that burden religion are strongly related to higher levels of corruption and they prevent faith-based values from checking corruption in business.

3) Engenders peace by diffusing religious tensions and reducing religion-related violence, a huge drag on foreign investment and business growth which rely on stability and predictability.

4) Encourages broader freedoms that contribute to positive socio-economic development, by removing what Amartya Sen calls the sources of “unfreedom”. For example, Grim’s research shows the strong link between religious freedom and protection of property rights.

5) Enables religious groups to play a measurable role in the human and social development of countries, especially the development of human capital through education, health care, and agricultural development.

6) Overcomes government over-regulation associated with such things as coercive blasphemy and anti-conversion laws. Repressive religious environments inhibit entrepreneurial activity, foreign direct investment, and economic synergies. Persecution is bad for business.

7) Multiplies trust among employees whose faith and beliefs are respected, which improves workplace morale and encourages creative input, as well as signaling to stakeholders that the company is ethical. The global consulting firm McKinsey has shown the value of ethical branding to business.¹⁴

¹⁴ Brian J. Grim, “Seven Ways Religious Freedom Contributes to Sustainable Development”, in *Religious Freedom & Sustainable Development*, on-line series, August 10, 2015, <http://religiousfreedomandbusiness.org/2/post/2015/08/seven-ways-religious-freedom-contributes-to-sustainable-development.html> accessed April 24, 2017.

Grim and colleagues then conduct systematic quantitative analysis to measure the actual impact of religious liberty on sustainable economic growth. With appropriate scholarly caution the authors note that broad social and political outcomes flow from diverse factors and that religious freedom is not a “silver bullet” or “secret solution to the world’s ills”. Nonetheless, their research indicates that the “tandem effects of governmental restrictions on religion and social hostilities” strongly inhibit economic growth. Remarkably, this relationship is more significant than most of the conventional economic predictors of economic performance. To demonstrate this impact, and to test and control for alternative causal explanations, Grim and his co-authors incorporate no less than 25 factors in their structural equation model to predict GDP growth. These include the common theoretical, economic, political, social, and demographic variables of economics research, such as tax rates, tariff rates, population size, government expenditures, public debt, foreign direct investment, corruption, etc. Of these 25 variables *only four* had statistically significant impact on GDP growth: religious restrictions, religious hostilities, 5-year GDP growth, and monetary freedom. In other words, mainstream economists have been ignoring one of the most important factors in sustainable economic growth: religious liberty, as embodied in low levels of restrictions and hostilities. This astonishing finding leads the researchers to conclude that “religious freedom contributes to better economic and business outcomes and that advances in religious freedom are in the self-interest of businesses, governments, and societies by contributing to successful and sustainable enterprises that benefit societies and individuals”.¹⁵

The role of religious agency – as illustrated by Robert Woodberry’s landmark research on the impact of Protestant missionary activity in fueling democratization – also shows up in economic uplift. Missionary initiatives that promoted literacy (especially for girls), printing, and honesty in public affairs also nurtured and diffused human capital and the development of institutions which protected indigenous property rights and the rule of law in developing nations. All of these factors support long-term economic growth. Astonishingly, Woodberry found that conversionary

¹⁵ Brian Grim, G. Clark, and R.E. Snyder, Is Religious Freedom Good for Business?: A Conceptual and Empirical Analysis, *Interdisciplinary Journal of Research on Religion*, 4 (2014) (1-19).

Protestant activity prior to 1960 still had a strong positive association with national income levels 75 years later.¹⁶

These findings dovetail with a special concern of development economists: the status and uplift of women, whose repression operates as a drag on sustainable economic growth. Grim and Finke's analysis of global data reveals a strong statistical relationship between religious freedom and women's empowerment, which supports their broader theory that protecting religious rights contributes to peaceful flourishing societies and integration of marginalized people.¹⁷ Moreover, measures of the UN Human Development Report's *Gender Inequality Index* show a direct correlation between religious tolerance and gender equality.¹⁸

The obverse also emerges robustly from the data. Higher government and social restrictions on religion, as Brian Grim and Jo-Ann Lyon recently documented, are strongly associated with gender inequality. Indeed, the nations with the highest religious restrictions also show the highest levels of such inequality. In other words, women's status is lowest where restrictions on religious freedom are greatest.¹⁹

One cannot understate the potential significance of these findings. Global oppression of women not only represents a massive human rights violation; it serves as a key barrier to economic development and the eradication of extreme poverty. In their book, *Half the Sky: Turning Oppression into Opportunity for Women Worldwide*, Nicholas Kristof and Sheryl Wudunn catalogue the devastating oppression of women and girls in the developing world and show how female empowerment will unleash economic progress and uplift for the poor.²⁰

¹⁶ Robert Woodberry, "The Missionary Roots of Liberal Democracy", *American Political Science Review* 106, no. 2 (2012): 244-74.

¹⁷ Grim and Finke, *The Price of Freedom Denied*.

¹⁸ Brian Grim, G. Clark, and Jo-Ann Lyon, "Religion Holds Women Back: Or Does it?" World Economic Forum, November 17, 2015, <https://www.weforum.org/agenda/2015/11/religion-holds-women-back-or-does-it> Accessed April 24, 2017. Grim and Lyon compare the Gender Inequality Index in the UN Human Development Reports and find a strong correlation between gender inequality and countries with high restrictions on religion. UN Human Development Report 2015, pp. 224-227.

¹⁹ Brian Grim and Jo-Ann Lyon, "Religion Holds Women Back: Or Does it?" World Economic Forum, November 17, 2015, <https://www.weforum.org/agenda/2015/11/religion-holds-women-back-or-does-it> accessed April 24, 2017.

²⁰ Nicholas Kristof and Sheryl Wudunn, *Half the Sky: Turning Oppression into Opportunity for Women Worldwide* (New York: Vintage 2010).

To be sure, no one contends that extending religious rights is more important than other economic, social, and educational levers of women's empowerment. But as we will see, fascinating new research reveals how restrictive government religious policies are intimately linked with structures that constrict opportunities for women. Expanding religious choices, on the other hand, produces tangible improvement in women's status.

Of all the relationships developed by scholars this seems the most paradoxical or counter-intuitive, because religion itself is often seen as a major barrier to gender parity. How could religious freedom enhance women's status when religion justifies, if not propels, much of the institutionalized discrimination against women around the world today? Why would one want to empower the very patriarchal institutions that repress women and constrict girls' horizons?

These questions reflect a profound misunderstanding about what religious freedom is and is not. By definition, the protection of religious rights signifies the opposite of favoring or empowering a dominant faith. Full religious freedom entails the right to criticize or leave one's inherited religion. As Brian Grim, Rebecca Shah, and others have shown, extending these options of "exit and voice" empowers women in traditional societies. This crucial dynamic is particularly potent for women in highly religious societies who themselves are often devout.

The freedom and agency to criticize, reform, reinterpret, or change one's religion; the right to form new religious associations for mutual support; the ability to teach new ideas about faith – these dimensions of religious freedom facilitate women's participation in civil society, expand educational opportunities for young women, and spur female economic enterprise. In regimes of general religious freedom no one sect can monopolize discourse, making it harder to enforce a single anti-female narrative or sustain hierarchies detrimental to women's advancement. Moreover, greater agency in religious matters can powerfully translate into other social and economic initiatives. Religious rights build upon and buoy the rights to speech, assembly, and property ownership so essential to social and economic advancement of the marginalized.

On the other hand, various forms of government and social restrictions on religion tend to cement oppressive structures against women. The collusion of states with dominant religions – a remarkably common practice – prevents women from leaving repressive situations, narrows their societal options, and constricts their economic participation. This is obvious with theocratic nations like Saudi Arabia. But even in democratic states, such as

India, state laws that favor the dominant religion tend to freeze low-status women in rigid caste structures, as research by Rebecca Shah shows.²¹

As we would expect from Grim and Finke's *religious violence cycle*, government restrictions on religion also invite social hostilities against vulnerable people, often under the guise of protecting traditional culture.²² When dominant social groups can act with impunity against religious minorities or dissenters, the mob violence and intimidation falls disproportionately on women, the doubly marginalized.

The rise of extremist religious ideologies represents the most dramatic example of this dynamic and illuminates how violations of religious freedom disproportionately redound against women and girls. Indeed, it is the twin rejection of religious pluralism and women's agency that helps define jihadist ideology. Not surprisingly, the prime victims of such extremist groups as ISIS, Boko Haram, and the Taliban are religious minorities, women, and girls. Indeed, pushing back on women's rights is a key component of their deadly strategy. Under the sway of their theocratic ideology we see dramatic reversals in women's status and a descent into grotesque forms of sexual violence, trafficking, and bondage.

In sum, places with the greatest measurable religious freedom also demonstrate the greatest empowerment and participation by women in all sectors of society. Nations with the highest government and social restrictions on religion show the opposite.

For those who question whether these correlations really imply causality, path-breaking research by Rebecca Shah and others uncovers some of the most intriguing causal mechanisms and pathways that operate with religious agency. This research shows the empowerment that comes from spiritual capital and supportive religious networks, along with the capacity to exercise religious voice, choice, and exit.

A former World Bank development economist, Rebecca Shah anchors her work in behavioral economics on the importance of such attributes as dignity, agency, hope for the future, and self-control in the uplift of the very poor. Amartya Sen demonstrates, for example, that poverty alleviation hinges not only on material factors, but on the capacities of the poor to make choices and the freedom to act on what they value.²³ To a surpris-

²¹ Rebecca Shah, "Religion and Economic Empowerment among Micro-Credit Clients in North Bangalore Slums" December 2015, unpublished paper.

²² Brian Grim and Roger Finke, *The Price of Freedom Denied*.

²³ Amartya Sen, *Development as Freedom* (New York: Knopf, 1999). Rebecca Shah ex-

ing extent, the poor not only value material assets or education, but relationships with family and community, growth in their faith, and harmony with the transcendent.²⁴ These values or aspirations can facilitate the social capital that we know facilitates cooperative enterprises, access to credit markets, and economic development. But Shah and others also point to the ways that religious participation also generates *spiritual capital*, which can buoy uplift and the broader inclusion of the poor and marginalized. As Shaw observes, spiritual capital is “generated through attitudes and perceptions of people toward themselves”, particularly through a sense of agency before God “to improve their lives, the lives of their families and the lives of the wider community”.²⁵ To the extent that spiritual awakening can promote a positive, even transcendent, sense of oneself and one’s agency, it provides a source of hope and future-orientation essential to take advantage of development initiatives, such as micro-loans, training programs, craft guilds, and the like.

Freedom to practice one’s faith, thus, can be central to economic development and inclusion because of the debilitating impact of extreme poverty. Caught in a vicious cycle of desperation and hopelessness, the poor often indulge in self-destructive activities or give up entirely. Religious agency, on the other hand, can supply a sense of hope, as well as cultivate attributes of thrift and planning essential to breaking free from the poverty cycle.

How do we know this? Shah and her research teams have followed the trajectories of thousands of poor women in Asia and Africa, with a special

pands on his and other research by developing the idea of spiritual capital. See Rebecca Samuel Shah, “Religion and Economic Empowerment Among the Enterprising Poor”, *The Review of Faith & International Affairs*, Vol II, Winter 2013.

²⁴ See Sabina Alkire, *Valuing Freedoms* (Oxford: Oxford University Press, 2005); Deepa Narayan, *Voices of the Poor: Can Anyone Hear Us* (Oxford: Oxford University Press, 2000); Rebecca and Timothy Shah, “Spiritual Capital and Economic Enterprise”, Oxford Centre for Religion & Public Life, June 26, 2007, <http://www.ocrpl.org/2007/spiritual-capital-and-economic-enterprise/>; Rebecca Samuel Shah and Robert Woodberry, “Religion and Economic Empowerment: A Growing but Still Tentative Relationship”, a literature review working paper, August 2015; Rebecca Samuel Shah, “Christianity Among the Marginalized: Empowering Poor Women in India”, in *Christianity and Freedom Volume II: Contemporary Perspectives*, Allen D. Hertzke and Timothy Samuel Shah, editors (Cambridge: Cambridge University Press, 2016).

²⁵ Rebecca Shah, “Religion and Economic Empowerment”, RFA, pp 43-44. See also Rebecca and Timothy Shah, “Spiritual Capital and Economic Enterprise”, Oxford Centre for Religion & Public Life, June 26, 2007, <http://www.ocrpl.org/2007/spiritual-capital-and-economic-enterprise/>

emphasis on India and now Sri Lanka. From this ongoing research Shah concludes that spiritual capital is indeed a “fungible resource” that is “accumulated in the religious domain by specifically religious means, but which can be ‘spent’ or leveraged to advance non-religious domains like governance and the economy”.²⁶ Surprisingly, Shah finds that the practice of religious tithing not only can help build social networks of mutual support, but that it helps foster a culture of self-discipline and future-orientation. She points to Muslim Dalit women, whose visits (and tiny contributions) to Sufi dargas shrines empower them with a sense of hope and agency. Crucial to this empowerment is the freedom to make one’s religious decisions, which is vulnerable to theocratic pressures, whether from Islamist Sunni clerics or Hindu nationalists who reject such choices.²⁷

To explore the causal pathways of exclusion and inclusion, Rebecca Shah focused her research among Dalit women involved in microenterprise. Indian Dalits comprise one of the largest discrete classes of people in the world subject to systematic exclusion, and Dalit women are doubly marginalized. The term Dalit literally means “broken” and is used to describe those traditionally regarded as untouchable or outcast in the Hindu caste system. Referred to as “scheduled castes” by the Indian government, they comprise at least 200 million people (or over 16% of India), but Dalit advocates estimate a much higher figure.²⁸

In light of their exclusion from broader Indian or Hindu society, religious switching for Dalits can serve as a potent form of agency, and large numbers have become Buddhists, Muslims, or Christians. Quite by accident, Rebecca Shah’s research on Dalit women unearthed a large sample who were converting from Hinduism to other faiths, particularly revivalist Christianity. This enabled her to conduct a fine-grained comparison of these women to their peers in the same slums, and thus to track the impact of religious choice on economic betterment.

The results were dramatic. The ability to *break free and break out* of cultural and legal straitjackets – to exercise religious choice and agency – spurred these women to take initiative in other aspects of their lives. They were more likely to take part in micro-enterprises and be successful in

²⁶ Rebecca Shah, “Religion and Economic Empowerment”, RFIA.

²⁷ Ibid, pp. 41-42.

²⁸ “India: Official Dalit Population Exceeds 200 million”, International Dalit Solidarity Network, <http://idsn.org/india-official-dalit-population-exceeds-200-million/> May 29, 2013, accessed April 15, 2017.

them, more likely to report domestic abuse, more likely to invest in their children's education, and more likely to save and eventually own their homes. Participation in face-to-face religious communities also gave them access to networks of mutual support and accountability that yielded significant economic and social benefits. Notably, Shah finds these impacts especially strong for Christian converts, whose identities are transformed by the Christian idea of their transcendent worth and dignity. As a deeply marginalized group, Dalits have even developed their own empowering theology by identifying Christ on the cross as literally one of them, a Dalit, a broken one.²⁹

These findings suggest that the *nature* of religious belief, especially theologies of hope versus fatalism, could magnify the impact of religious agency on economic uplift and women's empowerment. This hypothesis is guiding different experimental research projects. One team, for example, conducted a spiritually-based intervention among 600 indigenous women who were part of a faith-based microfinance program in Oaxaca, Mexico. Based on prior research showing that dimensions of hope facilitate transitions out of poverty, researchers randomly placed participants in control and intervention groups. The intervention group was engaged with a biblically-based curriculum that emphasized hope and agency – having goals and aspirations, recognizing gifts and abilities, and conceptualizing pathways out of poverty. The study found that evangelical Protestant women already enjoyed higher levels of aspirations, agency, and optimism at baseline, but that the intervention significantly enhanced these attributes among Catholic women, narrowing their differences with their evangelical sisters.³⁰

In turn, Rebecca Shah is teaming up with colleague Robert Woodberry to undertake an even more ambitious project. Funded by the John Templeton Foundation and sponsored by Baylor University's Institute for Studies of Religion, *The Religion and Economic Empowerment Project* will test

²⁹ Rebecca Samuel Shah, "Christianity Among the Marginalized: Empowering Poor Women in India", in *Christianity and Freedom Volume II: Contemporary Perspectives*, Allen D. Hertzke and Timothy Samuel Shah, editors (Cambridge: Cambridge University Press, 2016).

³⁰ Bruce Wydick, Robert Dowd, and Travis J. Lybbert, "Hope and Human Dignity: Exploring Religious Belief, Hope, and Transition out of Poverty in Oaxaca, Mexico", research paper, December 22, 2016. Wydick and Dowd are both with the Kellogg Institute at the University of Notre Dame; Lybbert is in the Department of Agricultural and Resource Economics at the University of California at Davis.

the impact of religiously-based hope and agency on poverty alleviation. The study now underway will involve household surveys of some 9,000 people in different sites in India and Sri Lanka over time, including over-samples of Dalit and tribal women. Employing a rigorous methodology of quasi-experimental controls (places where conversion is allowed and where it is not), the study will track the longitudinal impacts of conversion (especially to different forms of Christianity) on poverty alleviation.³¹

This cutting-edge research on women's empowerment and faith underscores the value of religious freedom – understood as full equality before the law, the right of exit and voice, associational rights, and social dignity. Expanding religious agency cultivates moral and social capital, unleashes economic enterprise, and spurs uplift of the poor in traditional societies. These empirical findings also call into question the fashionable valorization by some western scholars of fixed indigenous religious identities, and the attendant criticism of conversion as a transitive act, rather than a potentially liberating one.

The broader significance of this line of research is in its documentation of the importance of recognizing religious choice and pluralism. Where states or societies restrict the right of religious change, they unintentionally undercut the kind of agency that choice can propel. In contrast, when poor and marginalized women can exercise their agency in religion – making their own religious choices, cultivating their own religious communities, reforming or challenging interpretations of their religion that oppress them, or changing their religion – this freedom unleashes their agency in broader economic and social realms of life.

Religion and social inclusion of guest workers, migrants, and refugees

Great migrations are a powerful feature of our global era, whether through refugee flows, legal immigration, or guest worker arrangements. Migrants often suffer various degrees of social and economic exclusion, leading Pope Francis to call upon global leaders to seek means of authentic inclusion for the millions living on the margins of host societies. Greatly compounding exclusion is the fact that so many migrants are religious “others”, perceived as alien to dominant cultures and thus subject to restrictions, discrimination, and social hostilities. Government protections of

³¹ “Religion and Economic Empowerment Among the Poor in India and Sri Lanka”, Institute for the Studies of Religion, Baylor University, research project, funded by the John Templeton Foundation, underway.

religious freedom and social acceptance of diverse religious identities provide crucial leverage for inclusion of newcomers. On the other hand, the denial of religious rights reinforces exclusion.

Saudi Arabia provides a vivid example. Guest workers comprise a significant percentage of the Saudi population (some 20–30%), and most are not adherents of its austere Wahhabi form of Sunni Islam. Christian worship is illegal and other religious minorities face severe religious restrictions. The appalling exploitation guest workers often experience, therefore, is compounded by the religious exclusion they face. Religious observance often must take place in secret, thus the denial of the right of corporate worship and fraternal organization atomizes guest workers and prevents empowering solidarity.

The social exclusion of “religious others” can also operate in more benign national contexts. Japan is a democratic nation with legal protections for religious freedom. But guest workers, because they are viewed as alien to Japanese culture, continue to be marginalized and excluded in significant ways. A broader social acceptance of religious pluralism would aid in inclusion of these workers.³² The struggle of the Turkish minority in Germany illustrates this dynamic as well. While multi-generational Turkish families have lived in Germany for decades, it was not until this century that German law provided avenues for their inclusion as citizens. The identity of Turks as cultural and religious “others” proved a barrier to this change in law and social recognition. In sum, to have one’s religious identity recognized and validated by a host country serves to open up avenues of inclusion hitherto closed.

The flood of refugees from Syria and Afghanistan, themselves the victims of religious repression and strife, represents the greatest refugee crisis since the end of the Second World War. This influx of mostly Muslim refugees is driving a new politics of nativist nationalism in the West, with huge implications for questions of inclusion and national identity. Moreover, it appears that the growth of Muslim immigration in Europe and North America is leading to an increase in both government restrictions and social hostilities. According to the latest Pew restrictions report, “government harassment and use of force against religious groups” has surged “as record number of refugees enter Europe”, which recorded largest increase

³² This insight was pointed out to me by Shino Yokotsuka, a graduate student at the University of Delaware, who is exploring the value of religious freedom to inclusion of outsiders to Japanese culture.

in religious restrictions in the world in 2015. But the report also recorded increases in government restrictions in the United States, mostly in local zoning resistance to mosque construction, as well as growing social hostilities.³³ On the other hand, restive Muslim minorities in Europe seem to be driving some of the increases in anti-Semitic assaults and terrorist incidents. Clearly, western nations face dramatic new challenges to the vision of inclusive society.

Religious agency, civil society, and democracy

In a prior paper for the Pontifical Academy, I analyzed in detail how religious restrictions and persecution undermine sustainable democracy and pluralism. I noted how declines in democratic freedom track closely with rising religious restrictions.³⁴ That trend has continued. After three decades of solid progress, democratic freedom in the world reached a high point in 1998. It then stagnated and, ominously, has declined for nearly two decades, the longest decline in the 40-year history of Freedom House reporting.³⁵

Central to this dynamic have been efforts by governments or dominant social groups to restrict religious civil society. We see this with the contemporary slide of Russia to authoritarianism, which began with the 1997 religion law that empowered the state to restrict civil society freedom of competitors to the Orthodox Church. Putin has often cloaked his authoritarian moves under the mantle defending Christian Orthodoxy, the latest example of which involved the banning of Jehovah's Witnesses, which will serve to further marginalize this vulnerable group. The Arab Uprising left few democracies and enormous religious turmoil in its wake in part to the weakness of civil society and the power of Islamist groups to exploit democratic openings. The absence of protection for vulnerable minorities and religious dissidents during transitions emboldened radical movements

³³ The latest Pew report on global religious restrictions found that government "Global Restrictions on Religion Rise Modestly in 2015, Reversing Downward Trend", Pew Research Center, April 11, 2017 <http://www.pewforum.org/2017/04/11/global-restrictions-on-religion-rise-modestly-in-2015-reversing-downward-trend/> accessed April 25, 2017.

³⁴ Allen D. Hertzke, "Religious Freedom in the World Today: Paradox and Promise", *Universal Rights in a World of Diversity: The Case for Religious Freedom*, Pontifical Academy of Social Sciences, Vatican City, 2012 <http://www.pass.va/content/dam/scienze-sociali/pdf/acta17/acta17-hertzke.pdf> accessed January 3, 2018.

³⁵ "Freedom in the World 2017", Freedom House, Washington DC, 2017: <https://freedomhouse.org/report/freedom-world/freedom-world-2017>

and produced stillborn democracies. To be sure, some of the conditions for democratic consolidation do not involve religion per se, such as an independent judiciary. Nonetheless, religious freedom powerfully serves and reinforces democracy by promoting the inclusion of diverse religious minorities in civil society.

One of the most helpful frameworks for understanding the relationship between religion and the state is Alfred Stepan's "Twin Tolerations" thesis. Inclusive liberal democracy, he finds, depends on a reciprocal bargain between the institutions of religion and the institutions of the state. The state protects and thus "tolerates" the freedom of religious institutions to operate in civil society; those religious institutions, in turn, refrain from using the powers of the state to enhance their prerogatives and thus agree to "tolerate" (not squelch or marginalize) religious minorities and competitors.³⁶

Taking the twin tolerations as his point of departure, Notre Dame Political Scientist Daniel Philpott developed a cogent theory of the link between religion-state relations, theology, and democracy. Democracy and civil society are best anchored where religion and state are differentiated, not fused, and where the "political theology" of religious actors eschews constitutional privileges or coercive state enforcement of doctrine.³⁷

The global impact of Vatican II dramatically illustrates this theory. Before the Second Vatican Council the Church often sought prerogatives of state establishment and thus resisted civil society agency by competitors. This often led the Church to support authoritarian regimes, which were happy to grant the Church prerogatives in return for reciprocal legitimacy.³⁸ As Philpott shows, the Church's proclamation on religious freedom in *Dignitatis Humanae* provided a natural experiment of the impact of this theological change. Before *Dignitatis* the majority of Catholic countries were authoritarian. After the Church's embrace of religious freedom, its leaders were freed to challenge the legitimacy of authoritarian regimes, and with a few exceptions most did just that, producing the last great wave

³⁶ Alfred Stepan, "The Twin Tolerations", in *World Religions and Democracy*, Larry Diamond, Marc F. Plattner, and Philip J. Costopoulos, eds. (Baltimore: Johns Hopkins Press, 2005).

³⁷ Daniel Philpott, Explaining the Political Ambivalence of Religion, *American Political Science Review* 3, 2007 (505-525).

³⁸ Daniel Philpott, The Catholic Wave, *Journal of Democracy*, 2 2004 (32-46).

of democratization on earth.³⁹ Moreover, even in countries with a minority of Catholics, such as South Korea and Taiwan, Catholic leaders played a leading role in the democratization process. The autonomy of the Church from state control, combined with a political theology that championed religious freedom for all, enhanced independent civil society and propelled democratization.⁴⁰

As one of the principle scholars documenting the Catholic theological transformation on religious freedom, Philpott has turned his attention to the resources within Islam for a similar evolution.⁴¹ According to Pew Research Center documentation, Muslim-majority countries, especially in the Middle East/North Africa (MENA) region, record the highest religious restrictions in the world.⁴² This pattern has led some to suggest that Islamic theology, particularly the prohibition on exit, is inherently inimical to religious pluralism, independent civil society, and inclusion of religious minorities. It is indeed the case that apostasy and blasphemy laws serve to intimidate and marginalize religious minorities, women, and reform voices within Islam.

But Philpott observes seeds of freedom in the Muslim world. For example, roughly one fourth of the Muslim-majority countries are in fact “religiously free”. So the problem is not Islam per se. Second, among those Muslim-majority countries that are not religiously free, there are two patterns of regimes. One is “secular repressive”, meaning that the regime wishes to privatize Islam in order to become a modern state. The other is “religiously repressive”, implying an Islamist government that poses a harsh version of *sharia*. Secular repressive states show that the reason for the lack of religious freedom in the Muslim world is not simply Islam, while religiously-free states demonstrate the possibility of religious freedom in Islam. There are other seeds of freedom in Islam: certain verses in the Quran; certain features of the life of Mohammad; the appearance of liberal Islam in

³⁹ Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).

⁴⁰ Daniel Philpott, M. Toft, and T. Shah, *God's Century: Resurgent Religion and Global Politics* (Norton, 2011).

⁴¹ Daniel Philpott, *Religious Freedom in Islam? Intervening in a Culture War*, book manuscript in revision, University of Notre Dame.

⁴² “Global Restrictions on Religion Rise Modestly in 2015, Reversing Downward Trend”, Pew Research Center, April 11, 2017 <http://www.pewforum.org/2017/04/11/global-restrictions-on-religion-rise-modestly-in-2015-reversing-downward-trend/> accessed April 25, 2017.

the 19th and 20th centuries; and a growing number of present day Muslim jurists and intellectuals who favor religious freedom.⁴³

With this analysis in mind, Philpott explores the Arab Uprisings that began in 2010. He argues that the fate of these uprisings – most of which were a loss for religious freedom but one of which, Tunisia, was a gain – can be understood in terms of the interplay between forces of religious freedom, secular repression, and religious repression. His book in progress also shows that the weakness of religious freedom factions helps account for the broad failure of democracy in the Arab Spring, while the relative strength of the forces backing religious freedom helps account for its advance in Tunisia.⁴⁴

Repression of religious civil society in authoritarian and hybrid regimes

While Grim, Philpott, and others correlate the powerful relationship between religious freedom and democracy, new research is also probing the nature of religion in authoritarian or hybrid regimes. Here we see how mainstream scholars of comparative politics and regime types are applying modern methodologies and global data to religious questions. The picture that emerges is one of tremendous complexity and variation. This owes to the fact that authoritarian regimes employ diverse strategies of co-opting dominant religious groups for legitimacy or restricting all religious groups to contain emerging civil society. Religious communities, in turn, develop a variety of adaptive strategies to survive within authoritarian contexts. Two of the most important scholars helping us to understand these relationships are Karrie Koesel, political scientist at Notre Dame University, and Ani Sarkissian, political scientist at Michigan State University.

A scholar with expertise in both Russia and China, Koesel explores the complex relationships between growing religious movements and post-Communist regimes. Koesel notes that in these regimes religion and the state can represent competing centers of authority, so in the quest for popular legitimacy authoritarian leaders may attempt to co-opt religious leaders and institutions to enhance their base of support, as we see with Putin's Russia. But they may also strive to restrict or regulate religion to prevent the emergence of an opposition civil society sector, as we see in China.

⁴³ Philpott, *Religious Freedom in Islam*.

⁴⁴ *Ibid.*

In exploring the diverse and contingent relationships between religion and the authoritarian state, Koesel finds that both Moscow and Beijing initially created a more hospitable environment for religious expression in the restructuring periods of the 1980s and 1990s, while also maintaining control over religious actors. But as religious revival grew in size and diversity, the regimes saw the need to retighten control over religion. While both regimes employ national strategies to contain religious civil society, they defer much regulation to local discretion, with often vague and contradictory national laws.⁴⁵ Thus religious groups often find themselves bargaining with local governments to maintain Church property and greater autonomy of operation. This can provide some religious groups with the incentive to help prop up a repressive state even while other religious groups find themselves in increasing opposition. The value of Koesel's nuanced analysis suggests that the full flowering of religious freedom can propel civil society and democratization, rather than the specific decisions of religious actors.

An analysis of more diverse authoritarian regimes is provided by Ani Sarkissian. In *The Varieties of Religious Repression: Why Governments Restrict Religion*, she probes how authoritarian regimes view religious organizations and how and why they target religious civil society as a means of gaining or remaining in power. Approaching religious freedom through her focus on democratization, Sarkissian argues that the degree of religious repression in a state – necessarily linked to civil society capacity – is a more accurate measure of the level of authoritarianism present in that state than is the presence of free or fair elections. Until recently, for example, Turkey held relatively free elections but should not be viewed as a fair democracy as it continually represses all religions except for the majority population of Sunni Muslims. Rather than measuring the quality of elections, Sarkissian argues that “democracy-promotion programs” should “emphasize religious freedom as an aspect of good-governance”. Consequently, “those who develop foreign policy can pay closer attention to the types of religious repression...as an indicator of the potential for more violent religious persecution and conflict in the future”.⁴⁶ Sarkissian poses her work, therefore, not only as a new means to understanding authoritarianism but

⁴⁵ Karrie Koesel, *The Political Economy of Religious Revival*, *Politics and Religion*, 8 (2015) (211–235).

⁴⁶ Ani Sarkissian, *The Varieties of Religious Repression: Why Governments Restrict Religion* (Oxford, 2015), 191.

as a scale with which to predict future conflict or relative improvement in civil society's freedom.

Sarkissian's broad theme is how authoritarian regimes target religious civil society "as a means of restricting political competition and extending nondemocratic rule".⁴⁷ One of the most common means of targeting civil society, Sarkissian finds, is restrictions on the right to proselytize – in the interest of supporting the dominant religion. The right to proselytize is one of the more controversial dimensions of religious freedom. A basic definition of proselytization is the process of trying to persuade another individual to change his or her religion. But popular usage has given the term negative connotations, as it is often thought of as incentivized or coerced attempts at conversion. Yet proselytization can take many forms, and debates about the status of proselytization among other religious freedoms exist in international law, within individual states, among scholars, and within religious traditions.

Sarkissian's research approaches the issue empirically, using data from the Religion and State Database (RAS2) from 1990 to 2008 for 161 countries.⁴⁸ She tests whether restrictions on proselytization affect the protection of religious freedom in general, as well as whether these restrictions have larger impacts on civil liberties not related to religion (using the Freedom House Civil Liberties index). Employing multiple regression analysis with a number of controls, she finds that that state restrictions on proselytization are a strong predictor of increased restrictions on religion, especially against religious minorities. Proselytization restrictions are also associated with greater restrictions on civil liberties more generally, even when controlling for other factors that explain state repression. These findings lead to the conclusion that when considered as an empirical issue, proselytization rights do belong among the larger categories of both religious and civil liberties, and are perhaps less controversial than debates around them suggest.⁴⁹

Having each written major books on religious restrictions in authoritarian regimes, Koesel and Sarkissian have teamed up to examine religious relationships with what they call hybrid regimes. Hybrid regimes – political systems that combine democratic institutions with autocratic practices – are increasingly common across the world and have proven to be durable

⁴⁷ Ibid, 185.

⁴⁸ Fox, *Political Secularism, Religion, and the State*, 2015.

⁴⁹ Sarkissian, *Varieties of Religious Repression*.

political systems. Koesel and Sarkissian examine the nature of religious freedom in 50 hybrid regimes. This research serves two main purposes. First, it describes the status of religious freedom in hybrid regimes, showing that these countries vary widely in how much they restrict and regulate religion. Intriguingly, hybrid regimes tend to protect religious groups on paper, but often engage in a number of informal restrictive practices, such as favoring one religion over others and overlooking violence against religious minorities. Hybrid regimes are also more likely not to intervene in cases of discrimination or abuse against religious minorities, and are more likely to denounce one or more groups as dangerous “cults” or “sects.” This tendency points to a pattern of selective targeting and favoritism, which marginalizes particular communities.⁵⁰

When Koesel and Sarkissian examine data on restrictions on civil society they find evidence that governments are engaging in preemptive repression of independent groups in society to prevent opposition from mobilizing. They also find that hybrid regimes which exclude religious groups from the electoral arena (by banning religious political parties) tend to restrict religious freedoms more than those that allow for some religious competition in politics. The broader implication of their work is that gauging the extent of repression of religious civil society may be one of the best predictors of the potential for further democratization of a hybrid regime.⁵¹

The Locust Effect: religious restrictions, violence, conflict, and terrorism

In his book, *The Locust Effect: Why the End of Poverty Requires the End of Violence*, Gary Haugen, President of the International Justice Mission (IJM), describes the origins and nature of violence that pervades the lives of many of the world’s impoverished people, keeping them marginalized. Seared by the experience of investigating the Rwanda genocide, Haugen developed a global initiative to address the lack of justice for victims of violent exploitation, trafficking, and expropriation of property. His advocacy and research led him to conclude that widespread violence against the poor, rooted in the impunity of the victimizers, constituted one of the greatest barriers to their uplift and broader inclusion in social and political life. He likens this phenomenon to a plague of locusts that devour ripe

⁵⁰ Sarkissian and Koesel, “Religious Freedom Between Democracy and Dictatorship”, Working Paper.

⁵¹ Ibid.

fields just before harvest. Agricultural development initiatives or micro-enterprise projects may be taking root in a developing society, but these can be wiped out by “locusts of predatory violence” that “lay waste to all that the vulnerable poor had otherwise struggled to scrape together to secure their lives”.⁵² The lack of avenues in many developing societies for legal recourse, he shows, creates an environment of impunity that emboldens those who would enslave or steal from the poor.

As Haugen and his team show, the poor’s endemic vulnerability to violence results in massive sexual exploitation, force labor, illegal detention, land theft, assault, and police abuse. Such violent exploitation endures because victimizers have little reason to fear legal retribution in inadequate or corrupt justice systems.⁵³ This finding itself should be incorporated into the Academy’s reflections on marginalization and exclusion.

But there is an analogous phenomenon in religious repression. A formidable scholarship shows that apostasy and blasphemy statutes or anti-conversion laws, often passed by pressure from dominant religious groups, serve to intimidate and marginalize religious minorities and women. The mere accusation of apostasy, blasphemy, or conversion can spark mob violence against marginalized minority communities, resulting in massive loss of life and destruction of property. Often local government authorities look the other way or fail to prosecute leaders of these orchestrated assaults. In Pakistan the victims are often Christians or Ahmadis; in India, Christians and Muslims; in Sri Lanka, Hindus.⁵⁴

Religious repression by states and social actors, acting with impunity, also fuels a disproportionate number of violent conflicts, civil wars, and terrorist incidents in the contemporary era. Here, too, we see a locust effect.

A valuable framework for understanding the causal link between restrictions on religious freedom and violence emerges from two complementary works: *The Price of Freedom Denied* by Grim and Finke and *God’s Century* by Toft, Philpott, and Shah. Drawing upon global data, Grim and Finke employ structural equation modeling to demonstrate statistically the powerful causal link between religious restrictions and violent persecu-

⁵² Gary A. Haugen and Victor Boutros, *The Locust Effect: Why the End of Poverty Requires the End of Violence* (New York: Oxford University Press, 2014), p. x.

⁵³ Haugen, *The Locust Effect*, p. xii.

⁵⁴ Paul Marshall and Nina Shea, *Silenced: How Apostasy & Blasphemy Codes are Choking Freedom Worldwide* (New York: Oxford University Press, 2011).

tion, which destabilizes societies and spills over borders.⁵⁵ Toft, Philpott, and Shaw, similarly, show that repressive actions by states and societal actors nurture and propel the militant political theologies that represent a key source of violence and conflict in the globe today. The most dramatic instances of such conflicts are religious civil wars that, in their devastation of the economic and civic fabric of societies, vividly illustrate the locust effect. As Toft *et al.* document, religious civil wars are especially brutish and intractable, more lethal and harder to end, and they represent a growing reality on the global stage. In the 1940s religious civil wars constituted just 19% of all such conflicts. That proportion increased to 36% in the 1970s; 45% in the 1990s, and 50% in the first decades of the 21st century.⁵⁶

The ideological and strategic dimensions of religious conflict serve as the focus of research by William Inboden. Having served in the U.S. State Department and National Security Council, Inboden, now at the University of Texas at Austin, has investigated the origins and ideological nature of threats to global peace and security. What he finds is that the “actors with the most egregious religious-freedom violations are remarkably consonant” with those that threaten the peace and security of neighbors and the wider world. This holds for numerous smaller scale military interventions as well as large-scale wars. Moreover, the ideologies behind security threats to free societies, from Communism and fascism in the 20th century to transnational jihadist movements today, contain in their *core identity* a profound hostility to religious pluralism or religion itself. Indeed, Inboden found that whether the security threat came from superpowers, global ideological movements, or failed states, the single characteristic they all shared “was an abiding hostility” to religious freedom and pluralism.⁵⁷

Inboden also focused his research into the self-professed ideology of violent Islamist movements, one of the singular sources of strife in the world today. Taking seriously the self-proclaimed theology of the disparate groups – Al Qaeda, Al Shabab, Laskar-e-Taiba, Boko Haram, the Taliban, and ISIS – he finds a common denominator in their hostility to religious pluralism. Indeed, religious intolerance and opposition to religious freedom are the “defining epistemic features of jihadism”, central to their animating iden-

⁵⁵ Brian Grim and Roger Finke, *The Price of Freedom Denied*.

⁵⁶ Daniel Philpott, Monica Duffy Toft, and Timothy Shah, *God's Century: Resurgent Religion and Global Politics*, (Norton, 2011), Chapter Six, p. 153.

⁵⁷ William Inboden, “Religious Freedom and National Security”, *Policy Review*, October & November, 55–68, 2012.

tity. Because jihadism regards religious pluralism as anathema, enforcing a single vision of right religion justifies its violence and repression, not only against non-Muslims but also Muslims who refuse to embrace its monistic ideology. Inboden shows how the Islamic State's "orgy of violence emanates not just from bloodlust, but from its abiding theological commitment" to eradicating all other faiths or contrary interpretations of Islam. The genocidal campaign of murder, rape, enslavement, and displacement against the Yazidis, an especially devastating case of the locust effect, represented a logical outgrowth of the theological worldview of ISIS.⁵⁸

The links between protections for religious freedom, religious pluralism, and democracy, as Inboden shows, explain why "jihadism self-consciously posits itself as an ideological rival to liberal democracy", in the direct lineage of totalitarian movements of the 20th century. Democracy's protection of religious pluralism makes it anathema.⁵⁹

One lesson Inboden draws from this analysis is that advocates of more inclusive societies, both within Islamic societies and outside, should focus on protection of religious freedom and pluralism as antidotes to jihadism. Indeed, protection of religious exercise and pluralism can be seen "as the first seeds of democracy".⁶⁰

This brings us to the pivotal recent work of Nilay Saiya, assistant professor of international studies at SUNY-Brockport. Saiya's work demonstrates how scholars today can capitalize on an unprecedented wealth of global data to reveal the deeper links between religious liberty and peaceful flourishing societies. Focusing on "religious terrorism" as a uniquely destabilizing force in the world today, Saiya analyzes patterns from the *Global Terrorism Database*, the *Pew Global Restrictions* reports, and *Polity* scores on democracy. He finds that religious violence, whether from Islamic, Christian, Hindu, Sikh, Buddhist, or Jewish actors, arises from states and societies that repress religious exercise. Indeed, religiously-unfree countries experienced more than 13 times as many religious terrorist attacks than religiously-free states. And the relationship is remarkably linear; as the level of religious restrictions goes up so too does incidence of terrorism and violence. In the post-Cold War era, religiously-repressive states were the targets of 69% of religious terrorist attacks, moderately restrictive states 24%, and religiously-free states

⁵⁸ William Inboden, "Jihadist Ideology, Religious Intolerance, and the Anathema of Democracy", unpublished paper.

⁵⁹ Ibid.

⁶⁰ Ibid.

only 7%. Moreover, the vast majority of international terrorist groups (88%) originated from religiously-repressive states.⁶¹

Because religious violence is more ruthless and resilient than other forms, as Saiya shows, it represents one of the most serious threats to peace within nations and internationally. Indeed, Saiya's examination of the history of interstate war finds that "no dyad of religiously-free states has ever fought on opposing sides during an interstate war".⁶² Saiya also cites other research that documents how "states characterized by high levels of religious discrimination against ethnoreligious minorities were more likely to initiate or become involved in foreign crises with other states, even controlling for democracy".⁶³ Since the poor, marginalized women, and ethnic minorities are the most vulnerable to the devastating impact of war, violence, and instability, they have an enormous stakes in systems of greater religious toleration and freedom.⁶⁴

Saiya's empirical analysis elaborates on the specific "pathways to peace" paved by religious liberty:

- 1) When people can practice their faith free of government restrictions and social hostilities, religious violence goes down.
- 2) Religious liberty frees people to provide social services and channels their energies in civil society participation.
- 3) Free exercise of religion works against authoritarianism and tyranny by limiting state reach and lowering the stakes of seizing political power.
- 4) Religious freedom fosters an open marketplace of ideas that promotes diversity of views within and between religions. Restrictive environments facilitate radical theologies; religiously free societies enable people to question and reform their faith, preventing radical voices to dominate the discourse.

⁶¹ Nilay Saiya, "The Religious Freedom Peace", *The International Journal of Human Rights*, 19:3, 369-382, 2015. See also, Nilay Saiya, "Religion, State, and Terrorism: A Global Analysis", *Terrorism and Political Violence*, Taylor & Francis Online, August 18, 2016, <http://www.tandfonline.com/doi/full/10.1080/09546553.2016.1211525>; Nilay Saiya and Anthony Scime, Explaining religious terrorism: A data-mined analysis, *Conflict Management and Peace Science*, 5 2014 (487-512).

⁶² Nilay Saiya, "The Religious Freedom Peace", 2015.

⁶³ Ozgur Ozdamar and Yasemin Akbaba, "Religious Discrimination and International Crises: International Effects of Domestic Inequality", *Foreign Policy Analysis*, 10, no. 4 (2014).

⁶⁴ Nilay Saiya, "The Religious Freedom Peace", 2015.

Saiya concludes that religious liberty is a “weapon of peace” to combat terrorism and interstate conflict. His rigorous statistical modeling shows that “religiously free countries” have far lower religious violence at home, less propensity to export violence abroad, and more peaceful relations with other nations. Strikingly, he finds that the powerful inverse relationship between religious freedom and terrorism remains even when *controlling for democracy*. In other words, because not all democracies guarantee equal religious rights, religious freedom uniquely lowers terrorism by undercutting the militancy and grievances that propel such intractable violence. Thus while Immanuel Kant posited a “democratic peace”, it appears that in the 21st century our hope lies even more in “*the religious freedom peace*”.⁶⁵

In sum, mounting scholarship demonstrates that religiously repressive governments and societies, along with fragile states that cannot protect religious freedom rights, are incubators of radical theologies and militant movements that produce national and transnational violence. Such environments embolden majority communities to repress minorities and harass dissenters, which undercuts inclusion. Repressive contexts produce insurgent groups and radicalize those repressed. Thus religious freedom works on multiple levels. It moderates majority communities and allows multi-vocal expressions of the majority faith. It provides peaceful avenues for participation and inclusion by minorities and undercuts that source of militancy. By giving all a stake in the pluralist fabric of society, it cultivates inter-religious interactions and amity. It is a weapon of peace and inclusion.

Concluding reflections on christianity, freedom, and inclusion

In our Academy’s exploration of social and cultural inclusion, it is vital to note that many Christian minorities around the world suffer marginalization, harassment, discrimination, violence, and martyrdom. Indeed, successive global reports by the Pew Research Center document that more Christians – in more diverse settings – experience government repression or social hostilities than any other religious group.⁶⁶ Demographer Todd Johnson estimates that about 500 million Christians (or 22% of the global faithful) live in states in which they are subject to persecution.⁶⁷ Moreover,

⁶⁵ Ibid.

⁶⁶ Pew Research Center, *Global Restrictions on Religion*, successive reports <http://www.pewforum.org/topics/restrictions-on-religion/> accessed April 25, 2017.

⁶⁷ Todd M. Johnson, “Persecution in the Context of Religious and Christian Demography, 1970–2020”, in *Christianity and Freedom Volume II: Contemporary Perspectives*,

the concentration of these Christians in repressive societies blinds more comfortable Christians from their plight. A recent global investigation finds that in some 60 nations fully 80% of all acts of religious discrimination are directed toward Christians.⁶⁸ From a mere numerical and human rights standpoint, this marginalization deserves our attention.

But there is another reason for us to ponder the fate of Christian communities. As Timothy Shah and I discovered in producing two edited volumes on *Christianity and Freedom*,⁶⁹ the untold story of the last two millennia – and today – is the pivotal and outsized role of Christianity in nurturing ideas and practices conducive to inclusive societies.

At the heart of the Christian DNA is the view that all are stamped with *Imago Dei* and thus endowed with surpassing worth and dignity. God's love, manifested in the incarnational suffering and sacrificial death of the son, embodies this idea of the equal dignity and value of all people, including – or especially – the lowly and the outcast. As taught in Jesus' parable of the Good Samaritan, Christians must also radically reimagine "neighbor" as the hurting, the needy. One of the most stunning findings of our project is how this vision of human dignity shaped early Christian critiques of slavery, sexual exploitation, and poverty in the Roman Empire, and how it continues to do so in modern manifestations of these scourges. Across the contemporary globe Christian minorities and transnational Christian networks play an outsized role in campaigns against human trafficking, sexual coercion, slavery, poverty, illiteracy, religious persecution, exploitation, and violence. In other words, across time and space Christianity carries a powerful theological conception that, properly nurtured, promotes inclusion of the marginalized. North Koreans fleeing across the border to China, for example, learn to "look for the cross" because Chinese Christians, themselves vulnerable to harassment, will provide safe haven.⁷⁰

edited by Allen D. Hertzke and Timothy Samuel Shah (Cambridge: Cambridge University Press, 2016).

⁶⁸ "Under Caesar's Sword: Christian Response to Persecution", University of Notre Dame, Daniel Philpott and Timothy Samuel Shah, principle investigators: <http://ucs.nd.edu/>

⁶⁹ Timothy Samuel Shah and Allen D. Hertzke, *Christianity and Freedom Volume I: Historical Perspectives*, and Allen D. Hertzke and Timothy Samuel Shah, *Christianity and Freedom Volume II: Contemporary Perspectives* (Cambridge: Cambridge University Press, 2016).

⁷⁰ Mark Brockway and Allen D. Hertzke, "Transnational Christian Networks for Human Dignity", in *Christianity and Freedom: Contemporary Perspectives*.

Another crucial aspect of Christianity concerns ultimate authority. While Christianity counsels lawfulness and proper obedience to governing authorities, it teaches that the faithful owe allegiance to an authority higher than the state. This understanding necessitates limits on state power. Moreover, Christian faith is lived in community. Thus the Church must have the freedom to operate according to mandates from God. Our historical excavation demonstrates how this understanding and its practical application in the doctrine of *libertas ecclesiae* – the freedom of the Church – exerted real pressure on regimes and carved space for insipient civil society. Our contemporary chapters, in turn, demonstrate how this Christian nurture of civil society operates in nations as diverse as Nigeria, Egypt, Pakistan, Vietnam, China, or Indonesia.

Because one's assent to the divine must be freely given to be genuine, as early Church fathers asserted, it cannot be coerced. The radically innovative idea of religious liberty – *libertatem religionis* – was developed in the early years of the Church by Tertullian and Lactantius, who saw themselves faithfully living out the message of Jesus and the teachings of St. Paul. While acknowledging and explaining tragic instances when Christian leaders failed to uphold this insight, our sponsored research demonstrates the historical continuity and contemporary power of the assertion of the freedom of conscience and religion in Christian teaching and practice. The quest to live by transcendent mandates of conscience has played a pivotal role in the development of ideas and legal protections of religious liberty. As our volumes show, the innovative doctrine of religious liberty, without precedent in the ancient world, bubbled up from the early Church, flowed through the medieval period, widened among Protestant dissenters in Europe and the colonies, nourished the founding document of the new American nation, and then swept across the globe in the great Catholic wave of democratization.

Because of the pluralism inherent Christian life, and the temptation to employ the sword of the state to enforce doctrine, this right was often most vigorously asserted by Christian dissenters from state churches. Today we see religious liberty most acutely embraced where the faith represents an embattled minority, as it is in many parts of the world.

A genuine innovation in religious affairs, which our project illuminates, is the insight that the fusion of state and religious authorities corrupts or compromises the core message of the faith and thus dilutes its leavening role as an agent of free societies. Independence from the state, which Christian communities increasingly assert across the globe, helps to pre-

serve this salvific message and its societal impact. Independence from state authorities, moreover, has freed Churches to play a powerful role in several waves of global democratization, and has spawned a robust network of Christian outreach in development, education, peace-making, justice, and human rights causes.

While a number of studies have examined the parlous status of many Christian communities around the world, we sought to understand their role as agents in leavening their societies, defending human rights, promoting democracy, preserving a pluralist social fabric, generating economic uplift, supporting literacy, and provisioning vital health and welfare services. This illuminates what will be lost if these communities are marginalized or vanish – why, in other words, even non-Christians should care. The vanishing of Christianity in the Middle East, for example, would alter the pluralist character of the region and imperil the fate of other religious and ethnic minorities, women, Muslim intellectuals, and political dissidents.

Finally, we discovered that the very *association of Christianity with freedom* is what often sparks harassment and persecution by state and societal actors hostile to such freedoms. In this sense, our project turns the Enlightenment narrative on its head and provides a compelling rationale for why public authorities, opinion leaders, and votaries of inclusive free societies must rise to the challenge of religious persecution in the 21st century.

COMMUNICATION, PARTICIPATION AND SOCIO-CULTURAL INTEGRATION

PAUL S.N. LEE¹

Communication and Human Development

Communication has been at the heart of human activities. People communicate at home, school, office and public places. Every day, they talk to family members, colleagues, friends, and strangers. Through communication, society is made possible. Without communication, there will be no communities. It is communication that distinguishes human from other species. With language, humans free themselves from the limitations of acting in response to sense experience in a rather narrow present as other animals do (McNeill, 2014). With linguistic tools, they can survey and catalog their environment, record their success and failure in their interaction with the environment, and accumulate experiences for changes and improvement of their situation.

As people live in different environments, they are confronted with different challenges and develop different ways of handling their specific environment. When different groups of people live in remote areas without much contact, their languages and cultures will become different. For them, there is no need to develop compatible communication tools to interact and understand one another.

The Age of Discovery and European exploration from the end of the 15th century to 18th century accelerated the contact of people between the West and the East. Global trade flourished and European empires extended their reach to other continents. After the Industrial Revolution, the pace of globalization further accelerated with the introduction of steam transport and instantaneous electrical communication. European empires spread across much of America, Asia and Africa. The European civilization, including its language, religion, science, institutions, and cultural values, was disseminated across the globe. Industrialization and urbanization led to the breakup of older forms of village life, which changed the daily experience of innumerable persons drastically.

¹ Professor, School of Communication, Hang Seng Management College, Hong Kong, email: paullee@hsmc.edu.hk

The advancement of communication technologies in the 20th century, including radio, television, satellites, computers and the Internet, has tied together humankind more closely than ever before. After the collapse of soviet communism in December 1991, the spread of Western liberal democratic values was conceived by some to be final and permanent. Fukuyama (1992) argued that the dominance of Western liberal democracy signified the endpoint of humanity's sociocultural evolution and the final form of human government. At the beginning of the 21st century, however, the optimism of having one unified world sharing a liberal democratic order was shattered by the 9/11 Terrorist Attacks on the United States. The renewed patriotism and nationalism in the United States as well as other countries, including the former Soviet Union states, cracked the myth that globalization brings about a unified world sharing universal ideas and values. Today, humans are still confronted with the challenge of socio-cultural integration. On the local front, people are divided into elites and masses, rich and poor, rulers and ruled. On the global front, various nations are contending the Euro-American hegemony. The present paper will focus on the division of people on the local front in the globalized age.

Globalization and socio-cultural integration

Robertson (1992) defined globalization as “a process of compressing the world and deepening a global consciousness”. National economic markets have been influenced by the immense power of the global economy. The international capital inflows experienced a remarkable rise from the mid-1990s to the first half of 2000s, both in Emerging Developing Economies (EMDEs) and Advanced Economies (AEs) (Pagliari & Hannan, 2017). International capital flows sped up the process of integrating national markets into global ones. The Global Financial Crisis in 2008 affected all major economies in the world. The capital inflows dropped sharply in 2008 for both EMDEs and AEs and regained their upward momentum in 2009, only to fall again in late 2011 as the peripheral Euro Area sovereign debt crisis intensified (Pagliari & Hannan, 2017). With financial globalization and volatility in the interlinked world markets, people became aware that they would be affected by a financial crisis broken out far away although they had no idea how it happened.

By revolutionizing the means of communication, large corporations have acquired massive freedom of maneuver in their attempts to reintegrate markets for labor power, goods and services, and thus to maximize profits on a global scale. Neoliberal economics, which emphasizes that

rational self-interested individuals will maximize their utility through voluntary exchanges in markets, has brought the worship of free markets and free trade to an unprecedented new height. It argues that rational consumers and firms, when free from external interferences, produce an efficient equilibrium. The society will be better off with elimination of *price controls*, *deregulation* of capital markets, lowering of trade barriers, and reducing state influence on the economy, especially through *privatization* and *austerity*.

The result of globalization and free trade, however, does not fulfill the promises given by the neoliberal economists. In 2016, the UNCTD remarked in its report,

Considered in a long-term perspective, most developing countries outside some Asian sub-regions have failed to significantly reduce the income gap with developed economies. The big investment push in developing regions remains one of the unfulfilled promises of the more open global economy set in place in the 1980s and 1990s; and after general growth accelerations at the beginning of the century, convergence is now losing steam with a more challenging international environment. To attain sustained and inclusive growth, countries need to adjust their policy strategies in order to advance structural transformation.

It continued in the next paragraph:

... many developing countries have not been able to develop sufficiently their manufacturing sector (experiencing a “stalled industrialization”) or have even endured a “premature de-industrialization” since the 1980s owing to a policy strategy centered on unilateral trade opening, financial deregulation and the retreat of the developmental state (UNCTD, 2016).

According to this report, apart from some Asian countries, globalization and free trade in past decades did not benefit the developing world much. On the contrary, the neoliberal economic path led them to “premature de-industrialization”, hurting the growth of the economy.

Although the developed countries stand to gain in a globalized world with neoliberal economic practices, only big corporations and the rich reap the benefits. The income gap between the rich and poor has widened over the years. Take Hong Kong as an example. Hong Kong is one of the freest economies in the world. In 2015–16, Hong Kong was ranked 7th out of 148 places in the *Global Competitiveness Index* of the World Economic Forum. The World Bank ranked it 5th out of 189 places in the *Ease of Doing Business Index* in 2015 (Legislative Council Secretariat, 2016). Hong

Kong's Gini coefficient was 0.46 in 1981 (Cheng, 1982), and it rose to 0.54 in 2011 (Census & Statistics Department, 2011). There are certainly many factors contributing to the income gap, however, globalization and small government did not help to narrow it in the past three decades.

Statistics further showed that Hong Kong people at the 20th percentile got a monthly income of HK\$7,650 in 2001 at constant price, but it was decreased to HK\$7,500 after a decade in 2011. At the 50th percentile, the monthly income in 2001 was \$12,380 and \$12,000 in 2011, also registering a decrease. Only rich people get richer. People at the 90th percentile got a monthly income of \$33,750 in 2001, and it was increased to \$38,940 in 2011 (Census and Statistics Department, 2011, p. 95). The "trickle-down" process did not materialize.

Stiglitz (2016) observed that large segments of the population in advanced countries have been getting worse. In the US, the bottom 90% has endured income stagnation for a third of a century. Median income for full-time male workers is actually *lower* in real (inflation-adjusted) terms than it was 42 years ago. At the bottom, real wages are comparable to their level 60 years ago. He pointed out that neoliberals, apparently worried about adverse incentive effects, have opposed welfare measures that would have protected the losers. While politicians do not deliver their promises of benefits for all, they provide few measures to protect those who are displaced by workers in other countries in the name of free market and free trade. In 2016, nearly 15% of the American population was on food stamps (Kak, 2016). A strong distrust and lack of confidence in the establishment grew, and collective actions against globalization and mainstream politicians finally emerged.

After the victory of British voters in Brexit and the win of Donald Trump in the US presidency in the latter half of 2016, the anti-globalization force grabbed the spotlight. In a way, Brexit and Trump's win can be seen as a rise of nationalism against regionalization and globalization. But the discontent among the common masses about neoliberal economics, particularly free trade, immigrants, refugees, and minimal government intervention, is the root of recent upheavals in European and American politics.

The Wall Street Journal reported on April 21-30, 2017 that Whirlpool planned to move production to Poland, a EU member with lower wages, from France. Marine Le Pen, the leader of the far-right National Front, immediately pledged a 35% tax on imports from Whirlpool and other companies that shift manufacturing outside France if she was elected as

president of France. The local inhabitants interviewed by the reporter said they were considering to vote for Le Pen. Since France began using the euro in 1999, industrial production has fallen 10%. Le Pen said, “We must break with this ultraliberal model that has been imposed on us by our leaders for years” (Dalton, 2017, April 21–30, p. A4).

The classical elite theory stipulates that all societies are ruled by a minority. In all ages, the organized minority imposes its will over the disorganized majority. One distinguishing characteristic of the ruling elites is their organizing capacity vis-à-vis the disorganization of masses (Mosca, 1939). Good organization calls for good communication. Ruling elites control not only economic resources and military force, but also “ideological state apparatus” (Althusser, 1971). Mainstream media, including newspapers, radio, television and news magazines, are used by the elites to cultivate a dominant discourse with a constructed social reality to maintain the elites’ governance. The common masses rarely have direct access or control of the media, not to say transmitting alternative or anti-establishment messages through the media (Tuchman, 1972). Without communication, no organization is possible.

The failure of legacy media and ascendancy of new media

The mainstream legacy media, including newspapers, radio, television and magazines, has failed to represent the masses’ views and discontents. Mass media do not represent the “masses”. As there is little exchange of information, views and ideas between the elites and masses on equal terms, the masses cannot participate effectively in important decisions made by the elites. In democratic countries, the masses may still exercise their control of the elites in periodic elections. In autocratic system, the masses can only hope for “enlightened-benign” rulers to appear. The legacy mass media cannot play a role in integrating the masses with the elites as they serve mainly to articulate a dominant narrative in favor of the elites’ rule. Habermas (1989) noted that the mass media public sphere had transformed the culture-debating public into the culture-consuming public. The essence of critical-rational political discussions in the public sphere was lost. The general masses, particularly the counter-publics, were denied access to the dominant public sphere.

One common response of the elites to Brexit and Trump’s win was “utter bewilderment” (Johnson, 2016). A widely shared explanation was the masses had been driven by irrational fears and overblown anxieties, reacting with impulses for no reason. A more extreme view was “it’s time

for the elites to rise up against the ignorant masses” and to “un-delude” the “deluded” masses (Traub, 2016). Before Brexit or Trump’s victory, most public opinion polls indicated that things would run as normal – British citizens would vote to stay in the EU or Hillary Clinton would win the presidency, albeit by a small margin. Nearly all mainstream media predicted the same as the majority public opinion polls.

Most of the polls failed to predict Trump would win the election. Traditional pollsters base their results on questions posed to randomly selected people, often by telephone interviews. In retrospect, they failed to reach mobile phone users and those who were weary of surveys. A new company, Brandseye, which got its prediction right, used a different method which analyzed social media posts. Its different approach pointed to a Trump victory as well as Britain’s Brexit vote. Brandseye’s method is to sift through social media for relevant posts, a process known as crowd-sourcing, and then use a computer algorithm to rate consumer sentiment about products or politicians (Reuters, 2016). The success in predicting political outcomes through analysis of social media and big data points to the emergence of new media as a platform for articulation and aggregation of public opinion. New media provides an alternative public sphere for the masses to express and exchange their views, ideas, resentment and anger.

Trump was not popular with America’s newspapers. Of the 100 top circulation print newspapers, two endorsed him. More than 200 newspapers supported Clinton, while Trump received the support of fewer than 20 (Sillito, 2016). Trump, however, was popular and received more support in the new media websites and social media. In the midst of the election campaign, social media analysts Impact Social studied posts on Twitter and other social media platforms in Florida. They found Trump was well ahead of Clinton in positive comments. This ran counter to the polls, which were giving Clinton a small lead.

The online analytics company Tubular Insights identified in the middle of the campaign that in online news, the site creating videos that were generating the greatest levels of engagement (likes, shares etc.) was InfoWars. This site featured claims that Clinton had a secret “Satanic Network” and had Parkinson’s disease, as well as other conspiracy theories (Sillito, 2016). Using the Internet and social media, the masses now have alternative channels to express their views and empower themselves into collective actions. When most people were shocked by the referendum result of British voters to leave the EU and Trump’s presidential victory, communication ecology in the 21st century had changed.

Bennett (2012) offered an explanation for the emergence of new media as a platform for a new form of collective actions and social movements. He noted that the dominance of neoliberal economics in recent decades has privatized public sectors and the market deregulation philosophy has made relationships between individuals and civic organizations less centrally manageable (Flanagin, Stohl, & Bimber, 2012). There is a decline of group loyalties and social fragmentation, as well as a growth of personal stress and sense of responsibility for choices and consequences (Beck, 2006; Bennett, 1998). Instead of asking how things will affect the collective well being, the question becomes how things will affect ME.

Accompanied with personalized politics is a strong mistrust of politicians and mass media because they seem to be indifferent and irrelevant to one's interests, especially, those of young people and marginalized groups (Bennett, 2008; 2012). Consequently, alternative personalized media, particularly on mobile phones, Internet websites and social media, constitutes a new platform for alternative views and collective actions. While the counter-public's views before Trump's ascendancy were not represented in mainstream media and conventional polls, the suffering and angry masses found their expressions in new media which did not follow the conventional ritual of "objectivity", "fact checking" and "balanced reporting" in the elite-controlled mass media. Trump-fans and Clinton-haters were not listening to mainstream discourses about how good free trade and globalization were, they were reading InfoWars, or websites that told the "truth" Trump supporters wanted to hear.

New media could serve as an alternative public sphere for the masses because it has an *individuated networked structure*. It provides a platform where individuals can express their private dissenting views, yet with the potential of reaching huge and diverse audiences through numerous private and public networks. Previously, dissenting or anti-establishment views needed to reach the wider public through the mass media in order to apply pressure to the state or the market for changes. With the emergence of social media, dissidents and marginalized groups do not need the mass media to publicize their views any more. Through social networking sites, they can reach big audiences not only in their own country, but in others as well.

New media as an alternative public sphere

From daily experiences, communication can help to increase understanding and foster collaboration among people. Communication is crucial in integrating people into a community. But communication itself is not

sufficient to solve the problem of resource allocation, distribution of social values, and conflicts arising from social injustice. The cleavages between the elites and masses will not be closed simply by more communication, let alone one-way communication. The masses in both developed and developing countries have for many decades suffered from the neoliberal order, which mainly benefits well-off elites and big companies. The dissenting voices of the masses are seldom represented in mainstream media as legitimate discourse. Opposition to the neoliberal order is often counted as “irrational”, “selfish” and “short-sighted” in mainstream mass media, which are filled with voices from big business, government officials, pro-establishment academics, and social notables.

In consequence, the masses’ discontents and opposing voices are suppressed in mainstream media, discouraging two-way dialogues between the elites and the masses. When new media emerged by the turn of the new millennium, the distraught masses and marginalized minorities grabbed the opportunity provided by new media to build their own discursive power to counteract the mainstream discourse. With the new platform of communication, the masses can articulate and aggregate their own interests and express their discontents through collective actions including protests, voting and social movements.

The alternative and “rebellious” nature of new media has been testified by many social movements in the recent decade. In May 2009, social media was used to mobilize an online movement that moved offline in Guatemala in protest against the Guatemalan President Alvaro Colom. He was accused of murdering lawyer Rodrigo Rosenberg by a video produced by Rosenberg himself before his death (Harlow, 2012). Online networking sites helped to sustain massive protests for about three months, both online and offline, demanding justice and Colom’s ouster. In the uprising in Egypt in early 2011, social media, particularly Facebook and Twitter, played a central role in mobilizing people to protest in Tahrir Square leading to the downfall of President Mubarak (Tufekcil & Wilson, 2012).

In the Occupy Movements in the United States, social media contributed to an emerging logic of aggregation, assembling masses of individuals from diverse backgrounds within physical spaces to confront the establishment (Juris, 2012). In August 2010 in Chile, protest broke out against the Barrancones power plant which would have closed a reserve housing 80% of the world’s Humboldt penguins. In the two days following government’s approval of the project, 118 Facebook groups against Barrancones were created (Valenzuela, Arriagada, & Scherman, 2012). Protesters finally

succeeded in stopping the company from building the plant in the reserve area. Facebook use was found to be associated significantly with protest activities in Chile (Valenzuela, Arriagada, & Scherman, 2012) and in the Umbrella Movement in Hong Kong in 2014 (Lee, So & Leung, 2015).

Studies have shown that social media can play an “outrage”, “radical”, “anti-establishment” or “insurgent” role in collective actions (Arditi, 2012; Bennett, 2012; Castells, 2012; Downing, 2001; Juris, 2012; Lee, So & Leung, 2015; Rovira Sancho, 2014; Tufekcil & Wilson, 2012). The dissidents and counter-publics in Brexit and Trump’s victory demonstrated once again the power of the Internet and social media in upsetting mainstream narratives in legacy media.

Conclusion

The recent upheavals in European and American politics have awakened the elites to the alternative platform provided by new media in constructing an alternative social reality, which can be counter-hegemonic and refute the mainstream narrative of the elites. More important, the counter-hegemonic discourse can move people into action and displace the power and position of the elites.

At present, two communication platforms, one provided by legacy mass media and the other by the Internet and social media, with two contrasting discourses and two versions of social reality existing side by side. Whether or not these two platforms and two discourses can have dialogues is crucial to a successful integration between the elites and masses. A pre-requisite for genuine dialogues between the elites and masses is both sides are willing to listen to each other. It is even more crucial that the elites are willing to give up some of their advantages and gains from the neoliberal order to meet the needs and aspirations of the masses. If the masses can have more participation in economic, social and cultural affairs through genuine dialogues in the new public sphere, there is a good chance of arriving at a just socio-cultural integration.

When the masses cannot participate in the decision-making process of their country through legacy media, they can only resort to the alternative public sphere provided by new media to build their discursive power and construct their own version of social reality. If the elites continue to aggrandize their gains at the expense of the masses, society will inevitably splinter into opposing camps, making social integration harder than ever.

As new media possesses a unique feature of “filtering” undesirable or unwanted messages, if the user chooses to block out messages he or she

does not like, the message or communicator of the message will be filtered out. This again is due to the “individuated” nature of the communication network formed in the cyberspace (Pariser, 2011). Since social media users are engaged in “private” communication and have control over contents to which they are exposed, they are likely to confine their contacts to like-minded people and to avoid those whom they would like to ignore. This echo chamber effect (Garrett, 2009) will reinforce existing and inclining views embraced by the counter-publics. Without exposure to opposing or alternative views, the discourses and actions may become overly critical and extreme. It will contribute to social disintegration rather than integration if the masses decide to stay in their echo chambers.

It is likely that with increasing influence of new media in politics and economy, the elites will try to control and manipulate it like what they did to the mass media before. They will try to dominate alternative public spheres which threaten their power and interests. Meanwhile, when the older generations are gone, with more and more people using new media which will gradually displace the information and entertainment role of traditional mass media, some prominent websites and social media platforms controlled by the state or businesses will certainly appear. However, it is doubtful whether these state- or market-controlled new media sites will become the dominant public sphere and thus nullify the counter-publics’ role of new media. The individuated and low-cost nature of setting up social networking sites will allow people to set up alternative and insurgent sites easily. More important, new media users can block “unwelcome” information and discourses and receive only contents they want. This makes the domination of elite discourses in the new public sphere difficult and ineffective.

If the elites and masses are unwilling to negotiate for a fair distribution of social values, incessant fights between the have and have-nots will last. This scenario also applies to the global world where the Euro-American powers dominate the global distribution of wealth and cultural values while many nations in other continents are still struggling for a decent living and dignity. The socio-cultural integration of humans on the global front poses an equally challenging task for the growth of humanity.

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THE SOCIAL AND CULTURAL INTEGRATION OF DISABLED PEOPLE: APPROACH AND PRACTICES OF SOCIAL PARTICIPATION

FABIO FERRUCCI¹

“To live with, does not mean to do good with generosity, but to recognize that Eric is a human being full of desires; it means establishing with him a bond of trust and mutual understanding. Walls begin to fall, fears to vanish (...). For me, being open to an encounter is the most human thing there is, it should be part of any relationship”

(J.Vanier 2011)²

Introduction

Disability is a global phenomenon. The first *World Report on Disability* (2011) issued by the World Health Organization and the World Bank has estimated that more than one billion people, namely 15% of the world population, are affected by some form of disability. Some have called it the “world’s third nation” (Schianchi 2009). Moreover, the social borders of this “nation” are extended even further: disability pervades the everyday life of families and social institutions such as schools, workplaces, cultural and recreational associations, health and social services.

Disability is also a growing phenomenon. In the 70s only 10% of the world population was affected by some form of disability. The number of disabled people will most certainly continue to grow in the future due to an aging population and the higher impact of disabling chronic diseases. The growth will become even more serious in specific areas at risk because of additional health, social, and cultural factors. Environmental pollution, unhealthy lifestyles, work-related injuries, wars and violence – all these phenomena can have disabling effects (WHO and World Bank 2011).

The abovementioned dynamics remind us that a person can become affected by some form of disability at any point in time, especially under the pressure of the aging process. Consequently, a new conception of disability has arisen according to which disability is a universal phenomenon

¹ University of Molise.

² Letter from Jean Vanier to Julia Kristeva on 3 November 2009 (my translation from the Italian version).

intrinsic to the human condition (Bickenbach *et al.* 1999) and a powerful sign of our vulnerability (Kristeva and Vanier 2011).

Martha Nussbaum has pointed out that with the increase of life expectancy "...the independence we enjoy ends up being a temporary condition, a stage of our life in which we gradually enter but that we also begin to leave too quickly" (Nussbaum 2001, 795). Similarly, Alasdair MacIntyre envisions a form of political society where "our interest in how the needs of the disabled are adequately voiced and met is not a special interest, the interest of one particular group rather than others, but rather the interest of the whole political society, an interest that is integral to their conception of their common good" (MacIntyre 1999, 130).

MacIntyre's treatment of the needs of disabled people, as one fundamental element of the good of the entire political community, implies a certain view of the common good. In this view, both the holistic and individualistic conceptions of the common good have proved to be inadequate. As Donati states, "today's society (...) expresses the need of new common goods (...): common in the sense that only communities of people, only primary groups and associations can express and protect those needs. This is a new generation of rights; precisely the generation of the *human* rights, beyond civil and political rights and those of socio-economic welfare" (Donati and Solci 2011, 213. Italics in the text).

The 2006 United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) is aware of this need and precludes a deep change of the policies relative to disability. Countries which subscribe to CRPD are committed to promote, protect, and guarantee the full and equal enjoyment of the fundamental rights and freedom to all disabled people. Among the inspiring principles of CRPD we find the following (art. 3): the respect for the inherent dignity, individual autonomy, including the freedom to make one's own choices, and independence of persons; non-discrimination; respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; full and effective participation and inclusion in society.

Such principles can become effective only if they translate into policies, services, and practices. What are the policies and practices capable of fostering a participatory society in which disabled people can "flourish"? According to what criteria can they be considered "good"?

The aim of the present paper is to explore the hypothesis that we should consider "good" only those policies and practices that treat the social participation of disabled people as a "relational good". Relational goods, as Do-

nati explains, are “those immaterial entities (intangible goods) the consist of social relations that emerge from subjects’ reflexivity that is oriented toward producing and enjoying together, in a shared manner, a good that they could not obtain otherwise” (Donati and Archer 2015, 213. *Italics in the text*).

I will proceed as follows. First of all, I will consider the cultural exclusion to which people with disabilities are often subject, especially the devaluation of their social identities. Secondly, I will present the two most influential conceptions of disability used today in developing inclusive policies, namely, the medical model and the social model, and I will point out that they do not take the *agency* of the person with disability sufficiently into account. Thirdly, I will focus on principles of social participation elaborated by the *Independent Living Movement* (one of the most influential organizations of activists with disabilities), and adopted by CRPD, where the agency of disabled people plays a fundamental role. In this part of my paper I will dwell on three different approaches to social participation and consider whether they have the resources to promote practices which center on relational goods.

1. Disability and cultural exclusion

The available empirical evidence primarily concerns the condition of disabled people living in developed countries. We know relatively little about the 80% of the world population living in developing countries.³ The *World Report on Disability* (WHO and World Bank 2011) sketches a picture in which the condition of disabled people presents many disadvantages compared to that of people without disabilities, including health, educational, work, and financial disadvantages.

It is necessary to implement new inclusive policies in order to counterbalance this situation. The World Bank has recently defined social inclusion as “the process of improving the ability, opportunity, and dignity of people, *disadvantaged on the basis of their identity*, to take part in society” (World Bank 2013, 4. *Italics added*). The analysis of the phenomena of exclusion is often limited to point out that some social groups are at times underrepresented, but what we need is a more rigorous reflection on why this happens and on all the processes generating social exclusion, not only those related to

³ The difficulty in gathering and evaluating data derives not only from the differences of frameworks used to measure disability, but also from the different level of exhaustiveness of the inquiries conducted in the different countries (WHO and World Bank 2011).

a situation of deprivation. In other words, we have to go deeper into the systems of beliefs and social norms that feed the processes of exclusion.

This perspective is especially relevant for disabled people. Their disadvantage does not simply consist in having less easy access to social and financial resources, for their situation is weakened by all the symbols cultures use in order to cope with “uncanny” phenomena such as disability (Korff-Sausse 2009, Barnes and Mercer 2001, Ingstadt and Whyte 1997).

Disabled people are treated in different ways depending on how their disability is perceived with respect to the socially accepted criteria defining what a full personality is. Western culture has produced certain stereotypes of disability.⁴ Categorizing a subject based on stereotypes allows another subject to reaffirm his own self-image when this is threatened (Fein and Spenser, 2000). Some think that the impaired body represents a metaphorical “crutch” for *ableism* (Goodley 2011), namely, “a network of beliefs, process and practices that produces a particular kind of self and body (the corporeal standard) that is projected as the perfect, species-typical and therefore essential and fully human” (Campbell 2009, 5). Disability would provide then some kind of support for an ontology of perfection, which Western culture usually identifies with the independency typical of adulthood, with the capacity for physical and social autonomy (Priestley 2003).

The devaluation of the identity of disabled people is a constant in the history of Western society (Schianchi 2012, Fioranelli 2010, Stiker 1999). This has produced various forms of social exclusion: physical elimination, abandonment, segregation and discrimination (Ravaud and Stiker 2000). Contemporary societies are not fully immune to these risks. The physical elimination of people with disabilities in Nazi Germany paved the way to the Holocaust (Ricciardi von Platen 2011, Tregenza 2006, Burleight 2002). Although it takes a different shape, the shadow of exclusion is also present today. Some openly theorize the physical elimination of unborn babies with congenital malformations (Singer 2011). Besides, techno-normative devices regulate the routine of prenatal diagnostics in many countries (Ho 2008, Rapp 1999). In Europe, a significant number of pregnancies are interrupted when prenatal diagnostics show a malformation in the unborn baby (Volpi 2016, Euro-Peristat *et al.* 2013).⁵ A similar approach to prenatal

⁴ Cf. Barnes and Mercer (2011), Riddel and Watson (2003).

⁵ The average pregnancy interruption for fetal malformations (TOPFA) is 5.44‰, with lows in Portugal (0.64‰) and highs in France (10.54‰) and Switzerland (8.06‰). In Europe the number of congenital diseases has constantly grown since 1990; but the

tests and pregnancy interruption is emerging in Muslim countries where abortion is illegal (Bryant *et al.* 2011). Abandonment is still widespread in Israel, where research has revealed that about 50% of babies with malformations are abandoned in the hospital by their parents. This grows to 68.4% in case of visible malformations (Weiss 2007).

A participatory society is a society in which opportunities and resources are more fairly distributed, also through more adequate “policies of recognition” of people with disabilities (Danemark and Gellerstedt 2004).

2. Conceptions of disability, identity and inclusive policies

The emergence of a different conception of disability, namely, the so-called “social model”, alternative to the “medical model”, has redefined the identity of people with disabilities and has motivated a development of new inclusive policies (Ferrucci 2004). While the notion of social disadvantage is common to both models, their respective account of that notion is completely different.

2.1. The medical model

According to the medical model, social disadvantage is a *consequence* of the disability. It is a deviation from the normal functioning of the organism that prevents the individual from those activities that make social integration possible. The causes of the disadvantage are thus identified with biomedical factors at the individual level.

When adopting this perspective, disability policies focus mainly on social and health services. Disabled people are subject to “therapeutic-rehabilitational” treatments in order to restore the biopsychic functioning of their organism, usually through the use of technology. The goal of the intervention is always to remove or reduce the deviation from biomedical norms, so that people can become capable of those performances that social roles require.

Participation in social life is then pursued through a process of normalization of people with disabilities that at the same time does not require any significant change at the cultural level. The social identity of disabled people remains neglected in its specificity because the focus of society is on removing those traits that are viewed as negative (Gray 2009).

number of babies born with those pathologies has remained constant, due to the increased use of prenatal diagnosis and abortion (Euro-Peristat *et al.* 2013).

2.2. *The social model*

The physical and social environment affects to various degrees the social disadvantage of people with disabilities (Allotay *et al.* 2003). The social model does not deny the biomedical components of disability; however, it rejects the idea that social disadvantage is caused by the psychophysical impairments as such. In their manifesto, the activists of the Union of Physically Impaired Against Segregation – the organization which has elaborated a social model for the first time – claim that disability “is something imposed on top of our impairments, by the way we are unnecessarily isolated and excluded from full participation in society” (UPIAS 1976, 3). The disadvantage results then from the inadequacy of social and economical structures, which *produce disabling effects* on people with structural and functional deficits and consequently exclude them from social life.

In order to restore equality, the social model goes in the opposite direction of the medical model. Instead of removing the disability, the social model aims to remove social barriers. Shakespeare observes that “underlying the idea of a barrier-free-world is an attempt to show that impairments can be irrelevant, and to make equal disabled and non-disabled people” (Shakespeare 2014, 42).

Within political discussions the social model has called attention to the sociocultural dimension of the disadvantage experienced by disabled people. By shifting attention from the body to the social and cultural relations involving the body, the social model has opened the path for the realization of new policies that go beyond health and social services. These include policies for the elimination of architectonic barriers, for integration in schools and workplaces, and for accessibility to the ICT.

While the medical model never takes the role of social structures into account, the social model relativizes the impairment by defining it as a “different but equal form of embodiment to not having an impairment” (*ibidem*, 42). However, the social model also has a distorted concept of social disadvantages because it neglects the *reality of the impairments*. In the same context, some limitations can be the cause of serious disadvantages, while others can be much less troublesome (Danemark and Gellerstedt 2004).

Either impairment or social structures are necessary but not sufficient conditions to produce disabling effects. What I want to suggest is that a disability becomes a social disadvantage only through the connection of the biopsychic limitations of the person with a certain sociocultural context. More precisely, I define it as “a social problematic relationship for the agent subject” (Ferrucci 2004).

Although they are contrary to one another, the medical and the social model have some elements in common. First, disability is for both a negative deviation from the social norms. Second, both take the social disadvantage to be a mere relation of “dis-adaptation” that does not recognize the intentionality of people with disabilities.

This idea of “dis-adaptation” is evident for instance in the integration policies in schools and workplaces adopted in Italy since the 90s. The law that promotes the employment of people with disabilities (legge 68/1999, *Norme per il diritto al lavoro dei disabili*) has achieved commendable results. According to the most recent data, public job centers have played an important role, and thanks to them the disabled 10.1% of the population that has availed itself of the program has found employment (Ministry of Labor and Social Policy 2012). However, the procedures and functioning mechanisms do not adequately take into account the intentionality, expectations, aspirations, and all the other factors that characterize people with disability in their specific *agency* (Ferrucci 2014). The freely chosen occupation of which CRPD speaks is beyond reach of many disabled people, as is the freely accepted occupation most of the time.

Despite the criticism that the social model has received at the scientific level (see Grönvik 2007, Shakespeare 2014), the cultural breakthrough that it has produced has had a liberating impact on many disabled people. Firstly, this model has reshaped the image of the social identity of disabled people in such a way that they are no longer represented as victims of their bodies but of a discriminating society. Secondly, it has favored the emergence of a collective cross-impairment identity and the birth of organizations that do not act *for* disabled people, rather they are composed and lead *by* disabled activists (Barnes and Mercer 2011, Oliver 1990). By advocating for a different concept of social disadvantage, these movements have challenged the dominant representations of disabled people as passive subjects with no agency and have proposed a positive conception of the person with a disability.

Over the past years, these new forms of organization have produced both a “cultural” and “structural elaboration” (Archer 1995). The laws that have stemmed from them, such as the CRPD, delineate the new scenario for the implementation of disability policies.

3. Human rights and independent living: practices of social participation

The “full and effective participation and inclusion in society” of disabled people (art. 3) is one of the guiding principles of the CRPD, and we

find it restated in several articles.⁶ Despite the importance of human rights, as Carozza argued in his paper, international human rights systems have structural constraints that limit their capacity “to bring about dramatic social transformations in the direction of inclusive participatory societies”, because “the practice of human rights today tends too strongly towards extreme forms of individualism and finds relational goods very hard to account for” (Carozza 2017). From a sociological perspective, the questions are the following: how does the CRPD conceptualize participation? In what way does it translate into policies and practices? What are the outcomes?

The CRPD introduces a new concept of disability, for which “disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others” (Preamble, letter e). This view adopts the biopsychosocial model of disability of OMS (2002) in the International Classification of Functioning, Disability and Health (ICF).

ICF identifies “participation” as the “involvement in a life situation” (OMS 2002, 19) but it does not pay much attention to intentionality. This is a major problem, since in the experience of disabled people intentionality is perceived as a very important factor (Morris 2009). Disabled people positively evaluate the possibility of choosing what activities they want to take part in (self-determination), participating in social contexts in which they feel recognized (social identity), going against the stereotypical concepts that portray them as dependent people, creating friendships (reciprocity), and putting themselves to the test to prove widespread social prejudices wrong. A further element that fosters social participation is the awareness other members of society have when it comes to the contributions people with disabilities make towards common wellbeing (psychological assurance) (Milner and Kelly 2008). Taking responsibility for one’s choices, feeling valued, being treated with respect, being recognized as people: all of these factors are crucial in promoting social participation (van de Ven *et al.* 2004).

⁶ See the articles on participation in political and public life (art. 29), cultural and leisure life (art. 30), and those relative to the necessary conditions for guaranteeing participation, such as accessibility (art. 9). Moreover, the article on independent living and inclusion in society (art. 19) establishes that countries are committed to adopt adequate and effective measures to “facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community”.

A participatory society requires people with disabilities to be fully recognized as having agency, namely, as subjects capable of responsible and free decisions. This view of participation is crucial for the movements created and managed by disabled activists following the social model.

I will now focus on one of the most important and culturally influential organizations created by disabled people: the Independent Living Movement (hereafter ILM).⁷ Its principle is pithily put in the formula “*Nothing about us without us*” and expresses a clear desire to participate in social life. The problem on which I would like to dwell now is how the principles of ILM translate into participatory practices. Adolf Ratzka, one of the leaders of ILM and founder of Independent Living Institute in Sweden, says that “Independent living does not mean that we want to do everything by ourselves and do not need anybody or that we desire to live isolated. Independent living means that we ask for the same choices and same control in our every-day lives that our non-disabled brothers and sisters, neighbors and friends take for granted” (Ratzka 2007, 2). This statement is particularly relevant for at least two reasons. Firstly, because it identifies independence with the possibility of choosing the goals of one’s activity. Secondly, because the idea of independence that Ratzka proposes presupposes a context of social relationships that makes it possible.

Various examples, inspired by the principles of independent living, have arisen in the past years. They have produced services and practices that follow three major approaches: the market oriented approach, the co-production approach, and the capabilities approach. The question is, then: do practices of empowerment of disabled people also generate social participation as relational goods? In order for this to happen, it is necessary that:

⁷ Born in the 60s at the University of California – Berkeley, ILM has spread all over the US and many other countries. ILM’s fundamental belief is that each human life has value and that people with disabilities have the right to participate in social life by having full control of their lives (Morris 2004). The ILM is operative through the Centers for the Independent Living (CILs). At present there are about 500 CILs in the US, and other hundreds are in Latin America, Europe, Japan (Yang 2013), in South-East Asia, and in Africa. In Europe there are several different approaches to independent living (Townsend *et al.* 2009). The European Network on Independent Living (ENIL), founded in 1989, gathers all the associations whose activity is inspired by the social model. They provide advocacy support and aim to empower people with disabilities. Moreover, ENIL promotes the transferability of the principles of independent living to applicable practices. ENIL’s mission can be found at the following link: <http://enil.eu/about-enil/our-mission/>

1) participants have a personal and social identity (there is no relational good among anonymous subjects); 2) the motivation for taking part in these social activities is not instrumental; 3) the conduct is inspired by the norm of reciprocity understood as symbolic exchange and not as mere *do ut des*; 4) there is full sharing among the participants, who produce and enjoy together the goods they have contributed to realize; 5) the interaction is not limited but rather built over time; 6) the participants tend to think in relational terms, namely, in light of the good of the relation (Donati and Solci 2011, 24–25).

3.1. *The market-oriented approach*

The organization of the Centers for Independent Living (hereafter CILs) are deeply informed by the sociocultural context of the US, centered on individual rights and deeply oriented toward the market. “It is time – wrote Ratzka – that disabled people too are recognized as full citizen with full freedom of choice not only on election day but also as customers in the market place” (Ratzka 2007, 9). Social participation is achieved through access to goods and services offered by the market. The more efficient the market of services for disabled people is, the more possibility they have to choose the most adequate services to satisfy their needs.

Such an approach to independent living excludes a priori the possibility that participation can be a relational good. However, it is instructive to see what happens in the case of the Personal Assistant (hereafter PA). As Shakespeare (2014) has pointed out, the PA model adopted by ILM reveals a limited conception of the relationships of assistance and support, which are more complex and heterogeneous. The relationship cannot be reduced to the mere execution of performances. We need to consider disabled people not only according to the framework of the ethics of rights, but also of the ethics of care (Kittay 2010).

In short, the market oriented approach and PA presuppose a well-developed agent subject, but they do not pave the way for a participatory society. The PA management practices satisfy only some of the necessary conditions to realize relational goods. They are not anonymous relations because they imply a certain degree of sharing. But involvement in relations is based on instrumental reasons and reciprocity is limited to the *do ut des*. These conditions, however, tend to grow over time: relations become less and less instrumental and they include forms of symbolic exchange. Despite the level of personalization that the service can achieve, the contractual structure hinders the development of a truly relational good.

3.2. *The co-production approach*

ILM also pursues its goals through practices of co-production, which synthetically “give citizen both more choice and more voice, as well as a more active role in provision of public service” (Pestoff 2015, 83).

Co-production is tightly linked to the rights declared by CRPD. Especially important are the right to be *actively involved* in the application of the law, CRPD policies, and all other decisional procedures (art. 4). Co-production practices also allow the disabled to have access to all the service production stages by exercising the right of decision and control, thus realizing the goal of ILM at its highest level. By assuming the role of “co-producers”, disabled people take part in decisional processes for the production of those services that they might need at some point. What are the outcomes?

The European Platform for Rehabilitation (2016) has recently conducted a study on a sample of co-production practices. The results confirm that disabled people flourish when given the possibility of choice and control: this includes rejecting staff proposals that do not meet their needs, formulating judgments on services, and proposing ideas about what is important.

Among others, a meaningful experience of co-production is represented by KeyRing, a UK charity founded in 1990 to allow adults with learning disabilities to live in their own houses. Since 2006, membership has gradually extended to other client groups. Currently, it supports around 900 people in Living Support Networks in 54 separate local authority areas throughout England and Wales. Support is provided by local volunteers, by other members of the network who receive help, and by members of the local community. In general, the network is made up of nine people who live in their respective houses, not far from each other or from a volunteer who lives in the surrounding area, usually in a house provided by the association itself. The volunteer supports people in the network in various ways, including paying their bills, helping them find education programs, employment, and voluntary work. Moreover, it fosters their integration within the local community. The volunteer encourages members of the network to sustain one another by sharing their respective competencies. When needed, the association can also provide the assistance of professional figures.

This experience had produced two very important results. First of all, it shows that disabled people can benefit from their coming together freely. In this way it has debunked earlier predominant “theories of normalization”

which claimed that mutual help among people with disabilities produces stigmatizing effects. Moreover, it has been noted that among members of the network reciprocity spreads independently from the inputs of the volunteers, and that they develop a strong sense of belonging to KeyRing. Secondly, in contrast to other experiences in which help comes primarily from local communities, KeyRing stresses the contribution of the members of the network themselves (Poll 2006). This result of “enlarged reciprocity”, however, is not the result of an intentionally pursued strategy; it is rather a byproduct of the ordinary functioning of the network.

The approach to co-production has the potential to generate social participation as a relational good. KeyRing satisfies almost all the required conditions, although in different measures, both for what concerns personal and social identities and as an incentive for the members of the network to take care of one another. A crucial point, which puts reciprocity in motion within the network (but also beyond it) is the mobilization of the capacities of disabled people, offering their talents to other people to provide a service. In this way, social relationships so constituted become central and the involvement of the volunteer or professional figure becomes third parties. Most of the activities and performances imply a high degree of sharing. The *We-relation* is present and also expressed through symbolization, but is not explicitly addressed. The relationship does not constitute a relational social subject (Donati and Archer 2015).

Co-production was originally focused on the role of individual citizens, or groups, in the production of public services. But, as the case of KeyRing shows, the approach can extend to a third sector organization. In particular, KeyRing shows the impact that even small groups of people can have in fostering the active participation of people with different forms of disability (physical, mental, related to learning, autism), of the elderly, and of other socially-disadvantaged people.

3.3. *The capability approach*

KeyRing’s experience is characterized by the involvement of the local community, centered on co-production, understood as “provision of services through regular, long-term relationships between professionalized service providers (in any sector) and service users and/or other members of the community, where all parties make substantial resource contributions” (Boivard 2007, 847). A step in this direction is taken by Amartya Sen’s (1992) capability approach (CA) applied to the condition of disabled people (Terzi 2005, Mitra 2006, Trani and Bakhshi 2008, Dubois and Trani 2009).

Some Italian scholars have significantly developed CA with respect to disability, considered as a deprivation of capability (Bellanca *et al.* 2011; Barbuto, Biggeri and Griffo 2011). This has brought to some experimental applications of the capability paradigm (the most significant in Tuscany, see Biggeri *et al.* 2011) and to the operationalization of the same approach for programming disability policies (Trani *et al.* 2011).

CA and LM share the principles of choice and self-determination, and see the disabled people as capable of defining their needs, aspirations, and strategies. In CA “the agency of the individual is defined by values, beliefs and preferences within a given social environment that are consubstantial to the individual and not contextual factors” (Trani *et al.* 2011, 148). Moreover, CA endorses the “relational” concept of disability that is at the basis of CRPD, by considering both the particular condition of disabled people and the capabilities resources in the context.

In the CA approach applied to disability, the ascribed community capability is composed of collective, social and individual capabilities. Collective capabilities are the capabilities of given groups within the community (e.g. associations, self help groups, community-based organizations) and they benefit all the individuals of the community who participate in collective action, and not single individuals. Social capabilities are supplementary individual capabilities resulting from social interactions between individuals. They depend on the sharing of capabilities of one individual with others who will acquire similar capabilities as a result of the interaction.

The capabilities of people with disabilities depend on their personal conversion factors (e.g. disabilities, skill, gender, age), on social conversion factors (e.g. social norms, religious norms, disablism, etc.), and on environmental conversion factors (e.g. health services, mobility system, schools, social services, etc.) (Trani *et al.* 2011). According to Trani *et al.*, “they all contribute to the realization of aspirations by creating the conditions for exercise of freedom of choice of beings and doing of individuals and communities” (2011, 151). Conversion factors are material factors (e.g. infrastructures, income and services) or immaterial factors (e.g. individual abilities, social norms, identities, beliefs), which determine a reduction or an expansion of individual capability set. Conversion factors intervene at individual level, family level, community level and regional/national level.

At community level, some social tools, such as life projects, peer counseling, and self-help groups, can empower disabled people and promote their social participation (Barbuto *et al.* 2007, Barbuto *et al.* 2001).

The goal of the life project is to help disabled people define their objectives and aspirations by increasing their self-awareness. This requires a constant commitment to make decisions that concern them and to ask for the social help they might need. Peer counseling and self-help groups have a meaningful role in the elaboration of a life project. The life project is based on the assumption that the condition of people with disabilities is one of the possible manifestations of human diversity. For this reason, the project helps enable new capabilities that reflect the needs, values, and aspirations of the people involved, and not simply restoring preexisting conditions of normality (rehabilitation).

The life project is considered the fundamental instrument for the empowerment of people with disabilities because it improves their ability to define their preferences autonomously. The elaboration of the life project is a process in which many dimensions are intertwined (the person's history, objectives, means, different capacities to deploy – individual abilities, environmental opportunities, potentialities – degree of autonomy, etc.). The life project is thus a dynamic instrument that is modified over time according to the results of empowerment processes in which people with disabilities are actively involved.

Peer counseling is commonly used in the life project. It consists in a psychosocial intervention whose aim is to help participants elaborate their experiences, free themselves from their disadvantage, and obtain personal autonomy. The special relationship of peer counseling not only puts disabled people in a condition to be acknowledged as free and adult subjects, but also allows them to overcome the “phantom acceptance” (Goffman 1968) that they usually experience. The counselor offers a role model to the disabled people in order to achieve important results: greater awareness of their condition and challenges, greater freedom in personal and social deliberations, and an enhanced sense of responsibility.

Generally speaking, disabled people do not have extended networks of relations. Self-help groups put them in the condition to share their experiences with people beyond family members. Participants can express their problems, think about their future choices, receive suggestions and support, and obtain responses that personnel of public services are usually incapable of giving. These groups not only overcome social isolation, but also develop the agency of the subjects involved, with a resulting growth in autonomy. The constant shift in role – from service user to service provider – allows disabled people to go from a passive attitude to an active one. The difference between public services and self-help groups, therefore, is that

while in the former case problems are tackled only from the point of view of the professionals, in the latter case solutions are the result of teamwork. In this way, disabled people develop useful knowledge to better manage their own condition and to become more independent from professionals.

CA practices (life project, peer counseling, self-help groups) have some of the necessary requirements for the realization of relational goods: the people involved have a definite personal and social identity, the motivations are not instrumental, relations – especially in self-help groups – are governed by the norm of reciprocity among the participants, and the good produced implies a significant degree of sharing. Nevertheless, in this case the CA framework does not take the relation into full consideration, but is rather content with focusing on the two poles: the individual with his or her capacities on the one hand, and the socio-environmental context on the other hand. Social relations become an object of attention only when individual limitations are so serious that they jeopardize agency (for instance, in the case of mental impairment). This is the only case in which the contribution provided by family members to the wellbeing of the person with a disability is adequately treated. CA fails to observe the emergence of social and community capabilities from the combination of several individual capabilities (Dubois and Trani 2009).

Concluding remarks

I began by recognizing that the devaluation of the identity of disabled people is an obstacle to their inclusion in society, no less than inequality in the availability of economic and social resources. This is due to the more or less explicit social stereotypes that prevent society from fully acknowledging the personhood of disabled people.

The emergence of new activist movements has contributed to a re-definition of social identity in positive terms. The policies resulting from the social model have significantly contributed to the removal of many barriers, which cause the social exclusion of disabled people from many dimensions of social life. Despite these contributions, the way in which these movements pursue the goal of inclusion relies too much on the resources of the system, and therefore continues to disregard the agency, the capacity of self-determination, and the autonomy of disabled people. These aspects are central in their social experience but haven't found adequate attention.

After the CRPD, disability policies entered a new phase because they became linked to the problem of the recognition of the human rights of disabled people. One crucial point is the right to full participation in social

life, according to a principle of equality with everybody else. Involvement in a life context is not enough to guarantee social participation. According to the principles of independent living, involvement should occur as the result of an intentional choice, capable of expressing the self-determination of people with disabilities. Self-determination is the means through which realizing full social participation becomes possible. Independent living does not mean being alone, but rather choosing relational contexts capable of acknowledging and valuing the agency of people with disabilities. According to this perspective, social relations can have an “enabling” or, to use Sen’s terminology, “capacitating” effect.

This dynamic makes the realization of a relational good possible on the basis of the elements of disability themselves (functional limitations, intentionality of the subjects, social normativity, value orientations). As we have said, a relational good with respect to disability is a good that can be realized only through the active participation of disabled people, in such a way that they can realize the fundamental human good of sociability.

The market approach, the co-production approach, and the capability approach consider the principles of independent living in different ways, but not all of them satisfy the necessary requirements for the emergence of participation as a relational good. The market approach is certainly unable to do so. Co-production and CA satisfy the highest number of requisites for the realization of the relational good. Co-production as implemented by KeyRing is especially capable of generating networks of extended reciprocity. Nevertheless, even these two approaches have not yet developed complete relational reflexivity, where the relation between people with disabilities and without disabilities becomes a constitutive element of the identity of the participants (Donati and Archer 2015, Donati 2013).

The road to a participatory society for disabled people will be the one in which, as MacIntyre points out, the needs of people with disabilities are not considered as needs of a limited group but as the interest of an entire society. Or, more simply, to use the slogan of the World Down Syndrome Day, a fully participatory society is one where “education, opportunities, friends, and love [are] not special needs, just human needs”.

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► NEW GUIDELINES FOR ACHIEVING SOCIAL & CULTURAL PARTICIPATION

INCREASING SOCIAL PARTICIPATION; FROM THE TOP-DOWN OR THE BOTTOM-UP?

MARGARET S. ARCHER

Introduction

By definition, the 'marginalized' may be socially excluded on a variety of dimensions. The one that will concern me here is exclusion from political participation, although some reference to their inferior positions on the distributions of other socially scarce resources cannot be avoided. For clarity, 'participation' is defined as a group or collectivity '*having a say*' in political decision-making and this can obviously be quantitatively and qualitatively different in kind. Political 'marginalization' refers to '*being deprived of having a say*', through formal or informal means of influencing politics. Either acquiring or being deprived of '*a say*' may each be politically authorized, that is considered as being legitimate: political 'participation' may be given legally (reform) or be grabbed (revolution and uprisings).

One concept that it will be impossible to avoid is the relationship between 'political participation' and 'social integration' because the processes involved in both 'top-down' and 'bottom-up' changes involve the two in combination. They are analytically distinct because people can participate in a political event, without being integrated with one another, or be integrated as a group but denied the possibility of participation. Recognition of this distinction is embedded in two of the best known general approaches to the question in hand. Thus, David Lockwood's seminal article (1964)¹ advanced the proposition that it is when *Social Integration and System Integration are both low which constitutes a social context propitious to change*, in participation and control *inter alia*. What he did not clearly specify were the conditions under which such changes would be instigated from the top-down or the bottom-up.² Equally, Charles Tilly,³ differentiating between 'social' categories (such as black/white or male/

¹ David Lockwood, 1964, 'Social Integration and systems integration', in G.K. Zollschan and H.W. Hirsch (eds.), *Explorations in Social Change*, Boston, Houghton Mifflin.

² Though most of the 'left' tended to assimilate this to 'bottom-up' action.

³ Charles Tilly (1998), *Durable Inequality*, Berkeley, University of California Press.

female) and ‘political’ categories (such as enfranchised/disenfranchised) treated the former as fixed categories that could change only in social salience. In other words, each category could change in its social importance, but little attention was given to its changes in proportionality *vis-à-vis* the rest of the population⁴ – ones likely to affect its internal integration. Processes of increasing or decreasing participation remained obscure. Top-down and bottom-up were not generalized as theoretical and processual differences in Tilly’s work but would have to be established substantively, case by case, were one to deem this important.

In brief, neither of these influential and important theorists was of assistance in this respect. Yet, this respect is the central topic of my paper because five fundamental issues hang upon top-down and bottom-up processes.

1. The early but enduring division between radical Sociology (advocates of bottom-up processes) and liberal Economics (protagonists of top-down mechanisms).
2. Within mid-twentieth century Europe, conciliatory attempts were made by some from both disciplines to forge an inclusive and participatory ‘middle ground’, i.e. the reformist Welfare State from the left and universal ‘citizenship’ from the right. Taken together they formed the main lineaments of Social Democracy after the Second World War.
3. Amongst other things, this ‘middle ground’ was intended to undermine threats of class warfare and the equally damaging consequences of revolutionary uprising or autocratic resurgence by inserting a wedge that separated off the ‘undeserving poor’ from ‘decent working people’, thus effectively protecting the elites from a coalition of the above, although at a certain price to themselves.
4. Despite the ‘golden post-war interlude’, the ‘middle’ was never homogeneous and became less so as it grew, manifesting the first signs of social *fragmentation* in its loss of ‘community’ and eventually *blocking* both top-down and bottom-up attempts at participatory social steering, by what I term ‘*centrism*’.
5. The growing role, until very recently, of Social Movements as the main resort for collectivities (Corporate Agents)⁵ to achieve their

⁴ To maintain otherwise would be to endorse a very unhelpful form of Nominalism, i.e. because a category is called the same thing, it is assumed to remain the same thing.

⁵ ‘Corporate agents’ are those who have articulated aims and sufficient organization

claims for increased participation in political decision-making is now receding, but is it being replaced by alternative bottom-up processes?

Although the last two points are the most crucial ones today, it is necessary to work through the preceding elements rather than to proffer this European experience as a Eurocentric template applicable to other continents.

1. Radical and liberal social sciences

When we baby-boomers entered University, there were two well-entrenched accounts on offer to explain the exclusion of the majority from political participation, *given a triangular structure of social stratification*. In both cases, the driver was the capitalist economy. On the one hand, many Sociologists and Political Scientists were unapologetic neo-Marxists who viewed the failure of the exploited working class to transform itself from ‘a class in itself to a class for itself’ as the generic cause of their exclusion. Although the internecine debates from the ultra-left could be hideously complex, *the certitude that participatory change could derive only from bottom-up contestation was their constant*.

On the other hand, by then liberal economics had greatly elaborated on James Mill’s⁶ rationalistic formula that explained how economic competition operated to the advantage of every ‘working man’ and had advanced the beneficent ‘trickle-down effect’, *working from the top down, that was (or would surely prove to be) in the interests of all*.

There is no need to labour the class uprising that never came or how the rising tide of economic growth did not lift all boats. However, two World Wars had provided lessons in the dire physical condition of working class recruits and of their bravery. In 1918 Britain, for example, Lloyd George made his speech about providing ‘homes fit for heroes’ and mooted pensions and health care. In 1942, Lord Beveridge put forward his proposals that were to be the foundation of the British welfare state. By 1949, T.H. Marshall had supplemented this by conceptualizing the direct social responsibilities the state had towards its citizens: “from

to pursue their claims. Margaret S. Archer (2000), *Being Human: The Problem of Agency*, Cambridge, Cambridge University Press and *Realist Social Theory: The Morphogenetic Approach*, 1995, Cambridge, Cambridge University Press.

⁶ James Mill (father of J.S. Mill) quoted in Alexander Bain, 1882, *James Mill*, London, p. 365.

the right to a modicum of *economic welfare* and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society”.⁷ I am not accusing the above reformers of *mauvaise foi*. On the contrary, all had the prescience and humanity to recognize that gross inequalities foster social divisions and that increases in participation should be accepted to offset these divides.

2. The rise and demise of social democracy

Although the problem of offsetting social antagonism was predominantly economic in origin, the panacea was largely political and it remained top-down. After the Second World War and centuries of conflict, with elites attempting to limit political participation in order to be able to regulate the people and the popular classes seeking to extend participatory democracy in order to regulate the elites, the post war formula of social democracy, citizenship and variants upon the welfare state was a compromise in which mutual regulation took the revolutionary edge off enduring class divisions.

Thus, in the post-war economies, after two centuries of struggle between entrepreneurs trying to control wages, hours and conditions, and workers (experimentally) responding with Luddism, syndicalism, unionization, strikes and lock-outs, there was still unfinished business on both sides. Capitalism remained unwaveringly and necessarily competitive, holding itself threatened as national unionized workforces flexed their organized muscles. After various showdowns, the progressive incorporation of the unions into political parties and into industrial management itself was the compromise that inserted the ‘neo’ into capitalism.

This compromise, lasting for three decades in Europe, derived from the mutual regulation arrived at between the traditional antagonists. *In both the polity and the economy, the state of opposition mattered to the governing elites and vice versa, just as the state of managerial control mattered to organized labour and vice versa.* Some even generalized this result to mean that every modern industrial state necessarily became a welfare state. However, can we call the ‘post-war formula’ *in toto* [social democracy + neo-capitalism + welfare state] a recipe for social solidarity and participation?

Take the following four specifications of the conditions representing ‘social integration and participation’, in which points 1 and 2 involved

⁷ Marshall, T.H., *Citizenship and Social Class: and Other Essays*. Cambridge University Press, 1950.

participatory concessions and 3 and especially 4 were attempts to take the edge off punitive inequality and only seriously pertained in Scandinavia.

1. Absence of major social conflict based on class (or class, status and power)
2. Achievement of formal political representation for all
3. Social provisions for old age, sickness, accidents and for children
4. A redistributive welfare state system

Nevertheless, this post-war formula worked for 30 years. The mechanism advanced here for this 'golden interlude' consisted in the successful emergence of *mutual regulation* between the systemic and the social orders. However, the necessary but not sufficient conditions for mutual regulation were rooted in the nation-state itself. When the state's boundaries also largely defined the outer skin of society, then the necessary interplay between the systemic and the social within the same territorial confines ineluctably meant that *the state of the one mattered to the state of the other*. That was the case whilst ever the nation state remained co-extensive with 'a society'. It diminished as this boundary reduced in importance with increasing 'globalization'.

Mutual regulation had operated largely as a morphostatic mechanism,⁸ one producing a balance between the existing institutional and social orders that stabilized relations between them, temporarily.

3. The new mantra; 'We're all middle class now'

European societies were still far from being fair, egalitarian, fully democratic, let alone fully participatory, even though an improvement over modernity in these respects. There remained considerable scope for the reduction of social exclusion within the nation state by incorporating an increasing number of sectional interest groups that remained marginalized and subject to discrimination. The lead given earlier by the lower classes was passed as a baton to other interest groupings that had not engaged in large-scale collective action by developing articulate aims and effective forms of organization. Two of the most significant, ethnic and women's groups, had broad agendas on which increased participation was the com-

⁸ Walter Buckley defines 'morphogenesis' as 'those processes which tend to elaborate or change a system's given form, structure or state, or state' as contrasted with morphostatic processes 'that tend to preserve or maintain a system's form, organization, or state'. Walter Buckley, 1967, *Sociology and Modern Systems Theory*, Englewood Cliffs, New Jersey: Prentice-Hall, p. 58.

mon denominator of their quest for civil rights, promotion prospects, decent conditions of employment, and the abolition of discriminatory laws and practices over which they had no say.

As these social movements became increasingly successful, it was simultaneously the practice in the 1970s for students to be taught that the previous triangular shape of social stratification in Europe was morphing into a diamond-shaped pattern; and this despite findings by David Glass and others that between 1900 and 1960 there had been no increase in social mobility.⁹ In short, the old apex of the privileged had shrunk (not yet re-stocked by corporate CEOs, bankers, let alone pop stars) as proportionately had the old 'proletariat'. This was no longer made up of some kind of 'reserve army of the unemployed' but became a disparate cluster of the 'poor' (deserving or not) that later sociologists, such as Dahrendorf, sought to brand as the 'Underclass' – one not threatening social order like the old working class but nevertheless not participating in citizenship.

On the basis of that type of description of the reshaping of social stratification, a new political constituency was in *statu nascendi* – the middle – whose middle class 'we all' were rhetorically held to be joining. With the smashing or the taming of the Unions (the semantics varying with one's party affinity), Thatcher led the way in removing the class threat from politics and generalizing the notion that there was no society and were no social entities other than individuals and their families. This Methodist daughter of the grocer from Grantham thus forged the *leitmotif* that not only underlay Tory rule (1975–1990) but effectively did the same for New Labour and the Third Way of Tony Blair and Anthony Giddens in the 1990s.

The whole point of this excursion, most exaggerated in Britain (and least so in Scandinavia), was that this 'middle' was illusory. It was not homogeneous (and became less so), it had diminishing social bonds (the original, mobile entrepreneurial elite had been correctly dubbed 'the migratory elite').¹⁰ It sustained no community (preferring the seclusion of the detached property and its fenced garden), its more affluent members were the first to succumb to 'commodification' (change the car annually for a bigger one and spend slavishly to follow the fashion colour of the season).

In all of this, they were as totally different from the initial post-war generation as they were to the baby-boomer children that they produced (in much decreased numbers). In the 1950s, the former had been culturally

⁹ D.V. Glass (ed.) *Social Mobility in Britain*, 1954, London, Routledge and Kegan Paul.

¹⁰ F. Musgrave, 1963, *The Migratory Elite*, London, Heinemann.

timid; self-made men, early school leavers, unacquainted with and embarrassed by colleges, let alone universities, and without passports, yet preoccupied with their first owner-occupied houses, first cars, and the newly arrived television.

Conversely, those in the 1960s first confronted the fragmentation of 'the middle' in the form of graduate entrants to industry, teachers who could not be dismissed as 'spinsters', but aspired to professional status, to their children being groomed for University, package-deal foreign holidays, use of private hospitals and eventually, the Beatles and the computer. New, respectable jobs proliferated (Hollerith card punchers, home chiropodists, house designers and decorators), new 'categories' occupied enduring positions (some of the despised 'coloureds' now became their medical personnel), some sons had formed pop-bands and some daughters went off to become stable grooms or models. Some of them also went on nuclear disarmament demonstrations and thought that there were other ways to get high than on sweet sherry or pints of beer at the pub. Yet, we were 'all middle class now'! This political mantra echoed *The End of Ideology* as this 'class' continued to increase in diversity.

4. From lib/lab to centrism

In the four decades following the Second World War, a pragmatic steering system, that Donati rightly called *lib/lab*, worked because the representatives (Parties or centre-right, centre-left coalitions) alternated in Government and differentially rewarded their electoral supporters – rewards that were frequently retained when the alternative Party/coalition sequentially assumed Office. However, in the present context we should note that such compromise political systems were predicated on the assumption that the right to vote in a general election alone was almost definitional of political participation. Certainly, municipal elections (or equivalents) often constituted geographical strongholds for either *lib* or *lab*, yet their very sponsorship of local or regional institutional innovations appealing to their supporters (such as Comprehensive schools)¹¹ were often regarded as a step too far towards participatory democracy. *With hindsight, this limitation on the powers of local authorities was the first intimation of the Centrism that was to come, compacting lib/lab into the political portfolio of European government in general.*

¹¹ Pioneered by county authorities, Leicestershire being the first in Britain.

Other slightly later global transformations worked to the same end but there is not space to go into their details here, beyond indicating the following, which my Research Centre for Social Ontology has explored over a series of 5 books devoted to the intensification of Social Morphogenesis from the 1980s onwards.¹²

The rise of the globalized multinational corporation had the important consequence that the companies involved had no need to legitimate themselves to workforces in less developed countries; instead they could move on geographically. In other words, the old mutual regulation had gone: the state of workers no longer mattered to management and there was little that the former could do about their concerns. Moreover, there was little that government could do, even to extract due tax payment from the giants who manipulated their geographical tax bases,¹³ evading any version of unitary taxation for their activities and profits, and leaving offshore ‘havens’ to the smaller fry.

The ‘financialization’ of capitalism completed the rupture with the real economy, consecrated the Banks and financial lawyers at the apex of the beneficiaries as the stratum of the highest paid, yet one largely outside governmental control. When the Crisis of 2008 was unleashed and partially revealed, governments behaved almost uniformly by the imposition of Austerity policies.¹⁴ In brief, centralist policies reached full flood.

As collateral damage, ‘the middle’, which had never been homogeneous, now became shapeless, uncomprehending and unpropitious to the appeals of centrist government. Some adopted the slogan of ‘We are the 99%’. Politicians from established Parties found difficulty in knowing what to call those they now addressed. In Britain the first attempt was to use ‘Middle England’, but that sounded almost as indefinite as the location of

¹² Archer, M.S. (ed.), 2017, *Social Morphogenesis and Human Flourishing*. New York: Springer. Archer, M.S. (ed.), 2016, *Morphogenesis & the Crisis of Normativity*. New York: Springer. Archer, M.S. (ed.), 2015, *Generative Mechanisms Transforming the Social Order*. New York: Springer. Archer, M.S. (ed.), 2014, *Late Modernity: Trajectories towards Morphogenic Society*. New York: Springer. Archer, M.S. (ed.), 2013, *Social Morphogenesis*. New York: Springer.

¹³ Making particular use of the Republic of Ireland that deliberately maintained low corporate taxation rates.

¹⁴ Although inequality in income differentials had soared in the developed world, common denominators of governmental responses were the rolling back of welfare provisions, restrictions upon salary increments for those employed in the public sector, the increased privatization of pension schemes and ‘ability’ testing for those in receipt of disablement benefits etc.

Tolkien's 'Middle Earth'.¹⁵ The 'middle' had fragmented even further and little either bridged or bonded its 'members'. Inequalities had been exacerbated among them, solidarity reached an all-time low, and voter turnout had plummeted: *centrist government was punitive, not the participatory tool of the electorate's aspirations, but it continued to work from the top-down through a novel form of anormative bureaucratic regulation – light years away from participatory democracy.*

'Centrism' represents a *politics without vision* and spells a drastic shrinkage of normativity in political life and an enhanced, shared concern of governments with the co-ordination and regulation of activities. Political parties/coalitions are preoccupied with tactics; with a St Simonian 'administration of things' – the day to day management of austerity and the reduction of public spending with minimum backlash – not the 'government of people' based on a normative conception of the good society grounded upon the co-operation of all, which includes all and thus envisages the participation of the marginalized. Instead, there is 'tactical' governance, which ejects commitment from the political domain, whether in the form of expansive political philosophies or explicitly normative organizations with a broad conspectus on the good life. Thus, for example, religion in general was banished from the public domain,¹⁶ henceforth supposed to be a depoliticized matter of private belief and practice. *If functionalists had once held that values articulated every system of social action, they have become the antithesis of today's political aversion towards social normativity.*

In the past, social regulation by 'command and control' (CAC) was the preserve of the state, using legal rules backed by criminal sanctions. 'It is "centred" in that it assumes the state to have the capacity to command and control, to be the only commander and controller, and to be potentially effective in commanding and controlling. It is assumed to be unilateral in its approach (governments telling, others doing), based on simple cause-effect relations, and envisaging a linear progression from policy formation

¹⁵ Today, Prime Minister Theresa May oscillates between 'ordinary working people' and those bravely 'just getting by'. The Government hesitates between applauding the 'self-employed' as risk-taking small entrepreneurs and penalizing them for their lower contributions to National Insurance. See the Budget Speech of the Chancellor of the Exchequer, Philip Hammond, 8th March 2017.

¹⁶ Roger Trigg, 2008, *Religion on Public Life: Must faith be privatized*, Oxford, Oxford University Press; Douglas V. Porpora, 2001, *Landscapes of the soul; The loss of moral meaning in American life*, Oxford, Oxford University Press.

through to implementation'.¹⁷ The capacity for such central control had been lost as a victim, ultimately of intensifying morphogenesis on a global scale.¹⁸ This constituted what has been called the 'hollowing out of the nation state'. Every single state forfeited the power of CAC; none could exert their hegemony over financialized capitalism working in synergy with commercialized digitalisation. Top-down political direction was on the run, but it morphed rather than giving in.

Tactical governance works through bureaucratic regulation whose highest aims are manifest (meaning measurable) efficiency and effective control. Institutionally, the public domain was carved into decreasingly small pieces, each with its own Regulator, meaning that the problems occurring in any sector could be addressed technocratically. As a result, the pieces are never put back together and assessed for their coherence, let alone for their contribution to or obstruction of any normative definition of the good society. The centrist attempt to conduct business as usual in this context nullified any concern for those who were marginalized, those who joined the marginalized through the devaluation of their skills, and those who augmented their ranks as asylum seekers and other categories of refugees, all seeking the 'right to work'.

In terms of the three main tasks that legal instruments can perform for the social order – assisting co-ordination, co-operation and redistribution – bureaucratic regulation focusses exclusively upon *co-ordination*, working causally to promote conformity rather than supplying normative guidelines fostering living together in fairness. It represents a 'moral disconnect' between norms and values and a privatization of morality. Moral concerns cannot be obliterated but their social diffusion is discouraged as voluntary initiatives prompted by them are colonized, economic philosophy is curtailed into 'There is no alternative', political philosophy truncated into 'getting by' without vision, and human philosophy reduced to political correctitude unrelated to humanistic ideals of flourishing. In consequence, all the resources most capable of fostering eudaimonia, became repressed by the top-down imposition of anormative social regulation. They are fragmented into the specific remits of each regulative organization, which

¹⁷ Julia Black, 2001, Decentering Regulation: understanding the role of regulation and self-regulation in a post-regulatory world, *Current Legal Problems*, 54(1), p. 106.

¹⁸ It is morphogenesis that was the generative mechanism; globalization was simply its empirical manifestation. For the details of this mechanism and how it unrolled, see Archer, 2015, *Generative Mechanisms*, Ibid.

at most stimulates single-issue pressure groups as the form of opposition. These are hampered from coalescing because they compete for governmental recognition at election time in relation to their numerical strength. This is reinforced because the majority of the population is left to the anti-normative mercies of the media and the triviality of its contents.

Let me bring the strands together and try to answer the key question from the position and perspective of the marginalized within Europe themselves: namely, why was this transition to anormative bureaucratic regulation so hostile to the marginalized (new or old) coalescing into a contesting force? Basically, the answer is quite simple. *Social regulation, increasingly reliant on bureaucratic fiat in vastly increasing tracts of society, was itself a further fragmentary constraint.* Where were the marginalized to start? Suppose it was with their lack of participation in, say, state education, its policy-making and its national curriculum, the metrics of achievement used, and the Regulatory agency's (Ofstead) school inspections, rankings and recommendations. This would not only itself be divisive (Asian girls perform much better than white, indigenous working-class boys in Britain), but also how could educational discontents link up with grievances over, say, housing or health or participation itself? Given there is no official linking mechanism apart from parliament, where the marginalized have no participatory 'voice', their concerns are largely excluded.

Given the 'missing middle level' in the sense of its fragmentation, as discussed above, Emmanuel Lazega puts its consequences starkly: *'The lack of a meso-level, constituted by organizations, institutions and associations is the biggest blockage to participation or barrier to our understanding of its effects'*.¹⁹ This is echoed by my own words, in the same volume: 'without robust social linkages between the 'levels', participation is blocked, meaning potential participants are confined to exercising their agency lower down'.²⁰ Yet for the marginalized, there is no stratum 'lower down'.

Some may counter that digitalization provided a plethora of openings for protest against various forms of discrimination. At the level of the personal blog, this is the case – for individuals. However, if we glance at Change.org, one of the best-known digital organizers of protest on four

¹⁹ Emmanuel Lazega, 2017, 'Networks and Commons: Bureaucracy, Collegiality and Organizational Morphogenesis in the Struggles to Shape Collective responsibility in New Sharing Institutions' in Archer (ed.), *Morphogenesis and Human Flourishing*, Ibid.

²⁰ Margaret S. Archer, 2017, 'Does Intensive Morphogenesis foster Human Capabilities or Liabilities?' in Archer (ed.), *Morphogenesis and Human Flourishing*, Ibid.

Continents since its foundation in 2007, it should be underlined that this is a for-profit enterprise and therefore a dot.com rather than a dot.org. It claimed 12 million 'members' by 2012. However, look at how its 'causes' are 'trending' over the last two years,²¹ at least in the English-language version, and we find these too are increasingly personalized.²² Look further at the allied issues the site suggests 'we' might like to support and my interpretation is that these have become ever more personalized, in line with social and other media in general. Such issues cannot mobilise the marginalized precisely because of their particularism. Whatever the merits of these individual causes, they are neither sufficiently general to resonate with the full range of marginalized people nor do they address the problem of gaining greater participation, of having a say, in health or education and every other institutional issue governed by anormative administrative regulation. In short, they neither serve to bind or to bond this diverse collectivity together into a cohesive Corporate Agent that could exercise bottom-up pressure.

Ironically, they share this with the disparate and shifting members of the population making up the 'middle' at any given time. These are Party members in decreasing numbers, diminishing supporters of Trades Unions and, until 2016, declining in their turnout for general elections. One issue alone seemed to command consensus amongst a significant number, namely a new version of xenophobia as manifest in a resurgence of Parties of the ultra-right; those keen to shed their anti-Semitic image but confident in their 'anodyne' promotion of stricter Border Control. Terrorism provided good camouflage and conceals anti-Muslim sentiments (outside the USA of 2017), and covered-up antipathy towards asylum seekers.

Thus, equally ironic was the fact that *fragmentation* characterized both the 'middle' and the 'lower' strata, as judged according to earnings. Some tried to generalize the slogan 'We are the 99%' (all those who had experienced austerity measures), but this was quickly perverted by the media into individualism: anger against particular bloated bankers and CEOs paid bonuses unrelated to how their firms had fared, and those corrupt politicians who had profited on the economic crisis. This diffused any con-

²¹ The two years cited are nothing other than the period during which I have been observing its trend.

²² For example, the most generalized 'women's issue' is the 'Tampon Tax', with its star protester, Laura Corydon, whose new vocation (and employment?) this may well have become.

certed opposition towards the misdoings of financialized capitalism itself,²³ which certainly required more than a modicum of economic understanding. Conversely, xenophobia, paraded as Border control, did not.

Journalists seized on this highest common denominator of discontent and appropriated ‘Populism’ as the term to characterize the new popularity of the ultra-right Parties in many developed countries. The stories of Brexit, of the leap forward of the French *Front National*, the Hungarian razor wire plus President Trump’s projected walling off of Mexico are too well-known to need repetition here. Instead, I want to finish this section with a sociological observation. ‘Populism’, of this type, is a classical illustration of what could only happen in politics when low social and low systemic integration occur in conjunction. Thus, a single issue, better described as ‘scapegoating’, could mobilize electorates regardless of their economic consequences, effects upon international relations, and total disregard for participatory democracy. It is needless to add that this did precisely nothing for the marginalized except to licence unprecedented street violence against some of their members.

In sum, the major top-down effect is to augment the overall decline in social solidarity, since bureaucratic regulation operates through instrumental rationality and is therefore fundamentally individualistic. Thus, there is no encouragement for the majority to become reflexive relational subjects²⁴ but, rather, anormative social regulation constitutes both structural and cultural barriers against effective relationality and creative reflexivity. It follows that we should not be surprised that ‘those born here’ can be recruited as jihadists, that migrant groups form residential enclaves, and that the affluent retired are retreating into gated communities. These, at least have some form of social integration and of participation surpassing the absence of both encountered in the developed world and a source of values sustaining normativity, albeit not ones promoting the common good.

5. The decline of social movements in Europe

Since the twentieth century in Europe – and in some countries rather earlier – the acquisition of participatory rights derived from enfranchisement and more generous civil rights depended upon the consolidation of

²³ J. Morgan and I. Negru, 2012, ‘The Austrian perspective on the global financial crisis: A Critique’, *Economic Issues*, 17(2).

²⁴ Pierpaolo Donati and Margaret S. Archer, 2015, *The Relational Subject*, Cambridge, Cambridge University Press.

social movements, with articulate aims and coherent organization. Why do the marginalized not benefit from following this well-beaten track? This is a reasonable question, but in answering it the efficacy of social movements cannot be taken as eternally given and the reasons for this turnout to be *formally similar* in the developed countries.

In the European world, *the general demise of social movements is one of the best indicators of social fragmentation in their component countries and the inability for a bottom-up force for increased social participation to be developed there.* Instead, they are ephemeral, expressive and thus ineffectual in increasing the ‘political say’ of those whose ‘voice’ is largely confined to the ballot-box in general elections – if that. Within most of these countries current conditions are inimical to the development of old-style social movements. *Highly regulated social orders, characterized by low social integration, where values are repressed in public life, are three social features that constitute barriers to their emergence.*

Empirically, the most familiar and relatively enduring social movements are experiencing numerical diminution: the membership of political parties, of trade unions and of churches and denominations. Newer voluntary movements in civil society are frequently ‘colonized’ from above and have their normativity stifled in public-private partnerships or by tightly regulated outsourcing (as with care in the community). Alternatively, they are used from below by those for whom they were designed, but are misused from above to supplement the deficiencies of political policies of austerity (as is the case for Food Banks).²⁵

Ultimately, the *good society* is one that promotes the Common Good. What makes it ‘good’ is that all contribute to generating it and without their cooperation it cannot exist. Thus, the Common Good entails a high level of *social integration* because without everyone contributing there would be a category of the ‘excluded’ or ‘self-excluded’ – of non-beneficiaries and non-participants who cannot even be ‘free riders’ because to experience relational goods entails being in-relationship. What also makes it ‘good’ is that the relational goods produced in one sector do not conflict with those generated in any other, thus entailing a high level of *system integration* without which the goods in question would clash, damaging both.

²⁵ British Prime Minister David Cameron denigrated the normativity of food donors and volunteers by stating that they were simply enlarging the ranks of ‘benefit scroungers’.

The most demanding of these conditions entails overcoming the lack of *system integration*, whose anatomy was laid bare during the current economic crisis, and of *social integration*, never clearer than in the European Union's anti-humanitarian responses to the present migrant crisis and also in the proliferation of terrorism potentially making for a third world war. It seems essential to work in these sociological terms about the two forms of integration, whose referents are to emergent properties and powers, and to work to raise both in actuality. These are the ultimate conditions for kick-starting the universalization of Eudaimonia.

Prospects of change from the bottom-up

Typically, Critical Realists ask the question, 'What needs to be the case for X to be possible', whether or not these conditions are present or absent at any given time or place. In this case and *in a nutshell, the answer is a reversal of the 5 conditions that have already been discussed as characterizing the developed world*. I propose tackling these in reverse order for two reasons. First, to show that the absence of collective relational subjects²⁶ is what afflicts matters from the micro, through the meso to the macroscopic level. Second, to finish very close to home, namely by considering whether meetings like our present one and those held by the two Pontifical Academies do make a significant difference in the Church and in the world to enhancing participation from the grass roots.

(V) Durable social movements give way to instantaneous expressions of outrage

The effect of commercialized digitalization is where the change has and is occurring as far as social movements are concerned. As Carrigan puts it; "by independently contributing towards 'distracted people' and 'fragile movements', *digital technology is undermining the capacity of social movements to contribute in a sustained way towards the steering of social morphogenesis grounded upon normative evaluation of what does exist and a collective commitment to what could exist*". This does not so much represent a failure of moral imagination as a diminishing of the generic capacity to sustain collective projects which have such an origin. The further risk lies in their mutual reinforcement, as increasingly fragile movements flicker intensely during their brief but effervescent life, calling for normative evaluation by distracted people²⁷ who

²⁶ Donati and Archer, 2015, *The Relational Subject*, Ibid.

²⁷ Who can, of course, seek to evade such a call by retreating from the complexity of political questions.

become less able to *sustain trajectories of engagement* with collective projects of transformation'.²⁸

Why should today's movements be deemed 'fragile', especially to those impressed by the fact that it has never been easier, thanks to the Web and the mobile phone, to mount almost instantaneous demonstrations on a huge scale, as in the case of the *Charlie Hebdo* assassinations in Paris, 2015? Yet these are too ephemeral and exclusively expressive to lay the foundations of a durable organization with explicit goals; their weakness is their 'presentism' and a million people holding up symbolic pencils is a howl of protest not an agenda for change. Why not? In part because the participants are an aggregate of individuals, lacking any relational bonds binding one another together. They differ radically from the Anti-Apartheid and Civil Rights movements with their members' shared determination 'to have a say' because it affected them all, fueling their commitment to withstand individual imprisonment and collectively to forge and realize their participatory charter. In part, because their demands were so fundamental to 'black well-being' that no 'data surfeit', no 'pretend' friends on social media or the doings of digitally created 'celebrities' were there to distract them. Compare this with today's high percentages of unemployed youth in the developed countries, who also have 'no say' but whose mobile phones appear to give them a false sense of participating socially by virtue of trivial messaging, which simultaneously dims their powers of and time for reflexive critique.

There is a qualitative aspect too. Today's issues are complex (from alternatives to 'austerity', to the tax evasion of the largest multi-nationals, whose correction by 'unitary taxation'²⁹ could go quite far in offsetting the former, but understanding them is demanding. Certainly some of the 'Occupy' movements (as in Geneva)³⁰ set up Seminars to this end before they faded away. The depressing conclusion is that qualified success goes to the simple message. UKIP's fortunes are a salutary story; it might be called a single issue movement that exceeded most expectations by winning the

²⁸ Mark Carrigan, 2016, 'The Fragile Movements of Late Modernity', in Archer, *Morphogenesis and the Crisis of Normativity*, Ibid., p.193-4 (my italics).

²⁹ Jamie Morgan and William Sun, 2017 'Corporations, Taxation and Responsibility: Practical and Onto-Analytical Issues for Morphogenesis and Eudaimonia – a *posse ad esse?*', in Archer (ed.) *Morphogenesis and Human Flourishing*, Ibid.

³⁰ Ismael Al-Amoudi, 2013, 'An Organizational Theorist's micro contribution to the Occupy Movement', EGOS conference (in press).

Referendum for Brexit, leading Conservative Prime Minister Theresa May to reiterate *ad nauseam* that ‘the people have spoken’, but UKIP is now stranded for want of any coherent aims in leaving the EU. What it cannot tell its (residual) supporters, let alone ‘the people’ is what forfeited modes of participation will be restored to them in two years’ time. Obviously, it may be salutary to compare this with the fate in Germany’s forthcoming elections of Angela Merkel’s humanitarian stance towards Asylum seekers. In other words, simple messages do not make for social movements but that does not mean they are without consequence.

Otherwise, leftist optimism seems to hang upon the ‘*indignados*’, the short-lived ‘Occupy’ movements, illustrated by the optimistic empiricism of Castells,³¹ but lacking any account of how these could engage and integrate non-activists in the developed world, let alone in ‘the rest’. In most ways, Graeber’s advocacy of ‘anarchism and democracy [which] are – or should be – largely identical’³² differs mainly in his aim of eliminating the State’s (legitimate Weberian) monopoly of violence and a genuine concern for building consensus. To him ‘almost everyone agrees on the importance of horizontal, rather than vertical structures; the need for initiatives to rise up from relatively small, self-organized, autonomous groups rather than being conveyed downwards through chains of command; the rejections of permanent, named leadership structures; and the need to maintain some kind of mechanism – whether these be North American style “facilitation”, Zapatista-style women’s and youth caucuses, or any of an endless variety of other possibilities – to ensure that the voices of those who would normally find themselves marginalized or excluded from traditional participatory mechanisms are heard’.³³ Although Graeber uses the term ‘mechanism’ above, this is precisely what is lacking. It is shown by the reference to those involved as ‘autonomous groups’ in the same citation. Thus, he bundles together a patchwork of protesting voices because together they will shout louder. But volume does not unite or integrate or give direction or promote participation; at best, it results in the book’s title, *Possibilities*.

³¹ M. Castells, 2012, *Networks of Outrage and Hope*, Cambridge, Polity.

³² D. Graeber, 2007, *Possibilities: Essays on Hierarchy, Rebellion and Desire*, Oakland, AK Press, p. 330.

³³ *Idem*.

(IV) The ‘missing middle’ becomes even more fragmented

At the next conventional stratum up, I earlier accentuated the ‘missing middle’ in the sense of its vague, shifting and diffuse membership, its lack of solidarity and its members’ extraordinary tolerance of anormative bureaucratic regulation. *In brief, this means it provides no ‘hooks’ that any participatory claims emerging at the grass roots level could catch onto and whose sponsorship could carry them upwards.* What would need to change for this *not* to be the case? Basically, the relationship between structure and culture at the meso-level, because it is this relation, produced by centrism that immobilizes it and precludes it working as a carrier group(s) by transmitting nascent participatory demands upwards and outwards.

On the one hand, the structuring of the ‘missing middle’ is largely contingent. It is constituted by nothing other than the economic vicissitudes that deny ‘members’ the security enjoyed by the elite but temporarily protect them from demotion to the disparate lower stratum. When some do refer to themselves as the ‘99%’, they manifest their awareness that neither their annual increments, nor their employer-sponsored pension schemes are secure, that their mortgage repayments have become problematic, let alone them being able to assist their children onto the housing ladder or with re-paying their student loans etcetera. In short, their anxieties mirror the objective increases in income and wealth differentials throughout society, ones felt most poignantly by those on the lower border of this assorted group.

Nevertheless, self-protection does preclude any sympathetic collaboration with those lower down and still worse off. This is why they will structurally collude with governments in restricting benefits, ones that penalize the disabled, the mentally-ill and have just promulgated a ‘two child’ policy for payment of family allowances. Simultaneously, they show remarkable conformity to anormative administrative regulation, not because they agree with the Regulators involved – they are not consulted – but because these ever-changing rules require no normative consent but only an individual cost-benefit analysis about the personal ability and worth of breaking them.³⁴

Conversely, centrism plays a crucial cultural role in promoting a false sense of ideational compassion and homogeneity. All parties use the same rhetoric (the ‘centrist political discourse’ for Foucaudian readers). All have

³⁴ They elaborate on them themselves – e.g. becoming irate if someone is seated in their plane seat.

a seemingly boundless sympathy for ‘the vulnerable’,³⁵ all are glowing supporters of national health services, all are opposed to selective secondary education and fundamentalist believers in free school meals and, obviously, endorse gay marriages and adoptions of children, whilst supporting the removal of glass ceilings impeding the promotion of women or members of ethnic groups. This ‘heartless humanism’ absolves those in the ‘middle’ from any twinges of conscience; the top-down powers-that-be are all normatively on the side of the angels. Though, of course, they don’t ‘do’ religion and they don’t ‘do’ ideology³⁶ – most especially when imposing financial cuts that impinge on exactly the above causes and categories. This is the ‘politics of duplicitous unconcern’ of centrism in action.

However, the constraints they exert, as described above, are not determinants nor, as active agents, are the members of this disparate collectivity uniformly heartless. On the contrary, they are likely to be the most active in giving personal service to the Voluntary sector, precisely because they are not without social concerns. Nevertheless, staffing the Charity Shops, the Food Banks and housing the homeless, whether canine or asylum seekers, *does not add up to one or more strong voluntary conduits that could conduct bottom-up demands for greater participation upwards*. In fact, ‘the marginalized’ can and do participate within the third sector, but this itself struggles with the problem of co-ordination. There is a big divide between the large well-established Charities (the ones so well known that they advertise for us not to forget them in our last Wills and Testaments) and that behave according to Business School formulae for entrepreneurial and managerial success (publicizing low overheads, metrifying whilst commodifying what \$5 or \$100 will do for their target populations, and bombarding us with their standardized emails if we once make a donation). On the other hand, there are many small voluntary ventures that are so stretched in trying to do their best for their few clients – whilst fighting online battles with Regulatory authorities – that we have no time for the necessary integration with compatible initiatives.³⁷

³⁵ The most misused word in the English language. For example ‘the old’ are uniformly held to be vulnerable, however fit and resilient some are.

³⁶ ‘With its long and tortuous history in the social sciences, ideology has become an orphan in social movement theory’. Steven M. Buechler, 2000, *Social Movements in Advanced Capitalism*, Oxford University Press, New York.

³⁷ For example, even within Birmingham and surrounding areas, we have experienced difficulties in convening meetings for Charities serving the destitute.

The dangers that this co-working would involve are, first, the dilution of the specificities of each Voluntary association in order to generate the highest common denominator of synergy (that is, of ‘working together’); second, of failing to convince their ‘marginalized’ helpers that this is not desertion of the original cause that attracted them; and thirdly of incorporation into bureaucratic agencies as a mere token presence. There is a fourth danger, namely that the most institutionalized Voluntary Associations have almost ceased to be such and would either dissociate themselves or seek to dominate, locally or nationally, given the ‘special relationships’ they have attained with Local or National government, the paid professional personnel they can afford for liaison tasks, their access to the media and the affordability of paid lobbyists.

Networks are not formed overnight and it seems to me that there are only two strategies available, neither being mutually exclusive. In effect this would be working on two fronts simultaneously. On the one hand, encouraging those we have tried to help to become helpers in their turn, and thus to draw in more of the ‘marginalized’ to become engaged. On the other hand, making maximal use of any existing institutions (such as Churches, Universities and Colleges, Food Banks and Libraries, Local Union Branches and M.P.s etc.), for promotion and collaboration. It takes the humility of engaging in what often feels like time-wasting. However, it seems to me that only in these ways can we span the ‘missing middle’ and link bottom-up participatory aspirations to reversing top-down indifference or repression.

(III) Who is securely middle class now?

Ironically, it can be argued that were the conditions that are now leading to the fragmentation of the post-war middle class to *intensify* (by further undermining their material aspirations for their living standards continue to grow year upon year or by negating their assumptions about security of employment and expectations of incremental promotion). Their self-satisfied investment in a status derived from the accumulation of yet more expensive commodities are all beginning to evaporate simultaneously. With that, what was once termed their ‘privatization’³⁸ tends to vaporize too. In short, their vested interests in positions they had achieved in the past and attributed to their own merits and hard work³⁹ are severely damaged.

³⁸ Frank Parkin, 1972, *Class Inequality and Political Order*, Paladin.

³⁹ Pierpaolo Donati, 2010, *La Matrice Teologica della Società*, Rubbettino.

Reflexively some concluded that ‘unfairness’ and participatory impotence had now become their lot. In turn, the barriers separating them from those lower down had become permeable and their self-satisfaction was threatened by downward mobility. Metaphorically, this could be the making of the 99%!

In reality, it is not improbable. Its occurrence does not depend on the prolongation of economic crisis. On the contrary, it is the mechanism behind economic growth, which in our book series I traced to the synergy between advancing digitalization and multinational capitalism,⁴⁰ which will be responsible and stem from China more than from the USA, although their competition will intensify it. One important aspect is already being manifested and documented, namely the impact of robotics on employment.

Recently, the World Economic Forum predicted that robotic automation will result in the net loss of more than 5m jobs across 15 developed nations by 2020, a conservative estimate. Another study, conducted by the International Labor Organization, states that as many as 137m workers across Cambodia, Indonesia, the Philippines, Thailand and Vietnam – approximately 56% of the total workforce of those countries – are at risk of displacement by robots.⁴¹

Even more to the point that I am making here about transformation of the old Middle Class, the *Financial Times* notes that “America has lost nearly one-third of its manufacturing jobs since NAFTA and 50,000 factories since China joined the World Trade Organization”, says Mr Trump’s official site, citing research from 2007 by the Economic Policy Institute. According to this narrative, the US’s trade policies, growing trade deficits with Mexico and Canada, and China’s “unfair subsidy behaviour” are to blame for the US’s “*deindustrialisation*” and its *disappearing middle class*... Overall though, what this suggests is that one of the new administration’s main policy aims, “*increasing trade protectionism, is unlikely to override the larger forces of automation and the transition to a digital economy*”.⁴² As *The Economist*

⁴⁰ See Margaret S. Archer, 2014, ‘The Generative Mechanism Reconfiguring Late Modernity’, In Archer (ed.), *Late Modernity: Trajectories towards Morphogenic Society*, Dordrecht, Springer, and 2015, and ‘How Agency is Transformed in the Course of Social Transformation: Don’t forget the Double Morphogenesis’, in Archer (ed.) *Generative Mechanisms Transforming the Social Order*, Dordrecht, Springer – the two chapters are largely continuous.

⁴¹ <https://www.theguardian.com/technology/2017/jan/11/robots-jobs-employees-artificial-intelligence>

⁴² <https://www.ft.com/content/dec677c0-b7e6-11e6-ba85-95d1533d9a62> (my italics).

summarized this latter point, “*What determines vulnerability to automation is not so much whether the work concerned is manual or white collar but whether or not it is routine*”.⁴³

(II) Mutual regulation between the systemic and the social has vanished

The root source of mutual regulation in the post-Second World War period was that the state of the indigenous workforce *mattered* to their employees and vice versa. This ‘golden period’, discussed earlier, derived from the dependency of the two groups upon one another that modified both exclusionary and exploitative practices through the progressive incorporation of workers’ Unions as participants in the political parties and apparatus of government, whilst inducing the entrepreneurs to countenance the burgeoning welfare state. The structural conditions sustaining this counterbalancing of the two main forces of production – capital and labour – were short lived. Moreover, there are good reasons that mean cumulatively these conditions are most unlikely to return this century. Mutual regulation relies on co-dependency and the latter is being progressively eroded, reproducing something of the old Marxian asymmetry between the two in modern dress.

In the previous section, the replacement of routine workers in both the ‘traditional’ Working and Middle classes by robotics was accentuated in terms of job losses. Already the ‘roboburger’, the driverless car and the drone plane have arrived and these affect occupations that were previously classed and remunerated at very different levels and rates. Add to this the rising percentages of unemployment afflicting school/college leavers in many European countries. It has become conventional to refer to a ‘skills mis-match’ between them and available jobs. That issues in calls for its rectification through educational reform, but this seems to be an extremely unlikely antidote.

The (now) centralized structures of most Educational Systems are lumbering machines for introducing innovation; too predisposed to compromise and concession, too rigid, too uniform and too slow to anticipate rather than lag behind change, being reactive rather than pro-active to today’s morphogenesis and lacking the research and development (outside highly expensive laboratories and elite research groups) to pioneer it for

⁴³ <http://www.economist.com/news/special-report/21700758-will-smarter-machines-cause-mass-unemployment-automation-and-anxiety> (downloaded 11.4.2017).

tomorrow.⁴⁴ Instead education is another sphere intensely invaded by bureaucratic regulation, as witnessed by the ceaseless and futile reforms of organizational governance, curricula, and metrics of performance at all levels. The current privileging of STEM subjects may provide a basic preparation for some pupils and students entering the employment market but equips most for routine jobs in technology (those most susceptible of robotic replacement) rather than being at the cutting edge. Sadly, this same tendency towards routinization is simultaneously being transmitted to the developing world by Campuses overseas and is even exemplified in the UN's new (2015) Sustainable Development Goals.⁴⁵ Creative responses to local requirements are systematically side-lined by what has become a global competition for placement on a plethora of standardized League Tables.

'Internal investment' is another factor working against any restoration of mutual regulation. *The Office for National Statistics has published some analysis of foreign-owned companies outside the financial sector, which account for around two-thirds of the UK economy.*⁴⁶ As the EU puts it, foreign direct investment 'differs from portfolio investments because it is made with the purpose of having control, or an effective voice, in the management of the enterprise concerned'.⁴⁷ Although during negotiations with a potential foreign buyer, much is always made about the protection of jobs, this concern is about mass lay-offs at the point of signing the agreement and the local protest it would invoke, but is little protection against subsequent changes in job titles and new competitive developments. Weakened Unions are poor protectors and are at their weakest where the foreign purchase of football clubs or prestige shops is concerned. In terms of control, internal investment has introduced workplace practices that often humiliate the workforce and underline their valuation as dispensable people (for example one of the earliest Japanese purchasers in Britain introduced

⁴⁴ As I first argued in Margaret S. Archer, 1979 [2013], *Social Origins of Educational Systems*, London Sage [reprinted 2013 Abingdon, Routledge].

⁴⁵ Margaret S. Archer, 2017, 'Education for Sustainable Development', in A.M. Batro, P. Léna, M. Sánchez Sorondo and J. von Braun (eds.), *Children and Sustainable Development*, Cam, Springer.

⁴⁶ <https://www.ons.gov.uk/surveys/informationforbusinesses/businesssurveys/foreigndirectinvestmentfdi> (downloaded 13.4.2017).

⁴⁷ http://ec.europa.eu/eurostat/statistics-explained/index.php/Foreign_direct_investment_statistics (downloaded 13.4.2017).

surveillance by performing pregnancy and HIV tests when any worker used the bathroom).⁴⁸

Taken together, these changing conditions are not propitious to restoring the mutual dependency between the two sides that is necessary to undergird their mutual regulation. Instead, the state moves into guardianship with a growing battery of bureaucratic regulations of which ‘Health and Safety’ are often treated with derision, although is not usually matched by failure to comply. Of course nobody wants jerry-built factory buildings that collapse or fatalities in over-hasty construction work, but neither do they want to sit immobile on a motorway, reduced to one lane for 10 km, whilst no work is being done.

This latter part of this paper has been a dismal account of prospects for increased participation of the marginalized in Europe; one that cannot be generalized to other parts of the world, although in certain fields, such as education, its influence is undeniable. However, rather than finishing on this depressing note, I would like to draw attention to certain structural, cultural and agential features, that although not predominant could, if built upon in combination, possibly supply the conditions for envisaging a brighter scenario for participation.

6. Conclusion: what would promote the political participation of the marginalized?

There is no simple and swift explanation for the fragmented state of Europe that underlies the exclusion of the marginalized. However since this discussion has concentrated upon the factors that impede it, we can envisage what types of reversal need to take place for such participation to become possible. This falls short of projecting a ‘concrete Utopia’ (in Ernest Bloch’s sense,⁴⁹ because it advances no comprehensive solution for eliminating the low social and systemic integration that are ultimately responsible for their exclusion from political participation. Nor does it present a picture of a reconfigured socio-cultural structure that would be free from this defect or advocate a novel heterodox economics that would preclude its resurgence). It deals only with the real world, as we currently find it, and asks what processes need to engage to make progress towards a participatory society realistic. These could be called the minimalistic con-

⁴⁸ Tony Elger and Chris Smith, 1994, *Global Japanization? The Transnational transformation of the labour process*, London, Routledge, republished 2011.

⁴⁹ Ernest Bloch, 1959/1986, *The Principle of Hope* (3 vols) Oxford, Blackwell.

ditions for ‘humanistic morphogenesis’ to get off the ground and can be specified in the most basic terms as follows.

Agential: It requires engaged agents rather than ‘distracted’ people, preoccupied with the ‘digital surfeit’, or by their individualistic desires for advancement (in revenue, repute or representation), or by enclosure within small groups of ‘similar or familiars’. In other words it needs *those whose personal reflexivity is of the ‘Meta-reflexive’ variety*⁵⁰ – ever-critical of prevailing social arrangements and self-critical of the roles they themselves adopt and how they personify them. They are orientated towards collective rather than individual concerns and opponents of ‘politics without commitment’ just as they are of ‘bureaucratic regulation without normativity’.

Cultural: To be effective, such ‘meta-reflexive’ agents must not remain a mere aggregate of persons, but become ‘collective relational subjects’ capable of generating emergent properties, the most important being trust and reciprocity. This can readily be illustrated in the dyad and the relational goods generated that make for satisfied and stable partnerships of many kinds, friendship, partnership, sporting duos, etcetera.⁵¹ However, if they are to transmit ‘bottom-up’ claims beyond personalized confines and up to the ‘meso-level’ they require footholds to that next stratum. Lazega has shown empirically how crucial networks are both for fostering new collegial clusters out of relational advice-seeking and for forming new sub-organizations, which may become dominant despite entrenched opposition from the old guard.⁵²

Structural: Already, culture and structure are intertwining as is necessarily the case if such networks are to be capable of generating organizational change. Yet it is even more essential if an upward linkage is to be forged with the macro-level and effect representation through increasing participation. Otherwise, these organizations that

⁵⁰ Margaret S. Archer, 2003, *Structure, Agency and the Internal Conversation*; 2007, *Making our Way through the World*; 2012, *The Reflexive Imperative*, all Cambridge, Cambridge University Press.

⁵¹ Pierpaolo Donati and Margaret S. Archer, 2015, *The Relational Subject*, Ibid.

⁵² In cancer research, in a Commercial Court and in modifying the policies of a large Diocese. See Notes 12 and 19.

are in *statu nascendi* will remain stranded like many voluntary associations; making humanitarian initiatives, but not collaborating with compatible organs that could generate significant relational goods (displacing relational evils) at the macro-level. To do that, they require grappling hooks to reach the highest stratum.

In sum, the three requisites for any effective ‘bottom-up’ process of social change can be expressed in shorthand as

< Reflexivity + Relationality + Representation >

However, to be effective in introducing societal change, linkages are needed between the micro- → meso- → macro-levels. As far as participation is concerned, are there any persuasive examples that can be cited as illustrating such processes at work, within and despite the bleak picture of European society that I have presented?

I believe that there are two such exemplars, ones that have been drawing closer towards synergy and some interpenetration with one another over very recent years. On the one hand, there are the ‘Greens’, who attained the meso-level of organization with Greenpeace and have gone on to establish Political Parties in most European countries, thus at least penetrating the macro-level and becoming serious, if minor, coalition partners. What, however, does this have to do with participation? The simple fact that by robustly confronting Climate Change, inserting the green-into-politics and condemning our collectively unfriendly relations with the natural world, they have sought to contest human and planetary finitude and thus defended the marginalized, especially those who are without their own Voice, who already suffer most from the consequences of carbon emissions.⁵³

On the other hand, the Catholic Church, a little slow on becoming eco-friendly, has five advantages accounting for its recent influence. First, the whole tradition of its social teaching places the Common Good at the apex and since Vatican II every social encyclical address ‘all people of goodwill’. Second, is its macro- to micro-organizational influence, from the Vatican to the smallest Parish Church, can and now does acknowledge and promote the concerns of the marginalized (especially, the 3Ts in Spanish – Tierra, Trabajo y Techo – Land, Work and Housing). Third, is its two Pontifical Academies, which produced *Sustainable Humanity*, *Sustainable*

⁵³ R.E. Dunlap and R. Brulle, 2015, *Climate change and society: Sociological perspectives*, New York, Oxford University Press.

Nature: Our Responsibility in 2015⁵⁴ and *Biological Extinction* (2017),⁵⁵ countering the Climate Change deniers and stressing the worst of the burden being carried by the poorest. Fourth, is the ready access to the UN, to the ILO and to nearly all other INGOs. This is an alternative route to gaining political participation nationally, but it has more global impact. This is best illustrated by the UN's newly designated Sustainable Development Goals of 2015 that included not only action for reducing Climate Change, but also promoting education and women's life-chances, whilst seeking to eliminate Human Trafficking and Forced Labour *inter alia*. These certainly require national ratification followed by legislation, but both are proving forthcoming although not yet universal. Fifth, we have a Pope who is totally committed to taking this 'alternative route' and whose *Laudato Si'*, the most read of all social encyclicals, is a charter for care of the earth and all its people.

How can I finish better than by quoting from his homily on Holy Saturday (15.4.2017), when he comments on the two women leaving the Sepulchre?

"If we try to imagine this scene, we can see in the faces of those women any number of other faces: the faces of mothers and grandmothers, of children and young people who bear the grievous burden of injustice and brutality. In their faces we can see reflected all those who, walking the streets of our cities, feel the pain of dire poverty, the sorrow born of exploitation and human trafficking. We can also see the faces of those who are greeted with contempt because they are immigrants, deprived of country, house and family. We see faces whose eyes bespeak loneliness and abandonment, because their hands are creased with wrinkles. Their faces mirror the faces of women, mothers, who weep as they see the lives of their children crushed by massive corruption that strips them of their rights and shatters their dreams. By daily acts of selfishness that crucify and then bury people's hopes. By paralyzing and barren bureaucracies that stand in the way of change. In their grief, those two women reflect the faces of all those who, walking the streets of our cities, behold human dignity crucified".⁵⁶

⁵⁴ *Sustainable Humanity, Sustainable Nature: Our Responsibility*, PASS Acta 19/PAS Extra Series 41, P.S. Dasgupta, V. Ramanathan, M. Sánchez Sorondo (eds.), Vatican City: The Pontifical Academy of Sciences, 2015.

⁵⁵ P. Dasgupta and P. Raven, 2017, *Extinction* (in press).

⁵⁶ Taken from *Zenit's* translation 16.4.2017.

HOW CAN INTERCULTURALITY ACHIEVE SOCIAL INTEGRATION?

PIERPAOLO DONATI

1. New forms of barbarism and the challenge of a society that is incapable of integrating different cultures

Culture clash is not new in history, but it takes on a new meaning today because of several factors that make it all the more dramatic. New conflicts between social groups or movements belonging to different cultures are emerging in many parts of the world. As in the case of Daesh (Isis), the issue of barbarism, understood both as absence of civilized culture and as an expression of extreme cruelty or brutality, has forcefully returned to the world stage. The aim to achieve a multicultural society is receding, if not retreating. How can we deal with these new forms of barbarism?

In Ancient Greece the distinction between Hellenes and Barbarians represented the general, asymmetrical schema of inclusion and exclusion that characterized past societies marked by social stratification. According to Luhmann,¹ a modern – functional and differentiated – society eliminates the distinction between civilized peoples and barbarians in the name of full inclusion of all. This idea of total inclusion is, to him, a mere self-description of modernity. In truth, complete exclusion from all function systems of society continues to exist. Luhmann believes that these forms of exclusion can persist without disrupting the stability of society as a whole (*favelas* are an example of this). But in my view, if we look at the recent phenomena of protest and revolt of the excluded against the ruling elites in so many countries, this stability is bound to become more and more problematic. Luhmann suggests that, if we want to manage the barbarism/civilization distinction in the global society in the present and in the future, we should adopt a neo-functional ‘super-coding’ to handle the inclusion/exclusion issue. Contrary to Luhmann’s perspective, I suggest that, if we need a ‘super-coding’, it should not follow a functional logic, but should be conceived in terms of ‘relational inclusion’. This means overcoming the modern semantics of cultural differences, both contractual/dialectical and binary, and treating differences as social relations, whose qualities and prop-

¹ Luhmann, Niklas, ‘Beyond Barbarism’, *Soziale Systeme*, 14 (1) 2008: 38–46.

erties can unite what is different, while promoting the specificity of each culture in their ‘inter’, i.e. what lies between them.

When a society becomes more and more multiethnic and multicultural as a result of increasing migration and globalization processes, people ask themselves: how can we approach the lack of cultural integration between so many different cultures? The issue is not about specific micro-events. It is a question of how to preserve socio-cultural pluralism, avoid segregation and exclusion, and obtain social integration within the historic-social formation appearing on our horizon.²

The political doctrine of multiculturalism is the answer that has gained the biggest foothold in the West, albeit in a variety of forms, for the simple fact that it seems to be the most consistent with the liberal premises of Western democracies.³ The doctrine of multiculturalism was, in fact, born to encourage respect, tolerance, and the defence of different (minority) cultures. It later morphed into a social imaginary,⁴ under which we would be ‘all different, all equal’, in the sense that our differences/diversity are all placed on the same level and treated under rules which make them in-different – that is, in such a way as to maintain that the meaning and relevance of those differences makes no difference, since making a difference would mean discriminating between them.⁵

There is an evident contradiction in this approach, since, on the one hand, differences are understood as positive things (to be respected, preserved and implemented) while, on the other, they are held to be a potential source of inequality or discrimination (to be avoided and denied). Consider, for instance, the cultural differences between monogamous and polygamous marriages. According to the doctrine of multiculturalism, this difference is to be respected and given full recognition, but one cannot

² Pope Francis has advocated this kind of social integration on many occasions, for instance when he writes: “Anthropological and cultural changes in our times influence all aspects of life and call for an analytic and diversified approach (...) The unity that we seek is not uniformity, but a “unity in diversity”, or “reconciled diversity” (Encyclical Letter *Amoris Laetitia* #32, 139).

³ A. Gutmann (ed.), *Multiculturalism and “The Politics of Recognition”*, Princeton University Press, Princeton, 1992; C. Taylor, J. Habermas, et al., *Multiculturalism: Examining the Politics of Recognition*. Princeton: Princeton University Press, 1994.

⁴ Charles Taylor, *Modern Social Imaginaries*, Durham-London: Duke University Press, 2004.

⁵ S. Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era*, Princeton: Princeton University Press, 2002.

help but wonder about the inequalities and discriminations among women when a husband has multiple wives who are treated differently? More generally, what kind of social integration will we achieve if we follow the doctrine of multiculturalism?

The trouble that stems from cultural differences/diversity does not concern, of course, the most superficial aspects of daily life, such as what we eat and how we dress *per se*, or linguistic differences as such. These aspects of diversity are an asset for a multi-ethnic population. The trouble I am referring to concerns those differences affecting the conception inherent to human rights and social relationships. Therefore, even superficial aspects of daily life (such as eating, dressing, speaking, housekeeping and the different ways of perceiving sanitary conditions of one's home, for example) are relevant in so far as they entail opposite or incompatible conceptions of the human person and of her/his social relations in the family, in the public sphere, in the field of work relations, and so on.

Social integration consists of social relations, and the latter are, to a great extent, forged by culture. The issue of confrontation arising from different/diverse cultures, therefore, lies in the relational dimension that connects and distinguishes people, as individuals and as collectivities or groups.

Of course, cultural confrontation is not only due to migrations and the mixture of different ethnicities that they bring with them, but also to the modernization processes of formerly homogenous cultures, as it happens within the so-called Western postmodern culture. Indeed, multicultural ideology justifies new values, identities, and lifestyles that challenge Western rationality and its historical roots. The multiplication (systemic production) of cultural differences within and between traditional cultures nourishes a social order in which the individuals differentiate themselves by seeking an identity tied to particular social circles that privatize the public sphere. Social integration thus becomes more and more problematic.

Since its adoption as an official policy in several countries, the ideology of multiculturalism has generated more negative than positive effects: social fragmentation, segregation of minority groups, and cultural relativism in the public sphere.⁶

Let us mention the case of Canada, which was the first country to constitutionalize the doctrine of multiculturalism. After four decades or

⁶ For a thorough treatment of this line of inquiry, see P. Donati, *Oltre il multiculturalismo. La ragione relazionale per un mondo comune*, Rome-Bari: Laterza, 2008, pp. 27-49.

so, an official Canadian report still mentions the need to reconcile different cultures.⁷ Canada has encouraged immigrants to integrate into society and take an active part in social, cultural, economic and political affairs.⁸ However, many scholars⁹ state that multiculturalism ignores economic and political inequality, causing isolation. Current research in Canada ascertains that multiculturalism fosters economic imbalance, because immigrants cannot access equal employment opportunities due to a lack of educational equality, and encourages the prevalence of immigrants in certain employment sectors. Officially, multiculturalism fosters continuous immigrant participation and media integration, but the truth is far from that.¹⁰

Our question, therefore, is: can we envisage a solution for the civil co-existence of different cultures that can avoid the negative effects of social segmentation, cultural relativism and the lack of real participation of people, irrespective of their ethnic and cultural differences, in the public sphere?

As an alternative to multiculturalism, we can speak of *interculturality*. However, this expression also seems vague and uncertain to some extent. In this paper I will discuss possible alternatives to multiculturalism. I argue that interculturality today is still subject to major deficiencies because it shows insufficient reflexivity, both within a single culture and in the relations between cultures. It lacks a relational interface between cultures (the meaning of 'inter' in the term interculturality). Individuals who are bearers of different cultures might coexist in the practical terms of ordinary life, but when more relevant issues arise, they do not possess the tools to manage the clashes between opposing values and conflicting ethical standards.

Overcoming the shortcomings of multiculturalism and the fragilities of present interculturality requires a secular approach to the question of co-existence among cultures – one that is capable of expanding the range of practical reason through new semantics of inter-human difference/diver-

⁷ G. Bouchard and C. Taylor, *Building the future. A time for reconciliation*, Montreal: Report for the Government of Québec, 2008.

⁸ Government of Canada, "Canadian Multiculturalism: An Inclusive Citizenship". Web. 05 Dec. 2016.1.

⁹ Giuliana Prato, *Beyond Multiculturalism: Views from Anthropology*. Farnham, England: Ashgate, 2009, 50; Maria Luiza Dantas, and Patrick C. Manyak, *Home-School Connections in a Multicultural Society: Learning from and with Culturally and Linguistically Diverse Families*. New York: Routledge, 2010, 241; Michael A Burayidi, *Multiculturalism in a Cross-national Perspective*. Lanham, MD: U of America, 1997, 104.

¹⁰ Will Kymlicka, *Multiculturalism: Success, Failure, and the Future*, DC: Migration Policy Institute, 2012.

sity. Making reason *more relational* could be the best way to imagine a new configuration of society capable of humanizing the processes of migration and cultural differentiation by achieving better social integration.

2. The root deficit of multiculturalism

If we want to understand what interculturality might mean as a solution to cultural conflicts, we must examine the shortcomings of multiculturalism.

Multiculturalism is a theory that is reductive of encounter and recognition. At the root of its reasoning, multiculturalism expresses the need to find new routes for the recognition of the dignity of the human person when we meet each other and perceive the differences/diversity that exist between us. In this, multiculturalism reflects what is surely a good thing. The assertion that we must recognize “the value and the dignity of all citizens, independent of their race, ethnicity, language, or religion”¹¹ is, of course, a fundamental statement. However, even if, on the one hand, it is true that multiculturalism represents a motive to rethink the character, quality, and characteristics of recognition of what is truly human, on the other hand it does not provide a sufficient answer to these concerns.

The multicultural solution is lacking because it does not succeed in filling the gap between *citoyen* (citizen) and *homme* (person). The assertion that the *citizen* achieves self-fulfilment in the public sphere by means of legal rights (the policy of universalism), while the *person* achieves fulfilment in his or her own cultural community (the policy of difference), fails to identify what exists *between* these two spheres.

The doctrine of multiculturalism is ambiguous and ambivalent because, if on the one hand it underlines the dignity of the human person, on the other it makes interpersonal communication impossible when it comes to the need to culturally and socially integrate differences.

The point is that multiculturalism promises a recognition of the Other that cannot be achieved because it does not possess the cultural means for a real recognition of what is shared in humanity. Multicultural recognition, in fact, is conceived as the unilateral act of a collective mind that attributes a certain identity on the basis of a self-certification, or an identity claim that does not satisfy the necessary criteria for full recognition.

According to Ricœur, recognition implies three steps: the *identification* of an *Alter* (*reconnaître en identifiant*), the confirmation of that specificity as

¹¹ See the website of *The Canadian Heritage*.

recognition of an *ipse* (ipseity) (*reconnaissance-attestation*) in respect to the recognition of oneself (*reconnaissance de soi-même*), and the *mutual* recognition (*reconnaissance mutuelle*) between *Ego* and *Alter*, that has its maximum expression in gratitude and in the gift.¹² In his later works, Ricœur enriched these conceptual foci with a fourth dimension that deserves a separate study: *reconnaissance-exploration*.¹³

I claim that this vision of recognition is basically psychological and cultural, as it is concerned with one's conscience.¹⁴ It lacks a proper social relationality (as a matter of fact, Ricœur denies that the Ego–Alter relationship has a social character).¹⁵ This is also the deficit that lies at the root of multiculturalism.

In social practices, we see that recognizing the Other (as an individual *per se*, but also as a person belonging to another culture), is a human act if, and only if, it is an act of validation of the Other that ignites mutual recognition, which cannot but be inscribed in a circuit of symbolic exchanges (gifts) involving a whole community, and therefore through networks of relations well beyond the Ego–Alter relationship.

Multiculturalism fails to satisfy all these requirements. In multiculturalism, the act of recognition of one's identity does not seek out the reasons that legitimate the difference, so it is not a true recognition of a specific identity, and it does not establish that circuit of reciprocal gifts that is necessary to promote human civilization. To take this step, multiculturalism must adopt the reflexivity¹⁶ necessary to the processes of recognition. To go beyond the limits of multiculturalism requires the development of a 'relationally reflexive reason' that is not the self-poietic instrumental reason that we have inherited from modernity.

¹² "La dynamique qui préside d'abord à la promotion de la reconnaissance-identification, ensuite à la transition qui conduit de l'identification de quelque chose en général à la reconnaissance par elles-mêmes d'entités spécifiées par l'ipséité, puis de la reconnaissance de soi à la reconnaissance mutuelle, jusqu'à l'ultime équation entre reconnaissance et gratitude, que la langue française est une des rares langues à honorer" (Paul Ricœur, *Parcours de la reconnaissance*, Paris: Stock, 2004: p. 10).

¹³ Jean Greisch, *Vers quelle reconnaissance?* (Paris: Puf, 2006).

¹⁴ It refers to the famous formula of Hegel's *Phenomenology of the Spirit*: "self-consciousness reaches its satisfaction only in another self-consciousness".

¹⁵ See P. Donati, *L'enigma della relazione* (Milano–Udine: Mimesis, 2015): 24–26.

¹⁶ As for the various modes of reflexivity (communicative, autonomous, meta-reflexive, fractured or impeded): see M.S. Archer, *Structure, Agency and the Internal Conversation* (Cambridge: Cambridge University Press, 2003).

After deifying its Enlightened Reason, Western modernity ran aground on the shoals of anti-humanism, in which reason appears to be mutilated and twisted. Today, there are two alternatives: either we abandon human reason as a veritative¹⁷ criterion of recognition, or we make an effort to widen the range of reason.¹⁸ In this paper I propose that we follow the second course.

3. Is interculturality a possible alternative to multiculturalism?

3.1. *Beyond culturist and rationalist positions in dealing with differences*

The search for alternatives to multiculturalism as an ideology and a collective imaginary should aim to solve two big issues. The first regarding the (relative) liberty of the human being towards socio-cultural structures. The other issue lies in the need to configure the public sphere, so that it will become – at least in some fundamental values – a common world to its dwellers.

I maintain that these two issues are interlinked, because a *shared* public sphere requires the *liberty* of people.¹⁹ In turn, personal liberty leads to the recognition of the principle of moral and juridical equality of people as human beings, and of their related rights of citizenship, to be assured.

The doctrine of multiculturalism, as aforementioned, does not solve these two problems, because it considers the person as *embodied* and *embedded* in his or her culture of origin, and it does not pursue any common world, but only respect and tolerance ‘at a distance’ between cultures. Both

¹⁷ The adjective ‘veritative’ can be referred to M. Heidegger’s phrase ‘veritative synthesis’, which constitutes the essence of finite knowledge. It is a synthesis because all knowledge is a union of knower and known and it is veritative because, by reason of this union, the being-to-be-known becomes manifest, i.e. true, simply because it reveals itself as it is; see: M. Heidegger, *Kant and the Problem of Metaphysics*, Indiana: Indiana University Press, 1997.

¹⁸ Let me recall that this expression is the title of a book by J. Maritain: *The Range of Reason*, New York: Charles Scribner’s Sons, 1952.

¹⁹ Rightly A. Sen (*Reason Before Identity: The Romanes Lecture for 1998*, Oxford: Oxford University Press, 1999) has called attention to the difference between a public sphere based on freedom and consensus and one based on cultural communities of ascriptive character (the ones transmitting a cultural tradition from one generation to the other, based on the fact that an individual is born in such a culture). But Sen does not clarify how the liberties enjoyed by equal individuals can build up a common public sphere. He criticizes multiculturalism in the name of an open society (according to the *lib-lab* model of institutionalized individualism), which seems to be as imaginary as the multicultural one.

those deficiencies refer to the *deficit of relationality*, a characteristic of multiculturalism. In which direction should the alternatives to multiculturalism be sought?

Up to now, solutions tend towards two main directions.

On the one hand, there was an attempt to deal with cultural differences by adopting cultural means, i.e. taking a (culturalist) position that seeks for convergence between cultures through new cultural forms. On the other, there was the attempt to show that the meeting between cultures depends on the rationality of individual actors. The first position generally suffers from a *hypersocialized* vision of the social actor, the second one of a *hyposocialized* vision of the human being. Let us examine them.

(a) The *culturalist* (or conventionalist) *position*, according to which moral feelings are culturally bred, believes that solutions should be found in the preservation of cultures and in the building of a conventional common platform, allowing them to coexist, that is to occur alongside each other. The suggestions, in one way or another, consist in elaborating new conventions and pacts between social groups vis-à-vis the various degrees of cultural conflicts. Supposedly, an agreement should be reached between the various cultures through ‘contracts’ modelled on international conventions. This position suffers from the same problems of multiculturalism, because it considers the actors and their choices to be *necessarily* defined by the cultural context, and that only a conventional consent ‘from above’ could re-orient the single actors. In substance, it has a ‘holistic’ and hypersocialized character. Those who adopt such a position will sooner or later contradict themselves, since the idea of ‘translating’ a culture into another so as to achieve full reciprocal understanding is considered impossible and is subsequently rejected.²⁰

(b) The *rationalist position* (radical Enlightenment, in various versions), instead, is the one according to which moral feelings have a rational origin.²¹ Here, reason comes before identity (as also asserted by A. Sen). The solution to cultural conflicts should thus be found through a dialogue, based

²⁰ S. Shimada, *Le differenze culturali e il problema della traduzione*, in F. Monceri (ed.), *Immagini dell'altro. Identità e diversità a confronto* (Roma: Edizioni Lavoro, 2006): 211-243.

²¹ R. Boudon, ‘Which theory of moral evolution should social scientists choose?’, *International Review of Sociology*, 18 (2) (2008): 183-196.

on the encounter of an individuals' 'good reasons'. This is the perspective of interaction models and rules, which may lead to a lowest common denominator between cultures, thanks to the use of reason on the part of those participating in the situation. Such common denominator may be of a different kind (it may appeal to human nature, natural law, recognition of the innate rights of persons and peoples or nations, or to something else). For the rationalists, the 'common feeling' that allows cultures to coexist must be an expression of the moral feelings of the individuals, and it must lie on individual motives of rational action.

Stated in the right terms, the debate between culturalists and rationalists has not progressed. On the one hand, the culturalist position has, often, ended up nourishing various forms of anti-humanism, of trans-humanism or even fundamentalism. On the other, modern rationalism, in its various expressions, has not been able to assure dignity of the human being, and to preserve what is human in social relations (that is, socio-cultural integration), and not only what is human in the individual.

The search for solutions is at a stalemate. *It is evident when it comes to the theme of the liberty of the human being (agency) towards the socio-cultural structures.* For culturalists, the person is a product of society; he or she is entirely socialized by society, so that the cultural debate stops in front of the declarations of different identities. For rationalists, the human person is a pre-social individual who becomes social based on his or her own internal tastes and options, so that the cultural debate takes place making identities nominalistic.

It seems to me that the contemporary human being is in need of escaping cultural determinism through reason. But the reason at his or her disposal is insufficient. Multiculturalism undermines all the existing forms of rationalism: instrumental, substantial, procedural and deliberative. Western rationality is jeopardized and cannot come up with any argument in response to the requests of those who do not recognize it. Should we relinquish reason?

3.2. In search of a common world: the theory of interculturality

Today, interculturality offers a possible way out. With this term, we generally mean coexistence based on dialogue and on an open debate among different cultures, which both renounce dominating the other (assimilation or colonization) and oppose division without mutual communication (balkanization). One appeals to the so-called 'intercultural communication'.

Intercultural communication certainly can be given a lot of credit, but it also has some clear limitations. Its main achievement is the affirmation that there is an intermediate space between ‘full comprehension’ within every single culture, and ‘complete non-involvement’ between cultures. In this way, it helps overcome the idea that a common world is impossible because of the dualism between full comprehension (achievable only *within* a single cultural community) and non-involvement (complete alterity *between* different cultural communities), as claimed by cultural relativists. Nonetheless, it has great difficulty – and sometimes is unable – to manage the borders between the three domains (*intra*-cultural, *inter*-cultural and *multi*-cultural), if not as pure communication.

Another positive aspect of the intercultural position is that it underlines the fact that debate between cultures may constitute a positive and useful exercise of investigation into values (an exercise in people’s ability for axiological research).²² But such axiological exercise, which may be considered a way for people to justify their lifestyles, does not explain how individuals may find some *common* reasons.

That is why some scholars claim that interculturalism is not a real alternative to multiculturalism. Of course, it is not a matter of disqualifying interculturalism as a support for cross-cultural dialogue and as a challenge to self-segregation tendencies within cultures. Interculturalism involves moving beyond mere passive acceptance of a multicultural fact of multiple cultures effectively existing in a society and promoting dialogue and interaction between cultures instead. But is it enough?

By examining some of the ways in which conceptions of interculturalism are being positively contrasted with multiculturalism, especially as political ideas, Meer and Modood²³ argue that, while some advocates of a political interculturalism wish to emphasize its positive qualities in terms of encouraging communication, recognising dynamic identities, promoting unity and critiquing illiberal cultural practices, some of these qualities are important (sometimes foundational) features of multiculturalism too. Having made a comparison between multiculturalism and interculturalism in four specific areas of issues, they conclude that until interculturalism as a political discourse is able to offer a distinct perspective, one that can speak

²² M. Touriñan López José, *La educación intercultural como ejercicio de educación en valores*, in “Estudios sobre Educación”, vol. 10, No. 5, junio 2006, pp. 9-36.

²³ N. Meer and T. Modood, How does Interculturalism Contrast with Multiculturalism?, in *Journal of Intercultural Studies*, vol. 33, No. 2, 2012, pp. 175-196.

to a variety of concerns emanating from complex identities and matters of equality and diversity in a more persuasive manner than at present, interculturalism cannot, intellectually at least, trump multiculturalism, and so it should be considered as complementary to multiculturalism.

If interculturality is to be a real alternative to multiculturalism, the former should achieve a true and wide consensus on the common reasons shared by the different cultures. A sort of intercultural integration as ‘conviviality of differences’.

An example of this line of thought is offered by Giuliano Amato,²⁴ who has suggested a model of intercultural integration based on the principles of the national (in his case, Italian) Constitution.²⁵

In a nutshell, these principles can be summarized as follows: (i) *the primacy of the person* as regards both the cultural community and the State; (ii) *the recognition that liberty, as self-realization, needs the relation with the other as a value in itself*; (iii) *the principle of neutrality as impartiality (not indifference) of the State* towards the cultures ‘brought’ by their dwellers; (iv) the principle of integrating ethno-cultural minorities within *a common national culture*, for which the (secular) State has to adopt *a nucleus of inalienable values* (liberty, human dignity, respect for life, minimum welfare) that, as such, are valid for all human beings, no matter their cultural belonging; (v) the fifth principle is that of *conditioned tolerance*: the State, in the name of the citizens’ rights (which, unlike human rights, have no natural law basis), has to assign resources to the various cultural groups, in proportion to their engagement in making themselves keepers of an integration project, based on the fundamental rights of the human being.

This proposal of interculturality is certainly shareable and full of interesting hints. Nonetheless, it too presents some limits. I would like to point out just one of them: it refers the intercultural project to the national culture (its nation-state and its political constitution), while the latter becomes more and more problematic vis-à-vis the processes of globalization which are taking place. To be implemented, this intercultural model needs a context of sociological reflexivity referred to cultural globalization. In my language, it exacts a meta-reflexive subject and a new societarian reflexivity.

²⁴ See Giuliano Amato’s “Charter of values, citizenship and integration” [“Carta dei valori, della cittadinanza e dell’integrazione”], elaborated when he was the former Italian Minister of the Interior on 23 April 2007.

²⁵ This is very close to the proposal made by J. Habermas and known as ‘patriotic constitutionalism’.

My purpose is to show that the intercultural solution cannot be understood – as some seem to understand nowadays – as a sort of ‘mitigated multiculturalism’, sweet, moderate, which looks for an agreement between cultures, pushing individuals towards common reasons that are only external and not internal to the single cultures.

To be effective, the intercultural solution needs a deeply reflexive reason, capable of entrenching the ultimate values in a solid, common ground. This is the real problem: where can this reflexive reason be found?

3.3. Intercultural comprehension needs a relational interface: the problem of boundaries between differences

Cultures debate today within the public sphere, with no clue on how it is possible to have something in common apart from mere interest. This happens because the different cultural identities are not able to dialogue between them in terms of identity.

The modern Western society invented some devices to treat clashes of interest through the market, and clashes of opinion through the rules of political democracy. But *it has not found the instruments to treat clashes of cultural values*. The latter must then be addressed within the framework of the relationships between religion and culture, because this is the context where the instruments to handle clashes of values should be found.

The problem must be framed considering that, in a democracy, single religions should be able to distinguish between their internal dogmatics and what they can and must submit to their reciprocal confrontation in the public sphere, namely in civil society, which legitimates the democratic political system.²⁶ In such a frame, the key problem is one of boundaries between different faiths (religions) and the public sphere. The public sphere needs a common reason, achievable only if the various religions are inwardly reflexive enough to distinguish between the *reasons* given to interlocutors in the public sphere, and their *faith* (their inner dogmatics).

This is not an exercise for individuals, but it involves religions, considered as cultures. People’s inner reflexivity is not enough, it is necessary to make religion reflexive, as well as the culture in which it is rooted.

In other words, there is here a process of morphogenesis both of socio-cultural structures (the elaboration of new symbolic and relational

²⁶ P. Donati, Religion and Democracy: The Challenge of a “Religiously Qualified” Public Sphere, in *Polish Sociological Review*, vol. 138, No. 2, 2002, pp. 147-173.

patterns) and of *agency* (the self-reflexive activity of people acting freely), through the interaction of individuals.²⁷ The intercultural theory may stand only if it is possible to achieve such a complex morphogenetic process.

To perform this operation, it is necessary for people to implement a Reason, which no religion (as a culture, not as a faith) can entirely possess on its own, since it cuts across them (it is trans-cultural). It is their own reason to exist as religions in the public sphere (i.e. particular systems of values), beyond every single faith that, being a faith, is inwardly incomparable.²⁸ The interstitial area between religious faith and public sphere is the area of religions, meant as cultures that have to be interpreted and acted on by the human subjects. Multiculturalism stops on the threshold of this interstitial area. It supposes coexistence between cultures (religions) without seeing how they can interact and act in the public sphere, so as to contribute to shaping a common reason.

To understand how it is possible, we must observe that, appearing as a culture, religion depends on faith on the one hand (transcendental reality), and, on the other, on how human nature (of the person) expresses itself in life-world relations. The theory of interculturality may be a solution beyond multiculturalism, but with some assumptions.

Here are the main ones: first, it must be assumed that culture does not absorb human nature; secondly, it must be assumed that citizenship cannot absorb the *homme*: thirdly, it must be assumed that people's living experience in life worlds may reach some form of agreement, empathy, and comprehension,²⁹ which, being pre-cultural and pre-political, may modify cultural expressions (including religion as a culture, not as a faith). Faith in transcendental realities, therefore, becomes a device to help meta-reflexivity (a combination of the individual context and the relational context). In this way, the reflexivity of reason may exceed its purely reproductive ('dependent') or, vice versa, decontextualized ('self-referent') forms.

There are two alternatives: either we drop reason as a veritative principle (of recognition), or we should make efforts to *broaden the range of reason*.

²⁷ See M.S. Archer (ed.), *Social Morphogenesis*, Springer, New York, 2013.

²⁸ Here, I refer to the well-known distinction between faith and religion proposed by Karl Barth, without accepting his theory of an intrinsic opposition between them. From the perspective of relational sociology, it does not mean putting them in opposition, but acknowledging their inner, necessary relationality.

²⁹ P. Gomasasca, *I confini dell'altro. Etica dello spazio multiculturale*, Vita e Pensiero, Milano, 2004.

So-called ‘limited rationality’ is an empirical condition (of individuals and functional systems), which is neither the destiny of mankind or civilization. This means that the expansion of reason may be rational, namely it may happen based on matters related to *a more comprehensive reason*, not based on dogmatic or extra-rational reasons. I will discuss it in the next passage.

4. Expanding the range of reason with ‘relational reason’

4.1. Which reason should be used to address differences/diversity?

The search for a new rationality appropriate to the encounter and recognition of different/diverse people/groups requires adequate semantics to understand and deal with what creates differences and diversity. It is a fact that difference/diversity is, in general, a mix of faith and reason, of motives of faith and rational motives, woven together. In ancient societies, which continue to be the benchmark for the so-called ‘classic culture’, this interweaving had a solidity, which materialized in a common *ethos* (generating natural law and the doctrine of a common ethic, which was dispelled by the modern public ethic, which is no longer based on a shared *ethos*).

Joseph Ratzinger³⁰ wrote that: “the original relational unity between reason and faith – although never unchallenged – has been torn [...] Farewell to truth can never be definitive [...]”. In my view, the keystone of the issue is contained in this expression. Nevertheless, it must be noted that we are still very far from understanding what it means. I cannot pause here to discuss whether the laceration was produced (before or after, more or less) by reason or faith. The question on which I focus my inquiry is this: what is meant by ‘relational unity’ between faith and reason, and also between religion and culture? It is certainly the unity of a difference. But how do we understand difference?

4.2. The semantics of difference, relational reason, and the common world

We must come up with a new theory of difference (in personal and social identity), which allows us to understand and handle it in a relational way. Since the distinction is a reflexive operation, we are directed back to the ways in which reflexivity removes and judges differences. I will make three fundamental distinctions: dialogical reflexivity, binary reflexivity, and

³⁰ J. Ratzinger, *Fede, verità, tolleranza. Il cristianesimo e le religioni del mondo*, Cantagalli, Siena, 2003, p. 166 (English translation: *Faith, Truth, and Tolerance: Christian Belief and World Religions*, San Francisco: Ignatius Press, 2003).

relational (triangular) reflexivity.³¹ They correspond to three different semantics of difference (see Figure 1, p. 608).

(I) *Contractual/dialectic/dialogical semantics*: conceives of difference as a margin, a distance, as a point of continuous conflict and negotiation, which can find an agreement or not. The cultural encounter between Ego and Alter is represented as a relationship at the border of their identities where they meet, discuss and try to accommodate their differences. The border is a real space, where negotiations can take place between Ego and Alter (unlike a binary semantics in which the border is conceived as a sharp separation, without any chance of successful communication). What is in between the people who meet is a sort of externality for each. At the point of conflict, Ego and Alter remain estranged from one another. The border is, by definition, a source of conflicts and moral contentions, because it is the object of one or the other's will to appropriate it, the field where one tries to assimilate the other. It has to do with seeing which of the two can take possession of it, or, alternatively, how they can share it or at least turn it into a place of exchanges that are the outputs and inputs of one to the other. Between Ego and Alter there is no real mutual exchange; rather, there is the assertion of two identities that stand facing each other. The two may dialogue, but the agreement they may reach is entirely fleeting (in sociological terms, it is highly contingent, which means that it depends on many variables and can always be possible otherwise, i.e. possible in many different ways, including not to be). Here, reciprocity does not require the recognition of a common identity. A clear example of this semantics is given by Jürgen Habermas, according to whom the common border is defined ('constituted') by civic values and a dialogue around them (what he calls 'constitutional patriotism').³²

(II) *Binary semantics*: conceives of difference as discrimination and incommunicability. The border between Ego and Alter is a sharp distinction

³¹ For more details on the different types of reflexivity, see: P. Donati, *Sociologia della riflessività* (Bologna: il Mulino, 2011).

³² In the book *Inclusion of the Other: Studies in Political Theory* (C. Cronin and P. DeGreiff, eds, Cambridge, MA: MIT Press, 1998), J. Habermas claims that "inclusion does mean neither assimilative engrossing nor narrow-mindedness towards the diverse. Inclusion of the other rather means that *the community's boundaries are opened to everyone: even – and above all – to those mutually extraneous and willing to remain extraneous*".

(division), a separation, an irreconcilability, an impossibility of exchanging reciprocal inputs and outputs. This semantics stems from the theory of autopoietic and self-referential systems, of mechanical, functional, and automatic character.³³

According to it, culture is a mere by-product of the communication among people, which consists of multiple messages that are disturbances (noise) for one another. There is no possibility of a common world. What is common is the pure and simple common “problems” of the world (loving one another simply means recognizing that the problems of ego are also the problems of alter, and vice versa), seeking to confront the paradoxes generated by the functional rationality of the system (in which Ego and Alter act without any chance of influencing its operating structures). In this framework, the morally good and ethical is, as Niklas Luhmann has claimed, polemogenous, generating all kinds of conflicts and wars, or, if not war, at least generating moral strife. Society here is a paradox because becoming a fellow (*socius*) does not mean sharing something, but, on the contrary, it means drawing binary distinctions that divide some people (the in-group) *from* and *against* other people (the out-group).

(III) *Relational semantics*: perceives difference (the distance that separates Ego from Alter) as a social relationship (neither a simple border, nor a slash). The relationship is never just a generic relationship, but is always qualified in some way. It is not a free interaction in the void. Nor is it mere communication. It emerges from a context, and it has a structure which is defined and is based upon the terms of the relationship, and can only come from it, and always under determinate conditions. The relationship is constitutive of *Ego* and *Alter's identities*, in the sense that the identity of Ego is formed through the relationship with Alter, and the identity of Alter is formed through the relationship with Ego.

The border is an area of conflict, struggle, negotiation, but also of reciprocal belonging, which constitutes them both. The unity of the difference is a relational unity, that is, it is the unity of a real differentiation that exists because of reciprocal reference to a common belonging with respect to which Ego and Alter differentiate their own Selves. From here begins the recognition of a *real otherness* (and not – as many scholars claim – the rec-

³³ N. Luhmann, *Social Systems* (Palo Alto CA: Stanford University Press, 1995).

ognition of an Alter-Ego, which is in fact an Alter as imagined, represented, depicted by Ego).

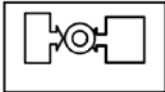


I (dialectic semantics)	II (binary semantics)	III (relational semantics)
‘Difference’ as a gap (border) between Ego and Alter in which there is at the same time a clash and a sharing between them (Habermas)	‘Difference’ as autopoiesis and incommunicability between Ego and Alter (Luhmann)	‘Difference’ as dissimilar way to live a relation, which is constitutive both of Ego and Alter (Donati)
Ego  Alter	Ego  Alter	Ego  Alter

Figure 1. Semantics of what is meant by ‘difference’ between cultural identities.

The recognition of authentic otherness does not coincide with total separation from the other, because relationship bespeaks *distance*, and even separation in some way, but at the same time bespeaks *sharing*. Sharing is not between two mirror images, but between two distinct, unique entities. These entities, while they maintain their impenetrability without synthesis, reveal themselves by reference to a reality that unites them, their humanity, for example. For instance, national identity is a relational concept that refers to a relational reality: being French or Italian means referring to two entities that are neither opposites nor sharing only a (contractual/dialogical) border between them; there are identities that have commonalities as well differences; their distinction is constituted by a complex relation, built through a historical process of reciprocal exchanges and interactions. The way in which the relation between them is configured and works depends, of course, on contingent situations. The same is true for the distinction between genders, which is a relation. Man is such in relation to woman, and vice versa, and also within the same gender (if we think of two men or two women) individuals are distinguished relationally.

Otherness is not an irreconcilable contradiction, in the degree in which the Other is perceived as another Self and ‘Oneself (is perceived) as Another’ (as Ricœur says).³⁴ But this other Self is not the same (*idem*); rather it is

³⁴ P. Ricœur, *Oneself as Another* (Chicago: The University of Chicago Press, 1992).

unique (*ipse*). If Ego and Alter coincided and could be assimilated (*idem*), the relationship would vanish. If, on the other hand, the relationship was entirely external to Ego and Alter, the result would fall into the two prior cases (semantics I and II). Cultural confrontation must therefore look at the relationship that is constitutive of Ego and Alter, though differently for each. Cultural difference can and must be seen as a different way to understand and configure this relationship, without being able to conceive of it as destined to a dialectical synthesis in the manner of Hegel.

4.3. *The emergence of a relational semantics*

Western culture has, until today, used the first two semantics, oscillating between them. My conviction is that, in the climate of globalization, and in the wake of the flawed experience of multiculturalism, a third semantics is emerging. The third semantics, that of relational difference, interprets and understands cultural differences insofar as they are generated in reference to a common world (that which includes both Ego and Alter). The common world differentiates itself and is re-generated (re-differentiated) through forms of ‘relational differentiation’, that is, of differences that are generated by different ways of articulating the founding relationships shared by the people involved in a context³⁵ (not the functions, the roles – that which is institutionally prescribed, as a specialization of actors and performances).

Secularism is the motive that justifies cultural pluralism, when it springs from the social relationships amongst human beings. Properly speaking, the secularity of the state does not consist in the fact that the state authorizes religious freedom, let alone rules based on political principles, like that of the juridical equality of religious denominations (this is entirely different from the equality of persons under the law, which is a fundamental principle). The state can be called secular in so far as it limits itself to recognizing

According to Ricœur, selfhood implies otherness to such an extent that selfhood and otherness cannot be separated. The self implies a relation between the same and the other. This dialectic of the Self and Other contradicts Descartes’ *cogito* (“I think, therefore I am”), which posits a subject in the first person (an “I”, or an ego) without reference to an Other. The dialectic of Self and Other may lead us to recognize that the self may refer to itself as not only itself, but as other than itself. This dialectic may be revealed as not only that of self and not-self, but as that of oneself as another, oneself and not another, another and not oneself, another as oneself. The dialectic of self and other may be dynamically changing.

³⁵ On the ‘founding relationship’ see P. Donati, *Sociologia della relazione* [Sociology of relationship] (Bologna: il Mulino, 2013): 124.

the persons' original liberty of professing their faith, and claims as its own those values and rules that emerge in a shared way from the public debate between religions on the basis of a rational argument. To go further into this point it is necessary to recall the relational semantics that allow us to see the unexplored aspect of human rationality: *relational reason*. What does it consist of?

5. What does expanding human reason through social relationships mean?

5.1. The structure of relational reason

Relational rationality is the faculty by which the human person sees the inherent reasons (good motives) in inter-human social relationships (not in individuals as individuals, nor in social or cultural systems). Certainly the being-together of different cultures stimulates the deepening of rational (axiological) individual choices, within individual reflexivity. But this does not suffice to configure the 'inter' (what lies in between different cultures) as a social relationship. The 'inter' remains largely unexplored and unexplained. To turn the *inter* into a common world, the public sphere requires a rationality that takes into account the differentiation between cultures as a *relational differentiation*.³⁶

In other words, cultural identities are different because of the different ways in which they interpret and live their relationship compared to the values that are common to human beings. The "ways" refer to the instrumental and normative dimensions of reason, as well as concrete aims, while the "values" refer to the axiological (or teleological) dimensions of reason. The so-called policies of equality of differences, that neutralize relationships or render them indifferent, can only generate new differences, which find no rational solution, but only new forms of dialectic or separation.

The role of religion in the public sphere is a good example of this. The issue is: to what extent can religions, their leaders and institutions (in so far as they are bearers of different cultural views) have the right to intervene in the public sphere, where collective binding decisions are to be taken for the common good? We know that the confrontation between religions and secularized cultures in passing laws is often a matter of conflict on relevant issues such as human life (abortion, euthanasia, genetic manipulations, etc.), the recognition of new civil rights, the declaration of a war, the legit-

³⁶ On the concept of 'relational differentiation' see P. Donati, *Relational Sociology. A New Paradigm for the Social Sciences* (London: Routledge, 2011).

imation of torture, etc. If a country allows a religion to conform the public sphere to itself, then we have a theocratic regime. On the contrary, if we split religion completely from the public sphere, by saying that religion has no right to intervene since it is only a private affair, then we end up with an amoral society,³⁷ or, as some scholars call it, a ‘post-ethical society’.³⁸

The ‘good society’ implies a certain kind of relationality between religions and the public sphere, one that should imply *interchanges at a distance* in order to accommodate religious and non-religious cultures all together. In order to configure this distance in such a way as to support a secular democracy we need a relational reason that looks at the good of the relationships in the public sphere (its relational goods!) without requiring a change in the internal ‘dogmatics’ of the different cultures, on the sole condition that dogmatic beliefs do not prevent such external relations.

Another very good example is the difference between monogamous and polygamous marriage, or the new ‘polyamorous arrangements’, when these lifestyles are granted the right to individual equal opportunities. For those who support the *lib/lab* policies of equal opportunities,³⁹ these relationships are only different offers for a plurality of chances given to the individuals involved – nothing more than that. They do not touch on the meaning and consequences that these different relationships have on the flourishing or the withering of what is conceived to be inherently human. From the relational perspective, when one asserts the right to a cultural difference, one necessarily supports different relationships that have different qualities and causal properties in enhancing or diminishing the human character of the relational good inherent in marriage.

The same holds true for other relations, such as participation in the labour market, welfare benefits and civic activities.⁴⁰

³⁷ A. Seligman, *The Idea of Civil Society* (New York: The Free Press, 1992).

³⁸ D. Porpora, A. Nikolaev, J. Hagemann, A. Jenkins, *Post-Ethical Society The Iraq War, Abu Ghraib, and the Moral Failure of the Secular* (Chicago: The University of Chicago Press, 2013).

³⁹ I call *lib/lab* policies those policy measures which are a compromise between liberalism (*lib* side) and socialism (*lab* side), or, in other words, a bargaining between the capitalist market and the state: see P. Donati, Beyond the Market/State Binary Code: The Common Good as a Relational Good, in M. Schlag, J.A. Mercado (eds.), *Free Markets and the Culture of Common Good* (New York: Springer, 2012): 61–81.

⁴⁰ Many research reports show the failure of *lib/lab* policies in dealing with the multicultural integration of immigrants. Let us mention, for instance, a cross-national report on how integration policies and welfare-state regimes have affected the integration of

To make social relationships morally indifferent, cancelling out the discrete reasons that inhere in the identity of each specific kind of relationship is to annihilate the value of relationships as *sui generis* reality. It is to nullify the principle of appreciation that the relationship contains.

Relationship is what – at the same time – joins, differentiates, and diversifies. For example, the conjugal relationship joins a man and a woman as one flesh, but differentiates them in their personal identity with respect to the same relationship. A relationship of friendship joins two persons in a circle of symbolic exchanges, while differentiating between them with respect to what they can offer reciprocally, and it diversifies them with regard to the quality of their friendship. In this way, different relationships are involved.

The reasons that are inherent in human relationships correspond to the dignity of the human person. They are latent and have morphogenetic potential.⁴¹ For this reason they can develop a critique of cultural drifts, be it of anti-humanism, or backward fundamentalism.

Sustaining interculturalism capable of creating consensus on fundamental human values means adopting a relational paradigm capable of acknowledging and *articulating the reasons* that shape the *inter-human*, that which is between individuals. The field of bioethics in a multicultural society offers many examples: the right to life, the rights of the human embryo, the right

immigrants in eight European countries (Germany, France, the United Kingdom, the Netherlands, Switzerland, Sweden, Austria and Belgium). It presents comparative data on integration policies and welfare-state regimes. The results suggest that multicultural policies – which grant immigrants easy access to equal rights and do not provide strong incentives for host-country language acquisition and interethnic contacts – when combined with a generous welfare state, have produced low levels of labour market participation, high levels of segregation and a strong overrepresentation of immigrants among those convicted for criminal behaviour. Sweden, Belgium and the Netherlands, which have combined multicultural policies with a strong welfare state, display relatively poor integration outcomes. Countries that either had more restrictive or assimilationist integration policies (Germany, Austria, Switzerland, France) or a relatively lean welfare state (the United Kingdom) have achieved better integration results. These differences are highly consistent across the three domains of integration examined, with the exception of segregation rates in the United Kingdom. See Ruud Koopmans, 'Trade-Offs between Equality and Difference: Immigrant Integration, Multiculturalism and the Welfare State in Cross-National Perspective', *Journal of Ethnic and Migration Studies*, 36 (1) (2010): 1-26.

⁴¹ M.S. Archer, *Realist Social Theory: The Morphogenetic Approach* (Cambridge: Cambridge University Press, 1995).

of a child to a family, the right to an education worthy of a human being, the right to a good death, to a healthy environment, and so on, are all *relational rights*, because they are rights to relationships (rather than to things or performances). Relationships have their own reasons, which the individuals involved may not even be explicitly (linguistically, conversationally) aware of, but which they comprehend to the extent of the type and degree of reflexivity they have; that is, to the extent in which they manage to see the reasons behind the relationships that human realities imply in the eternal dialogue between nature and culture.

So-called ‘cultural mediation’, often discussed, can only overcome the obstacles of prejudice and intolerance if people succeed in reasonably bringing values together, and giving them relational rationales.

Relational reason validates differences, rather than hiding them. This is precisely how it is capable of moving beyond the ancient configurations of relations between cultures (that is, segmented differentiation in primitive societies, stratified differentiation of cultures in premodern societies, and functional differentiation of early modernity), which are all forms of differentiation incapable of achieving shared public reason in a globalized society.

Relational reason gives us an alternative to these forms of differentiation, called ‘relational differentiation’, which when applied imply the creation of a public sphere that is not indifferent to transcendent values, but is ‘religiously qualified’, in that religions have a role in defining public reason, because they orient people toward a reflexive understanding of their cultural elaborations in their life-worlds.

This reflexive understanding supports and nourishes an expansion of reason. It is a way to go beyond modern Western rationality, which stopped at the threshold of the distinction between instrumental and substantial reasoning.⁴² According to this distinction, the relationship to value (*Wertbeziehung* in Max Weber’s theory) is non-rational, because values themselves are non-rational (from the Weberian viewpoint). Relational reason tells us the opposite. It indicates the different ways in which it is possible for Ego to relate to values, as it relates to the Other, not on the basis of purely subjective factors (sentiments, mood, emotions, irrational preferences) or

⁴² Instrumental rationality is what, given certain ends, focuses on the means for achieving those ends; the means are technical instruments to pursue the ends, which cannot be discussed or communicated (Max Weber’s polytheism of values). While instrumental rationality seeks convenience, utility, and efficiency, axiological rationality focuses on values, that is, on *ultimate concerns* for the truth, the good, and the just.

acquired habits (*habitus*), but on the basis of reasons that are neither *things*, nor rules of exchange, but are goods (*values*) connected to the quality of present and future relationships. These are what I call ‘relational goods’.⁴³ I propose that we take a new and radical look at the rationality theory proposed by Max Weber, which profoundly (and negatively) conditioned the social thought of the twentieth century.⁴⁴

Rationality cannot be reduced to the two modalities put forward by Max Weber – that is means-end, or instrumental rationality (*Zweckrationalität*) and value/belief-oriented rationality (*Wertrationalität*). To reduce human rationality to these two concepts is an operation fraught with ambiguity and can be a source of great confusion. *Zweckrationalität* deals with the calculation of means to achieve an end, but ends can also become means, until it is no longer possible to distinguish what is a means and what is an end. The concept is unusable. *Wertrationalität* refers to a value subjectively understood by the social actor, but that value may be a good in itself, or just a personal taste/preference. The reformulation of the Weberian distinction between instrumental and value-oriented rationality undertaken by various authors (for example Talcott Parsons and Jeffrey Alexander, which translated them respectively as *instrumental* and *normative* rationality), has been unsatisfying and insufficient.

I propose a redefinition of rationality as a faculty of human behaviour that has four components or modalities (A, G, I, L, see Figure 2, p. 616) that are interrelated and, combined in various ways, give rise to different forms of rational agency.⁴⁵

(I) Firstly, *instrumental rationality* deals with efficiency, and involves the means, therefore the adaptive dimension of thinking and acting (rationality of efficiency) (A); its analytic counterpart is the economic sphere, and its empirical, macrostructural counterpart is the market.

⁴³ P. Donati and R. Solci, *I beni relazionali. Che cosa sono e quali effetti producono* [Relational Goods. What they are and what they produce], Torino: Bollati Boringhieri, 2011.

⁴⁴ It is well known that, notwithstanding his studies of rationality, Max Weber did not hesitate to assert the absolute impossibility of scientific analysis of values, thus helping to pave the way for the worst forms of irrationalism and other true monstrosities that afflicted the first half of the last century, and which today deeply wound social thought, modern epistemology, and afflict the life of many populations.

⁴⁵ From the perspective of relational sociology, it goes without saying that this framework applies also to social relations, meaning that the different forms of rationality can be attributed also to social relations as emerging from individual reciprocal actions.

(II) Secondly, *goal-oriented rationality* refers to situated objectives, and regards the achievement of defined goals and goal-attainment (rationality of efficacy) (G); its analytic counterpart is the sphere of power, and its empirical, macrostructural counterpart is the political system (the State).

(III) Third, the *integrative dimension* of reason, which coordinates the other dimensions of rationality (value, goal-attainment, and means) through ethical and moral normativity, and assures the autonomy of rationality against other kinds of actions and social relationships (I). I call this *relational rationality* (or, by striking a new word in German: *Beziehungsrationalität*), or *nomie rationality* (what is rational in the *nomos*, that is) in the norms of division and distribution, which at the same time divide and connect the related parts. Social relationships have reasons that belong neither to individuals nor to social systems, reasons which the individuals and the systems may not know about, and in fact do not possess. As an analytic correlation, this dimension takes the sphere of social bonds, and as an empirical, macrostructural correlate, civil society inasmuch as it is an associational world.

(IV) Fourth, the properly *values-oriented dimension* of reason, which corresponds to the distinction-guideline that points toward what is good in itself, what is an end in itself, what has worth in itself (that which lies at the depths of the *ultimate concerns* of the actor, which some call *ultimate values* in the sense of *ultimate realities*) (L).⁴⁶ That is, the rationality of value as good in itself. The rationality of that which has a dignity that is neither instrumental nor goal-oriented (*value rationality* or *axiological rationality*, or what I would like to name *Würderationalität*, i.e. the rationality of dignity).

Here, it is important to clearly understand that, in what I call *value-oriented rationality*, the value is not a situated goal that has a price, but is a 'good without a price', that no money can buy. Value-oriented rationality is not dependent upon the situation. It is inherent in the dignity of all which deserves respect and recognition, because it is distinctively human (as opposed to the non-human or in-human). Therefore, it regards in the first place the human person as such (and not because an individual behaves in a particular way). As an analytic counterpart it has the sphere of good in itself or for itself, the symbolic reference – and what is non-nego-

⁴⁶ A. Collier, *Being and Worth* (London: Routledge, 1999).

tiable – to that which characterizes the good or a person and distinguishes that person from all the others. The empirical, macrostructural correlate of value-oriented rationality is the religious system – religion understood as a cultural fact distinct from faith (which transcends culture).

The four dimensions of reason (instrumental, goal-oriented, values-oriented, and relational) make up a *complex of reason*, or human reason as a complex faculty. From this angle, every component is essential so that human reason emerges in its fullness, be it as a theoretical faculty or a practical one. The actions of recognizing, understanding, explaining and seeking what is rational are all needs of the complex faculty of human reason, as seen from the relational perspective.

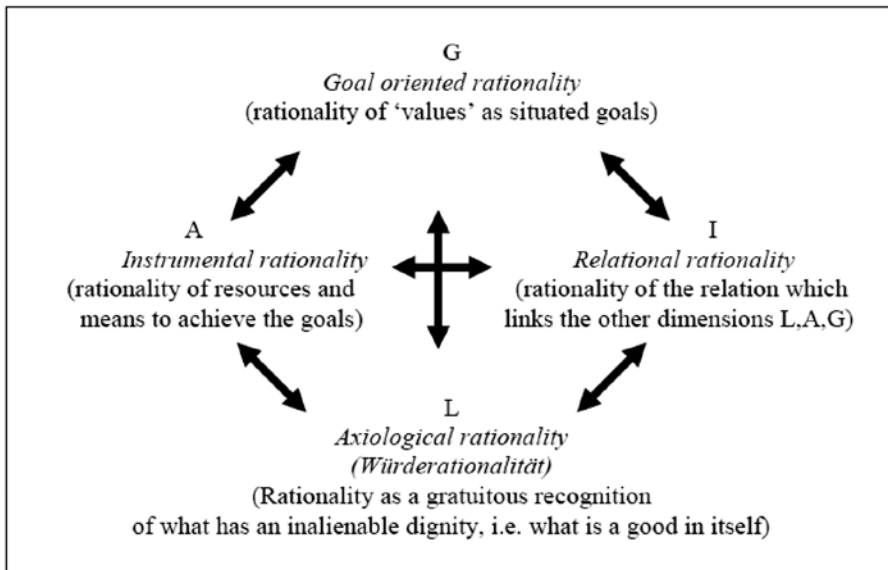


Figure 2. The “complex of reason” (or: the human reason as a complex faculty).

From a sociological perspective, reason is a faculty that exists as an emerging social phenomenon. There is no such thing as a purely individual rationality, in the sense of a faculty cut off from social relationships. Reason is a faculty that emerges from the workings of its constitutive elements, each of which has its own characteristics. The faculty which we call human reason is generated as an emergent effect of the togetherness, interaction, and interchange between the four fundamental dimensions that comprise it.

Encounter and recognition are relational goods⁴⁷ not because, as some believe, they carry with them a particular human warmth, or a feeling of good will, or a special *pathos* (elements that in any event have their own weight and importance), but because they realize a relationship which depends upon the goods of those who participate in the relationship. I call them ‘relational goods’.⁴⁸ And this dependence is rational, or at least reasonable.

Those forms which we call procedural rationality and deliberative rationality are expressions of particular combinations of the above four dimensions (Figure 2, p. 616). For lack of space, I cannot comment upon these (and other) forms of rationality here.

5.2. How does relational reason operate?

Relational reason is that human faculty that operates:

- (i) *With relations* (namely, from the perspective of relations, not of individuals or systems), in a contextualized way, from the perspective of culture as an expression of a community; it is made of relations that are put into practice or could be practiced, based on the values of such culture;
- (ii) *For relations* (namely, in view of improving relations that promote some definite values of such culture);
- (iii) *In relations* (namely, through relations, acting – practically and analytically – on existing relations, in order to create new ones).

On the whole, *relational reason comes into existence every time the reason for action includes the good of shared action.*

Relational reason is therefore the reason of a cultural mediation, intended neither as ‘betrayal’ of inner convictions (as the representatives of the so-called ‘weak thought’, like Gianni Vattimo and Franco Crespi claim) nor as a ‘paradoxicality’ of people’s free acting (the paranoia of Jacques Derrida and Niklas Luhmann), but as the expression of the need for the human living experience to be spontaneously contextualized within a life-world where social relations have to operate through mediations.

⁴⁷ P. Donati, *La ciudadanía societaria* (Granada: Editorial Universidad de Granada, 1999): chapter 2; Id., ‘Different cultures, different citizenships? The challenge of a universal citizenship in a multicultural postmodern society’, *The Annals of the International Institute of Sociology*, 5 (1996): 245–263.

⁴⁸ P. Donati, ‘When Relational Subjects generate relational goods’, in P. Donati, M.S. Archer, *The Relational Subject* (Cambridge: Cambridge University Press, 2015): 183–197.

Relational reason is that faculty, proceeding through four components (aims, means, rules, values), relating them inside and with their environments (in a systemic sense). We may distinguish relational reason when it operates inside (theoretical reason as a relational complex of subjective thoughts and intentions, with their mental means, logics, latent values) and outside (practical reason as a relational complex that has to combine autonomy and gratuitousness of action with heteronomy and instrumentality).⁴⁹

In such a framework, values are necessarily on the border between reason and its transcendental environment (faith). On such a border, reason, culture and faith necessarily interact. Values should be seen not as models to maintain and preserve (in an inertial vision of the social system, as done by Talcott Parsons), but as *propellers* of social relations. Cultural values are not only bonds and limits (with zero energy and maximum function of control), but also resources and perspectives of sense (having a proper energy, often more entropic than negentropic).

With his theory of incompleteness of formal systems, Gödel taught us two things: (i) each system needs to relate to an other than oneself, to find a situational and formal completeness [in the formulation of this Author, the formal needs the informal (intuition, creativity)]; (ii) the ‘total completeness’ comes from the relation between all the systems (or rather, it is based on the relations between the systems’ relations). This is also true for reason, when considered as a system oriented to knowledge and practical action.

If we perceive reason as a reflexive faculty of the human being, consisting in the ability of one’s *I* to converse with its *Self* on its own *I* and the world, then to expand reason means to expand such reflexive ability (choosing aims, means, rules and values) through relations implied with the *Self* and the world, through its own *Self*. Thus permitting the person to entrench his or her own cultural identity inside his or her own human nature, expanding outside it in the culture, and interacting with it in the various spheres of life, where the *I* becomes *Me*, *We*, and *You*.⁵⁰

The Greek *Logos* says: “know yourself”, as written on the façade of the temple of Apollo at Delphi. The “*nosce te ipsum*” exhortation (St Augustine) has become the focus of introspection in Christian spirituality. Relational reason observes that such self-reflexive precept risks failing and falling

⁴⁹ See P. Donati, *Relational Sociology. A New Paradigm for the Social Sciences*, cit., p. 227.

⁵⁰ *Me* as a social agent in primary relations, *We* as a corporate identity, and *You* as an individual actor who has to enliven a social role (see Archer, *Structure, Agency and the Internal Conversation*, cit., 2003).

into subjectivism. It makes us understand that, without the Other, the *I* cannot know itself in a fully human way. Therefore, the *Logos* should make itself relational and recognize that *without You, who are Other than Myself, I cannot know myself*. Relational reason shows that there is no opposition between Me as the Other (*Idem*) and Me as a sole and unique being (*Iipse*), as claimed by some philosophers; instead, there can be synergy, because the singleness of the person (*ipseity*) emerges from the background of what is common (*sameness*).

Talking of relational reason means entering into reflected thought (reflexivity). It requires changing the observational point of view, being no more one of the single terms or of a presumed 'system', but that of a relationship. It means entering into another order of knowledge: what I call 'the order (of reality) of the relation'.

Relational reason offers good reasons, *autonomously* understandable by everyone irrespectively of their specific religious faith, because they refer to the development of the human nature as a reality provided with *own* properties and powers as regards culture, even if culture should combine with nature. What makes the agent/actor's reasons "good" is their relational character as referred to the human, where human stands for what can only be an end in itself, never a means other than itself, because it refers to the species-specific quality of the human person, perceivable and recognizable by everyone.

5.3. Relational reason offers the necessary mediations for a veritative recognition of cultural identities

The citizenship we need must allow people, families, social groups and communities belonging to it, to combine their own culture (and religion) with a growing differentiation of the individual (due to the various circles of identities intersecting in him/her). Thus, the individual should be put in a position to identify his/her own belongings and to determine the hierarchy of his/her ultimate concerns.

If everybody, whatever his/her culture/religion, can identify in the slightest of a common world, this world cannot consist of a state citizenship neutralizing social relations, or of a multicultural citizenship making relations between cultures indifferent, because identity depends on relations.

The common world is the necessary mediation elaborated by reason (commonly shared by human beings), so that every single person may live in the public sphere, even being of different religion or faith. Only in the interface of the inter-subjective relation, Reason recognizes the reasons of

faith, and faith recognizes the reasons of Reason. Only through their relational values, Reason may be open to faith and vice versa.

The lack of relational mediation jeopardizes all religions, not only Christianity. We may see it through the growing entropy of all the world's religions. Christianity is certainly the one that has most absorbed and expressed the spirit of distinctions, thus it is the most differentiated inside as regards the use of reason. It is inside, and not outside Christianity, that anti-Humanism and trans-Humanism are generated (for the Eastern religions, these terms have little or no sense).

The differentiating reason of Western modernity produced multiculturalism as an ideology. Only relational reason may cure the consequent pathologies, drifts, deviations and implosions.

The secularity required by multicultural societies consists in a *new spirit of distinctions*, which treats social relations neither as dialectic oppositions, nor as binary ways to discriminate human persons. Such a spirit must transform social relations into an experience of recognition within a complex circuit of mutual gifts. This is a relational spirit, because it uses relational semantics of distinctions as actions inspired by the rule of reciprocity. It therefore generates a secularity, which is a recognition of the relation between different identities, as a free act of gift and acceptance of its responsibility (in fact, the gift is an answer to former gifts, and leads to a reciprocation).

The question of the recognition of different cultures implies three interrelated steps: the attribution of an identity, its validation and a sense of gratitude (thankfulness) for its existence. These three steps represent the gift circuit that, unlike the animal realm, is a constituent of human sociability. Human recognition would not be possible if the identity was not a relational one, and if the common world was not relationally constituted.

Finally, it is clear that the biggest and most specific performance of relational reason is the one which solves the inner difficulty of multiculturalism (namely, the problem of recognition), through relational observation and relational action: recognition is observed and acted on as a gift circuit.

The relational expansion of reason can be understood by all cultures, including the Eastern ones, to the extent that these cultures adopt a relational (trinitary)⁵¹ symbolism.

⁵¹ 'Trinitary' here means able to see 'the logic of the third': see W. Hofkirchner, 'The commons from a critical social systems perspective', *Reerca. Journal of Thought and Analysis*, 14 (2014): 73-91.

The adoption of this perspective allows society to exceed the limits of liberal tolerance. While liberal tolerance is without relations, a mature interculturality passes through relations and, therefore, is able to understand the sense of all faiths and religions, and of the relations that they can create between them by means of human (secular) reason. Its reason lies on the fact that a principled tolerance may be flexible about means; it is a form of rationality capable of combining value with differentiated rules and instruments, and in this way it can rescue *Wertrationalität* from its indeterminacy. This is, in fact, the relational reason.

The route of relational reason does not assert a monistic uni-verse, or a multi-verse without any order, or an undifferentiated pluri-verse, but an ordered *inter-verse*, a world of diversities oriented to one another, on the standard of a reciprocal rationality, fit for a convergence on shared experiences and practices, which are independent from the single culture as a symbolic product (including language).

6. Conclusions and perspectives

The vicissitudes of multiculturalism show that we live in a world in which the Hobbesian solution of the social order is no longer suitable. Institutionalized individualism (individualistic liberalism), assessed by the Hobbesian solution, is in crisis. There is no longer a political power (Leviathan) that can guarantee individual liberties, neutralizing the cultural (and religious) conflicts within the public sphere. The ideology of multiculturalism is not a solution to the ethical void, which widens in proportion to the fall of the Hobbesian national State. Is interculturality a viable alternative?

My answer is positive, provided that interculturality is fitted with a 'relational reason' to make different cultures meet and build a common world.

A universal culture is not imaginable as a *world culture* (corresponding to the *world system*) in a functionalist meaning. The current debate on the difficulties of achieving a theoretical universalism in culture⁵² clearly demonstrates it. Christian thought may certainly propose its own vision of universalism, but it is forced to confront other universalisms. So that, without a relational interface, the Christian vision (or even the Judeo-Greek-Christian view) is inevitably perceived as particularistic. A universal culture is possible, instead, as the spirit of an ethically qualified secularity,

⁵² D. Browning (ed.), *Universalism vs Relativism: making moral judgements in a changing, pluralistic, and threatening world* (New York-Oxford: Rowman & Littlefield, 2006).

constituted as a common world, which may be drawn through relational reason, in relationally differentiated social spheres.

Beyond the deficits of multiculturalism, the solution could be provided by a renewed secular sense of culture, as a shared learning space through practices of daily life, where mutual recognition steps aside from the world of signs and cultural traditions, in order to grasp the primary experiential sense of the inter-human. In such a situation, the secular character could assume the connotation of independent reason, looking at the sense of human relations, without depending on justifications based on the sole faith (namely, committed to dogmatics inside the single religion).

In order to let such a secularity emerge, it is necessary that people and cultures learn to operate differences, no more in a contractual/dialectic or binary way, but through a relational symbolic code, according to which the autonomy of subjects is not a separation (or continuous clash between them), but a *choice of the environment to depend on*. Relational reason should have the task of avoiding every kind of *conflation* in cultural conflicts: top-down conflations (as in the case of French Jacobin assimilationism), bottom-up conflations (as in the theory of an unlimited community of discourse, i.e. the case of J. Habermas), and central conflations (peculiar of the *relationism* that we find in the pragmatics of a coexistence understood as a conflation or hybridization of cultures, as in the case of M. Emirbayer).

When relationally understood, secularity promises a new coexistence between cultures, not by cancelling their principles of civilization, but by renewing these, through the recognition that one's own identity is relationally constituted through the relation to the Other.⁵³ This idea is the backdrop of what I call *societal constitutionalism*.⁵⁴

Today, many people are willing to recognize that the self-limitation of positivist reason (even restricted to the technical ambit) implies a mutilation of the human being. Non-believing laymen, atheists and agnostics claim it too. Everyone, today, puts the evils of a globalized society down to technical reason, and to the domination of an economy pushed forward by

⁵³ As Weiler rightly points out, the fault lies in secularizing ourselves, while what is needed is the opposite: to find a dialogical relationship among communities of faith (J.H.H. Weiler, *European Constitutionalism Beyond the State*. Edited with Marlene Wind, Cambridge: Cambridge University Press, 2003).

⁵⁴ P. Donati, 'Towards a New European Citizenship? The Societal Idea', in Mari-sa Ferrari Occhionero, Mariella Nocenzi (eds.), *Europe Between Memory and Change. Towards the Construction of a European Society* (Rome: Aracne editrice, 2006): 277-316.

a science without ethics. Certainly, positivist reason is neither universal, nor complete, nor sufficient to itself. The roots of reason are wider. It is shown by the fact that globalization is stimulating new localist cultures.

To see these roots, dipping in man's nature, it is necessary to produce what Max Weber called 'cultural breakthrough'. As Parsons (1967) argued, Christianity did it for two millennia, operating a qualitative leap in the world's process of rationalization. But today it is frozen. This is because the faith-reason pair is no longer able to de-mythicize false idols. Doing it would require structuring the unity of such difference in a relational way, through relational reason. That is the only way for reason, which grew on Judeo-Greek-Christian roots, to operate a new cultural breakthrough.

We need *new* roots to survive. We must find a new imagination, which is both sociological and transcendental, in order to support a meeting of cultures, capable of getting to the root of man's dignity. Thinking of reason as a *Logos* may be helpful to the individual to provide a new access to culture, and to the intercultural debate, but it cannot be shut inside the so-called religion of a Book. It must open up to historically contextualized human relations. It has to learn from everyday life practices in so far as they are enlightened by a fully relational reflexive reason.

There is a lot to learn from a reason capable of expanding towards those ultimate realities that cannot be reckoned, that are not technical-scientific, bearing the deepest sense of the human inside them. We should be aware that this target requires a relational development of reason. Social relations contain the reasons that operate the mediation between religious faith and public reason.

Understanding such mediation, which is the keystone of the co-existence of so many different 'reasons' (cultures), requires resorting to a reflexive semantics of difference (between the human reason and its supernatural environment, as between different reasons linked to different cultures), which is a relational semantics. This is the meaning of the claim according to which religious faith can and shall liberate reason from its blind spots.

ENHANCING SOCIO-ECONOMIC INTEGRATION: THE CIVIL ECONOMY PERSPECTIVE FOR A PARTICIPATORY SOCIETY

STEFANO ZAMAGNI¹

1. Introduction and purpose

One of the most penetrating dangers of our time was described by the 20th century writer C.S. Lewis as “chronological snobbery”, that is, the uncritical acceptance of something merely because it belongs to the intellectual trends of our age. Avoiding such a danger requires both intelligibility of *res novae* and moral commitment. Across the globe we are seeing two parallel developments unfold, which undermine the realization of a truly participatory society both within and across the nations of the world. First of all, a growing concentration of wealth and a centralization of power which divide societies along old and new lines. Secondly, the division between the “winners” and “losers” of global integration and technological progress is threatening to derail growth. In his Introduction to the present volume, Pierpaolo Donati writes: “We are asked to outline and implement a kind of society that can ensure the full participation of all its members, not simply in terms of compensation or compassion for the most disadvantaged, but in terms of a just and sustainable societal configuration in which people have the opportunity to pursue a good life for themselves and for everyone else”. In what follows, I will speak in favour of the civil economic paradigm as a concrete and original way to cope with the intellectual challenge posed by Donati.

To this end, I deem it proper to consider a few stylized facts characterizing the present time. Firstly, the political system has not yet been able to significantly modify the financial institutions responsible of the present crisis. Under these conditions, there is no guarantee that in the next 15–20 years another bank and financial crisis will not occur. In his latest book,² Alan Greenspan writes: “Our highest priority going forward is to fix our broken political system. Short of that, there is no viable long-term solution

¹ University of Bologna and PASS.

² Alan Greenspan, *The Map and the Territory*, 2013.

to our badly warped economy”. It is a fact that the economic machinery continues to operate in an intolerably unfair way. Inequality has become endogenous to the system and this not only generates economic costs (e.g. speculative bubbles, decreasing rate of investment; consumption distortions), but, above all, it gives rise to social and human costs. Indeed, an inequality rate exceeding a certain threshold reduces health and increases mortality rates.³ In recent years, neither economic theory nor empirical evidence have been able to confirm the presumed trade-off between equality and efficiency, as exposed in the classic work by Arthur Okun.⁴ In 2014 the IMF produced empirical results showing that greater equality is associated with faster subsequent medium-term growth, both across and within countries. So, there is no economic justification to endorse inequality. On the contrary, fairness is so central to humans that one can infer that it has evolutionary roots (Brosnan and de Waal, 2003). The probable reason is that cooperation was crucial for the survival of the tribe. Evolution favoured the propagation of those traits that predisposed us to value fairness. In spite of the widespread prevalence of this disposition, the notion of fairness is not firmly integrated into mainstream economics. It remains well behind concepts such as efficiency, even though there is no evidence that the latter is more important to us than the former.

Secondly, the scaffolding of the present-day market system tends to erode some of the values that support our civilization. Indeed, the Schumpeterian process of creative destruction applies not only to firms and to inputs of production, but also to the very values that gave rise to market capitalism in the first place. In particular, the present market system tends to empower the strong over the weak and to make people believe that greed is the appropriate way of incentivizing economic agents and achieving the best results. However, this is a mere ideological approach to the problem. It is revealing what Mark Carney – the governor of the Bank of England – declared at a PASS workshop in July 2014: “Just as any revolution eats its children, unchecked market fundamentalism can devour the social capital

³ See B. Milanovic, *Global Inequality*, Harvard Univ. Press, 2016, which looks at the big winners and losers in terms of income over the two decades 1988–2008. What Milanovic calls the “elephant curve” indicates that the big winners include the global 1%, the world’s plutocrats, but also the middle class in newly emerging economics. The big losers include those at the bottom and the middle classes in the rich countries.

⁴ Arthur Okun, *Equality and efficiency: the big tradeoff*, Harvard Univ. Press, 1975.

essential for the long-run dynamism of capitalism itself”.⁵

Thirdly, the point above deserves further consideration. F. Hayek’s *The Road to Serfdom* had an enormous impact on the evolution of the spirit of the times as far as economic thinking was concerned. Especially on M. Friedman’s thinking. Through his two books *Capitalism and Freedom* (1962) and *Free to Choose* (1980), the founder of the Chicago School of Economics amplified Hayek’s impact. The efforts of these two Nobel laureates culminated in M. Thatcher’s and R. Reagan’s determination to “roll back the state”, at the end of the ’70s. The result was a concentration of power in the hands of an elite that had never been seen before. The accumulation of great fortunes undermined the political system not only through lobbying and campaign contributions, but also by discouraging people from political participation. “From 1998 through 2010, business interests and trade groups spent \$28.6 billion on lobbying compared with \$492 million for labor, nearly a 60-to-1 advantage”.⁶ As underlined by J. Komlos,⁷ the general point is that the concentration of riches enables the elite not only to engage in conspicuous consumption that makes the rest of the population feel inferior, but also enables them to “buy” economists as well as politicians.⁸ That defines another road to serfdom. Hayek’s mind was closed to the possibility that there were multiple threats to individual freedom. He feared exclusive state power and failed to see that any concentration of power can become a serious threat. He believed that as soon as one abandons *laissez-faire*, one is on a slippery slope and there is no turning back. Yet, there is an alternative to both extremes, as I will indicate below. Meanwhile, let us recall Pope Francis’ warning: “A new tyranny is thus born, invisible and often virtual, which unilaterally and relentlessly imposes its own laws and rules”.⁹

Fourth, and as a consequence of the above, global capitalism as a model of social order, has increasingly assumed the characteristics of a religion, since it posits an overarching goal for human life and seeks to pursue it on the basis of a specific concept of human being. One is reminded of the

⁵ Mark Carney, *Inclusive capitalism: creating a sense of the systemic*, Bank of England, London, May 2014.

⁶ H. Smith, *Who Stole the American Dream?*, New York, W. Norton, 2012; p. XIX.

⁷ J. Komlos, “Another road to serfdom”, *Challenge*, 59, 2016.

⁸ J. Madrick, *Seven Bad Ideas: How Mainstream Economists have Damaged America and the World*, New York, Vintage, 2015.

⁹ *Evangelii Gaudium*, 2013.

prophetic essay by the philosopher Walter Benjamin,¹⁰ where the author clarifies that capitalism serves to satisfy the same worries, anguish, and disquiet formerly answered by religion. Today, the masking of the ideological nature of global capitalism takes place in two ways, as posited by P. Williams.¹¹ On the one hand, decisions with moral content are presented in technical terms (e.g.: human rights have to be limited for the sake of efficiency). On the other hand, technical arguments are put forward as genuine moral alternatives (e.g. the market versus state alternative is presented as if it were an ideological question). I do believe that it has become urgent to try to de-mask the ideological nature of the global economic order. Let us recall that ideology consists in labelling as “order” what is in fact a complex pattern of hierarchical, asymmetrical power relationships. The path from ideology to idolatry is a short one.

Fifth, climate change and environmental degradation (in particular the loss of biodiversity) threaten to reverse the recent noteworthy achievements in the fight against poverty. The World Bank estimates that the proportion of the world’s population living in extreme poverty has declined significantly, from 37.1% in 1990 to around 9.6% in 2015. However, the poorest people in the world face grave and imminent risks from global warming. The very life support of the poor – including the ability to grow food and to access safe water – is under dire threat.

Finally, social science – and specifically economics – still lacks a fully fledged theory explaining how a traditional society plagued with endemic poverty can evolve towards an advanced economy. We know how to compare different economic systems and we also know which factors are strategically important for progress. Yet, full knowledge of how to enhance the transition of a given society from an old social equilibrium to a new one is still missing. This is a real paradox of the intellectual life of capitalism, which is still seeking a plausible and rigorous explanation of the rise and decline of market economies. How is it that the market in certain historical periods becomes the dominant system of exchange and allocation of both outputs and factors of production; and how does it manage to supersede non-market systems such as those offered by the state, associations, corporations, and manorial systems? In a recent contribution, van Bavel shows that such a process is neither the result of the detrimental effects of

¹⁰ Walter Benjamin, *Capitalism as religion*, 1921.

¹¹ P. Williams, “Christianity and the global economic order” in P. Oslington (ed.), *The Oxford Handbook of Christianity and Economics*, Oxford, OUP, 2013.

non-market forces, nor of external shocks, of a climatologic, epidemic or military nature. Rather, the causes of that process are mainly endogenous; i.e. they are the effect of the forces called forward by dominant markets themselves and the market elites they created. In turn, dominant groups use their economic strength to acquire status and political leverage that allow them to obtain means of coercion to compensate for the reduction in productive investments. This explains why and how the dominating rise of factor markets is self-undermining. Success in terms of economic growth enables a few market elites to privatize and accumulate financial assets, natural resources and machinery. Over time, this leads to social polarization and a reduction in welfare for those who are marginalized. The ensuing escalation of wealth inequality leads to institutional sclerosis due to an increase of rent-seeking behaviour. In turn, as the organization of factor markets becomes more and more skewed towards the interests of the market elites, economic growth turns into stagnation. People start to retreat from the market, looking for alternative systems of exchange and allocation. The process thus ends in the decline of the market economy.¹²

These and many other facts are strictly connected to the emergence of a global economic order that has come to represent the most characteristic feature of our age. Globalization entails many dimensions, but it is a fact that the creation of a global financial market constitutes the most relevant one. The increasing importance of the financial structure, with respect to the real side of the economy, is posing a novel paradox. At a time when we would need more regulation, just because financial markets are intrinsically unstable, we have less, since international financial institutions are weaker, in relative terms, than domestic ones, or even non-existent. As we are reminded by Charles Kindleberger: “If there is no authority to halt the disintermediation that comes with panics, with forced sales of commodities, securities, and other assets, ... the fallacy of composition takes command. Each participant in the market, in trying to save himself, helps ruin all”.¹³ The recent financial crisis is a clear, albeit sad, confirmation of this.

In light of the above, what can be done if one wants to foster the transition towards a more participatory society? The distress that comes from many tragic events and cases of destitution leads us to identify it with the litmus test of the seriousness of our declarations. Including means sharing,

¹² See Bas van Bavel, *The invisible hand?*, Oxford University Press, 2016.

¹³ Charles Kindleberger, *Manias, Panics and Crashes*, New York, Palgrave, 2011, p. 146; original ed. 1978.

participating. It entails the transition from being a stranger and misfit to being an active subject, from a subject to a sovereign citizen. It should be noted that the term inclusion expresses the common thread that binds all the reflections and admonitions from Paul VI to Pope Francis.

The proposal made here draws on the grand tradition of civil economy. The civil economy paradigm teaches that market trade is not merely impersonal exchange, but also an exercise in civil virtues. Indeed, underpinned by burgeoning empirical evidence, market exchange can build social solidarity when buyers and sellers recognize and embrace the moral underpinnings of mutually beneficial trade. In mainstream economics, one side of the market exchange is excused for “deceiving” the other side of the exchange as long as it is within the law. *Caveat Emptor* is the brutal standard. In the perspective of civil economy, by contrast, both sides of a market transaction accept the moral responsibility to ensure the mutual benefits of trade by avoiding exchanges that advertently or inadvertently harm the other party or other stakeholders.

Even though there is no commonly accepted definition of the expression “civil society organizations”, the latter should be understood as organizations that are independent from governments and firms and operate on the basis of common values (such as human rights, democracy, freedom, solidarity and equality). It is a fact that the majority of criticism put forward by civil society in recent years and initially dismissed by governments and mainstream academics – on issues such as the rise of inequality, too-big-to-fail banks, the impact of austerity policies, etc. – are now increasingly shared by mainstream organizations, think-tanks and government agencies. The most striking recognition has come from the IMF, which has reversed several of its standard policy recommendations.¹⁴ Bridging the chasm between the institutional dimension of a country and its social dynamics is one of the major challenges facing our societies today.

2. What is civil economy

The expression “civil economy” is now as equally recurrent in academic discussion as in the media, but it carries multiple, at times conflicting meanings. Some confuse it with the expression “social economy”, while others claim that “civil economy” is just a different, older name for “political economy”. There are those who identify the term with the varied

¹⁴ J.D. Ostry *et al.*, “Neoliberalism: oversold?”, *Finance and Development*, 53, 2016.

world of non-profit organizations, and others who go so far as to see civil economy as an intellectual project opposed to the economy of solidarity. Misunderstandings and incomprehension of this sort not only complicate dialogue between scholars who legitimately espouse different worldviews; what is worse is that ignorance of what civil economy is, instead of inducing intellectual humility, often feeds ideological prejudices and is used to justify sectarian closed-mindedness.¹⁵

What is needed, then, is to clarify, to explain terms and elucidate concepts that were part of the lexicon of economics until a couple of centuries ago but have now literally vanished. Above all, we need to explain why interpersonal relations cannot be kept outside the main body of economic research any more. That is, we need to make the case for a different hermeneutical paradigm from those used today: namely, the relational paradigm.¹⁶ Interpersonal relations are one of the central themes in the civil economy tradition, the Italian school of thought that dominated the scene until the end of the eighteenth century. In continuing to ignore interpersonal relations as explanations for economic phenomena, social scientists are doing a disservice to themselves and, even more, to society. This is paradoxical indeed for a discipline like economics, which from its very origins has been intimately concerned with relations among men in society (crucial to such key concepts as the production of goods and services, consumption choices, market exchange, institutional arrangements, and so on).

To avoid misunderstandings, it is proper to distinguish between social interaction and interpersonal relations. Whereas in the case of the latter the personal identities of the people involved are a constituent of the relation itself, social interactions – as they are studied in the literature on social capital – can perfectly well be anonymous, impersonal. An example drawn from the work of Robert Putnam illustrates this difference: an increase in the number of members of social organizations is not always accompanied by a greater, more intense participation in the activity and decision-making of those organizations. The statistician notes that the stock of social capital has increased, but it certainly cannot be said that the quality of interpersonal relations has improved.

¹⁵ L. Bruni, S. Zamagni, *The civil economy*, Newcastle upon Tyne, Agenda, 2016.

¹⁶ See P. Donati and M. Archer, *The Relational Subject*, Cambridge, Cambridge Univ. Press, 2015, and P. Donati, *Relational Sociology. A New Paradigm for the Social Science*, London, Routledge, 2011.

This point is important, and worth underlining. 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. Adam Smith was one of the first to see that social interaction does not necessarily postulate or generate sociability, so that if all we are interested in is the study of market mechanisms there is no need to assume that agents have socially oriented motivations. To explain *how* the market works, it is sufficient to assume a single attitude on the part of economic agents, namely – in Smith’s famous phrase – the “human propensity to truck, barter and exchange things”. And this, with rare exceptions, has been the course of economic science for over two centuries. The theories of contracts, of business organization, of prices, of market forms, etc., do not 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 “detached” economists cannot but admit that if we want to fight new problems of our society – such as those mentioned in the Introduction above – research simply can no longer confine itself to a sort of anthropological limbo. One must take a position on the matter, 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 suggesting effective lines of action. There is no denying that this is the true risk that our culture runs today.

What is civil economy, then? Civil economy represents a tradition of economic and philosophical thought rooted proximately in civic humanism (15th century) and more remotely in Aristotle, Cicero, Aquinas and the Franciscan school of theology. Its golden age, when it was at the height of its influence as a school of economic thought, came about in the Italian Enlightenment, and specifically in the Neapolitan and Milanese one. While Adam Smith and David Hume in Scotland were developing the principles of political economy, in those same years Antonio Genovesi, Gaetano Filangieri, Ferdinando Galiani, Giacinto Dragonetti in Naples, and Pietro Verri, Cesare Beccaria, Giandomenico Romagnosi in Milan were developing civil economy. The Scottish and Milanese-Neapolitan schools had many features in common: the diatribe against feudalism (the market seen as the main way out of feudal society); the praising of luxury as a force for social change, with little concern for the “vices” of the consumers of luxury goods and much more for the benefits for all of society; a great ability to compre-

hend the cultural revolution that the growth of trade was bringing about; the recognition of the essential role of trust in a market economy and for cultural progress; the “modernity” of their views of society and of the world.

Yet there is also a crucial difference between the Scottish schools of political economy and civil economy. Smith, even while acknowledging that men have a natural tendency towards sociability (“sympathy” and “correspondence of sentiments”), does not consider genuine, non-instrumental sociability or relationality to be relevant to how markets work. In *The Theory of Moral Sentiments* he says that “civil society can exist between different persons ... on the basis of the consideration of individual utility, *without any form of reciprocal love or affection*” (II,3.2, emphasis added). And in some passages both of the *Theory* and of *The Wealth of Nations* he writes explicitly that sentiments and benevolent actions complicate the operation of the market, which functions better the more instrumental the relations within it are. For Smith, and for the tradition that, following him, became the official thought in economics, the market is the means for building relations that are genuinely social (no civil society can exist without the market) because it is free of vertical bonds and unchosen status; but the market is not, *per se*, the locus of all-round relationality. That mercantile relations are impersonal, with mutual indifference, is not a negative but a positive, civilizing characteristic, in Smith’s eyes. This is the only way the market can produce wealth and progress.

In other words, friendship and market relations belong to two distinct, separate spheres. The existence of market relations in the public sphere (and there only) ensures that in the private sphere friendship is genuine, freely chosen, and unconnected with status. If a beggar asks a butcher for alms, he can never have an authentic friendship with him outside the market. But if one day a former beggar comes into the butcher’s shop or the brewer’s shop to buy their goods at the going price, that same evening the ex-mendicant can meet his shopkeepers at the pub on a plane of equal dignity and possibly be friends with them. “Nobody but a beggar – wrote Smith in the *Wealth of Nations* – chooses to depend chiefly upon the benevolence of his fellow-citizens” (1776). For Smith and traditional economic doctrine, the market is civilization but not (and precisely *because* it is not) friendship, disinterested reciprocity, fraternity.¹⁷ The point deserves

¹⁷ L. Bruni, R. Sugden, “Fraternity. Why the Market do not need to be a Morally Free Zone”, *Economics and Philosophy*, 24, 2008.

a few lines of clarification. It is known that a permanent tension exists between gift and law (legal and moral). And not only tension, but at times also conflict, especially with some moral traditions like the Puritan one that considers actions complying with duty superior to those stemming from love. As Weber wrote in his *Protestant Ethics*, “A higher ethical value is attached to the accomplishment of duty without love than to sentimental philanthropy”.¹⁸ Why? Because while the Kantian morality seeks universal principles independent of social ties (and the market exchange principle seeks equivalence also independently of those ties), things tend, on the contrary, to be embedded in social ties. They circulate in the name of friendship, embedded in a social relationship, not in the name of an abstract principle. A gift is an invitation to a relationship: to a reciprocity relationship, to be precise.¹⁹

The civil economy tradition dissents from these fundamental postulates of modern economic theory and practice. For the civil economy school, the market, the enterprise, the economy are *themselves* the place for friendship, reciprocity, gratuitousness and fraternity. Civil economy rejects today’s increasingly common notion, taken for granted, that the market and the economy are radically different from civil society and are ruled by different principles. Instead, the economy *is* civil, the market *is* life in common, and they share the same fundamental law: mutual aid. Antonio Genovesi’s “mutual aid” is something more than Smith’s reciprocal advantage. For the latter, a contract will suffice; for the former you need *philia*, perhaps *agape*. For civil economy the actual “golden rule” of the market is reciprocity, since contracts, businesses, and exchanges are matters of cooperation and of common advantage, i.e. forms, albeit different one from another, of reciprocity. In place of Smith’s assumption of a peculiar human prosperity “to truck, barter and exchange one thing for another”, Genovesi grounds his analysis of markets on an assumed human inclination towards mutual assistance, as evidenced by his famous phrase “Homo homini natura amicus”, in contrast to Hobbes’ “Homo homini lupus”.

Following Shaftesbury, Genovesi claims that a sense of reciprocity is a fundamental property of human nature, prior to rational reflection. He gives mutual assistance the status of natural law in the form of “a reciprocal right to assistance and *consequently* a reciprocal obligation to assist each

¹⁸ *The Protestant Ethics and the Spirit of Capitalism* Oxford, Blackwell, 2002, p. 202.

¹⁹ See J.T. Godbout, *Homo Donator versus Homo Oeconomicus*, in A. Vandeveldel (ed.), *Gift and Interests*, Leuven, Peeters, 2000.

other in our needs”.²⁰ Notice the difference between exchange and mutual assistance. In an act of exchange, each party benefits from a transaction which is possible only because it benefits the other. Still, neither party need have any concern for the other’s interests. Mutual assistance implies more than this. It implies the *intention* on the part of the person who assists to benefit the person who is assisted. If assistance is mutual, these intentions are reciprocal. Again, consider the difference between linking social capital and bridging (or bonding) social capital in R. Putnam’s sense.²¹

Linking social capital refers to the mechanisms that enable a community’s associational capacity to express itself through interactions with political institutions and businesses, thus contributing to the production of public goods and policy outcomes at large. So linking social capital, depending on the bridging–bonding balance of social capital in a specific society, can either reinforce desirable public policy outcomes, when the bridging type is in high supply, or hinder them, when bonding social capital dominates. The question is whether or not social capital (bridging and looking) can be created, in cases where it is lacking. On the one hand, according to the “endowments” approach favoured by scholars such as Fukuyama (*The End of History* 1995) and Putnam (1993), social capital is created via a long-term process of self-reinforcing virtuous cycles of civil society. On the other hand, the “constructability” approach contends that social capital can be built in the short-medium term through synergistic relations between state, market and civil society organizations. The latter is the approach favoured by the civil economy perspective.

In the end, the reductionist course of economic science beginning in the second half of the nineteenth century disarmed critical thought, with results that are now clear to us all. Economics has a definite responsibility in this: for too long it taught generations of scholars that scientific rigor was inherently aseptic, that research, in order to be scientific, had to liberate itself from all value judgments. The consequences are in plain sight. Axio-logical individualism – itself a pre-analytical assumption, a value judgment and a very strong one at that – has gained the status of “natural” assumption, which means, firstly, that it needs no justification and secondly, that

²⁰ A. Genovesi, *Lezioni di Commercio o sia di Economia Civile*, Naples, 1765; critical ed. by L. Bruni, F. Dal Degan, S. Zamagni, *Lezioni di Economia Civile*, Milan, Vita e Pensiero, 2013.

²¹ *Making Democracy Work. Civic Tradition in Modern Italy*, Princeton, Princeton University Press, 1993.

it serves as a benchmark against which any other hypotheses concerning human nature “must” be measured. So it should be no surprise that orthodox economics grants the privilege of “naturalness” to individualism alone.

Civil economy today stands as an alternative to mainstream economics, which sees the market as the only institution that democracy and freedom really need. Civil economy serves to remind us that while a good society is, of course, the fruit of the market and of freedom, there are also needs, which can be traced back to the principle of fraternity, that cannot be ignored. At the same time, civil economy does not side with those who fight against the markets and who see economic action in an endemic and natural conflict with the good life, who cry out for less growth and for the retreat of the economic dimension from life in common. Rather, the civil economy approach proposes a multi-faceted humanism in which the market is neither resisted nor “controlled”, but considered as a moment of the public sphere which, when conceived and experienced as a place open also to the principles of reciprocity and gratuitousness, can build the *civitas*. (According to Cicero, *civitas* was the “city of souls”, whereas *urbs* was the “city of stones”).

3. Calibrating welfare policies in terms of circular subsidiarity

In what follows, I will consider a few relevant results that the adoption of the civil economy paradigm entails. The first has to do with a new way of conceptualizing the implementation of welfare policies in present-day societies.

Granted that everybody accepts that a welfare system should be based upon universalistic principles, the question that naturally arises is how to design a universalistic welfare system without falling into the trap of assistentialism. 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 found in the creases of the following consideration. The constituent elements of the state’s intervention in a universalistic welfare system include 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 implementation of access rules for those services and the necessary redistribution rules to ensure 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.

It is certainly possible for the state, in the universalistic model, to supply one service or another as a public monopoly in particular and extraordinary historical or geographical contexts, under the condition that it can offer its citizens the proof 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 entity. 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. It is a fact that the hyper-bureaucratization of the state, on the one hand, and the growing inequality caused by the concentration of capital and wealth in the hands of a few, on the other, have caused an erosion of the political agency of individuals and local communities, thus leaving many feeling powerless when faced with the forces that influence their lives. Given that it is practically impossible for marginalized people to engage in public reasoning processes without being nurtured by certain webs of relations which first recognize them as persons, it is necessary to implement projects at the grassroots level if one wants to revert processes of urban segregation and exclusion.

In this regard, the practice of “community organizing” represents a viable option. Community organizing represents an alternative mode of political engagement that allows people, whose voice would not otherwise be heard by those who hold political and economic power, to contribute to the political process in ways that effect meaningful change. Paul VI in his *Populorum Progressio* (1967) encouraged the idea that people should be allowed to become “artisans of their own destiny” (65) and become involved in forms of grassroots and economic democracy. Community organizing is neither simply oppositional nor does it simply aim to become a protest movement.

Having clarified that, let us return to the question of how to build a welfare society. There are basically three models under discussion today in both the political and economic arenas. They tend to be identified by the central institution that embodies and enforces their respective and distinctive guiding principle: the community, the market and the state. The three guiding principles are: reciprocity, exchange of equivalents, and hierarchical control, respectively. Clearly, modern societies, polities and economies can only be

analysed in terms of some combination of these. Today, social scientists are groping around in the attempt to find concepts in order to identify these interactions. While some point out incompatibilities between the three ordering principles, others emphasize their complementarities. The first model is the neostatistic one, according to which the state, while conserving its monopolistic role as a purchaser, should give up its monopoly over the production and allocation of welfare services. Known as the *welfare mix*, the government avails itself of the help of civil society organizations to allocate services, yet makes political decisions on its own. The government is the only agent responsible for formulating and programming interventions. The third-sector subjects simply implement the decisions taken by government. In the welfare mix, therefore, the third sector is supplementary or, at best, a resource with respect to government intervention. Such a characterization helps us understand the difference between the “subsidiarity principle” and the “surrogacy principle”. Indeed, while the former declares that the state must promote the organization of civil liberties, favouring all those collective forms of action that have public (i.e., general) effects, the latter affirms the contrary. The surrogacy principle 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 – the neoliberal one, also known as “compassionate conservatorism” – gives philanthropy and volunteer action 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 is inadequate in maintaining the universalistic principle. This is the favourite model of neoliberal 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 to the for-profit logic of the market. It may be of interest, in this regard, to report a passage from an interview with Peter Drucker of some time ago: “Above all we are learning very fast that the belief that the free market is all it takes to have a functioning society – or even a functioning economy – is pure delusion. Unless there is first a functioning civil society, the market can produce economic results for a very short time – maybe three or five years. For anything beyond these five years a functioning civil society – based on organizations like churches, independent universities, cooperatives, and so on – is needed for the market to function in its economic role, let alone its social role”.²²

²² *Ottawa Citizen*, Dec. 31st, 1996.

Finally, there is the *civil welfare* model endorsed by the civil economy perspective. This model recognizes civil society organizations as active partners in the process of programming interventions and in the ensuing implementation. In practice, this means that it is not enough to recognize the legal subjectivity of these organizations. It is also necessary for economic subjectivity to 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. That is the ultimate purpose of social finance, an expanding area of research in the last couple of decades.²³

The systemic—not merely situational—crisis in the welfare state has brought about a growing interest in the civil welfare model for some time. In the civil welfare model, the entire society, and not just the state, must take responsibility for those that live in it. In parallel to this concept, the principle of *circular subsidiarity* has begun to emerge. If society as a whole should take care of all those who live in it, without exclusions of any kind, it is clear that it is necessary to create a relationship among the three points of the social triangle—that is, the three spheres that make up the whole of society. These are the sphere of public authorities (the state, regions, communities, and various para-state entities), the corporate sphere (the business community), and the sphere of organized civil society (various associations, social co-operatives, NGOs, social enterprises and foundations). The idea of circular subsidiarity is basically the following: the three spheres must find ways to systematically (not occasionally) interact when planning and executing interventions, as well as managing them.

A significant benefit of the civil welfare model is that, when resources are lacking, these can be drawn from the corporate world. When we say that “resources are lacking” the reference is to public resources, rather than to private resources which, on the contrary, are present and continually increasing. The point is that until now no one has thought to draw from the corporate world, in order to channel their available resources to supply welfare services. On the flip side, the presence of the public authority

²³ A. Nicholls, R. Paton, J. Emerson, eds., *Social Finance*, Oxford, Oxford Univ. Press, 2015.

remains fundamental in this model in order to guarantee universalism: the danger of excluding some social groups from benefiting from services must always be kept in mind. That part of civil society still called “non-profit” or “third sector” (although it would be better to talk of civil society organisations) occupies a special place in circular subsidiarity, in that it has specific knowledge (who better than an association of volunteers can know if there are particular needs to be met in a neighbourhood?) and means of governance that are capable of raising the relational quality of services provided.

A clarification is appropriate here. We are discussing *circular* subsidiarity, not *horizontal and/or vertical* subsidiarity. While the last two fit well with the welfare capitalism and welfare state models, they are not capable of supporting the civil welfare model, for reasons that are readily explained. In the two traditional forms of subsidiarity, the state *cedes* portions of its sovereignty to territorial and/or functional public entities (vertical subsidiarity) or to members of civil society as cultural actors (horizontal subsidiarity); in circular subsidiarity sovereignty is *shared*. “The state should not do what can best be done by lower-level entities and members of the civil society” is the slogan of vertical and horizontal subsidiarity; “the state should work *together* with companies and non-profit actors”, describes circular subsidiarity. It may be interesting to recall that the first conceptualization of the notion of circular subsidiarity can be found in the work of Bonaventure of Bagnoregio (13th century professor of philosophy at the Sorbonne in Paris, and General of the Franciscan Congregation) when he wrote that the economic sphere, the governmental sphere and the religious sphere “are three different but integrable degrees of an organization of reality”.

In order to avoid misunderstandings, let me stress that affirming that public authorities no longer hold the monopoly of public action does not imply that the responsibility of the state is transferred to civil society and the market. Nor does it imply accepting the thesis of the inefficacy of the state as a regulator of production, exchange and distribution of wealth. The history of democratic societies is usually presented as consisting of two main periods: the expansion of markets into pre-existing communities in the 19th century, and the expansion of the interventionist state into the new market economy in the 20th century. Civil society organizations were regarded with suspicion in both periods: in the former, as impediments to the development of free market; in the latter, as obstacles to the growth of the state. The novelty in the 21st century is the emergence of a model of social order where civil society organizations are capable of making and implementing a large share of public policy. However, civil society organ-

izations are not about to replace market and state, even if there is growing evidence that there is a certain range of policy areas for which these entities may produce more socially adjusted and normatively acceptable results than either free-trade, etatism or communal self-help.²⁴

4. The return of the common good category

A second major by-product of the recent revival of the civil economy perspective concerns the

return to the public sphere of the “common good” as a concept. After over two centuries in which it disappeared from the scene, and supplemented by notions such as “the general interest”, “the collective good”, “the total good”, why has such a notion re-emerged over the last twenty years or so? Why is the transition from national economies to a global economy making the discourse on the common good a matter of interest?

In response, it is useful to note that since the first half of the nineteenth century, the vision of the civil economy has disappeared from both scientific research and political and cultural debates, as has been noted. There are various and diverse reasons for this gap; I will limit myself to indicating the two most relevant ones. On the one hand, Jeremy Bentham’s utilitarian philosophy, whose main work was published in 1789, took many decades before becoming the dominant ethical position in economic discourse, but it then spread like wildfire through high European culture. It was because of a utilitarian ethics – rather than a Protestant ethic, as some still believe – that the hyper-minimalist anthropology of *homo oeconomicus* took hold within economic science, and with it the methodology of social atomism. The following passage from Bentham is noteworthy for its clarity and depth of meaning: “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? – the sum of the interests of the several members who compose it”.²⁵

On the other hand, industrial society fully asserted itself after the Industrial Revolution. An industrial society is one that produces goods; machines dominate everywhere, and the rhythms of life are mechanically paced. Energy largely replaces muscular strength and accounts for the

²⁴ For evidence see L. Bruni, S. Zamagni, eds., *Handbook on the Economics of Reciprocity and Social Enterprise*, Cheltenham, E. Elgar, 2013.

²⁵ *An Introduction to the Principles of Moral and Legislation*, Elibron Classic Series, Adamant Media Corporation, 2005 [1789], p. 43.

enormous increases in productivity, which in turn is accompanied by mass production. Energy and machines transform the nature of work; personal skills are broken down into elementary components, hence the need for coordination and organization. In this way a worldview advances in which people are seen as “things” because it is easier to coordinate “things” than people; in such a world the person is detached from the role he/she plays. Organizations, primarily companies, work with roles and less with people, and this happens not just in factories, but in the whole of society. This is the deep sense in which Fordism and Taylorism were successful attempts to theorize and put in practice this model of social order. The establishment of the assembly line found its correlate in the spread of consumerism, hence the schizophrenia of modern times: on the one hand, it exacerbates the loss of meaning in work, a result of alienation due to the depersonalization of the worker, and on the other hand it encourages opulent consumption as a way to compensate. Over the course of the twentieth century Marxist ideology and its political expressions endeavoured, with varying but modest success, to offer a way out of such a societal model.²⁶

At this point it is not difficult to explain the return of the concept of “common good” to contemporary cultural debate. Faced with the squalor of the tendency to reduce human relations to an exchange of equivalent products, the spirit of the contemporary person rises up and demands something different. The keyword that describes this need better than any other is “fraternity”. This word was present in the flag of the French Revolution, but the post-revolutionary order abandoned it for the reasons noted, to the point that it was removed from political and economic lexicons. The Franciscan school of thought gave this term the meaning that it has preserved over the course of time, which at once fulfils and surpasses the principle of solidarity. Indeed, while solidarity is the principle of social organization that allows those who are not equal to become equal, the principle of fraternity is the principle of social organization that allows equals to be diverse. Fraternity allows people who are equal in dignity and basic rights to express their life plans, their charisms, in a diverse way. The centuries we left behind – the 1800s and particularly the 1900s – were characterized by huge cultural and political upheavals in the name of solidarity, and this is a good thing; consider the trade union movement and the civil rights struggle. The point is that a society that is good to live in

²⁶ See for all, K. Polanyi, *The Great Transformation*, Boston, Beacon Press, 1944.

cannot be satisfied with the horizon of solidarity, because a society practicing solidarity without fraternity would be a society everyone would seek to leave. The fact is that while a fraternal society is also a *solidarious* society, the converse is not necessarily true.

The fact of forgetting that a human society that extinguishes the sense of fraternity is not sustainable – a society that, on the one hand, reduces everything to improving transactions based on the exchange of equivalents, and, on the other, increases transfers made by public assistance organizations – explains why we have not yet attained a credible solution to the big trade-off between efficiency and equity, despite the quality of the intellectual forces in the field. A society in which the principle of fraternity evaporates has no future: that is, a society where only “give to have” or “give out of duty” exist is not capable of progress. This is why neither the liberal-individualist vision of the world in which (nearly) everything is an exchange, nor the state-centred vision of society in which (nearly) everything is an obligation or a duty, are reliable guides to lead us out of the shallows in which our societies are mired today.

What is it that suggests that the project to restore the common good to the public sphere – and to the economic sphere in particular – is something more than just a consolatory utopia? The ever-growing dissatisfaction with the way the principle of freedom is interpreted. It is well known that freedom has three dimensions: autonomy, immunity and empowerment. Autonomy has to do with freedom of choice: you are not free if you are not in the position to make a choice. Immunity has to do with the absence of coercion on the part of an external agent. It is, in brief, the negative freedom (that is to say the “freedom from”) cited by Isaiah Berlin. Empowerment, in the sense given to it by Amartya Sen, it has to do with the capability to choose, that is to say, to reach goals that are set, at least in part or to some extent, by the person herself. One is not free if he/she is never (or only partially) able to fulfil his/her own life plan. The liberal-free-market approach tends to secure the first and second dimensions of freedom at the expense of the third, while the state-centred approach, both in the version of the mixed economy and of market socialism, tends to support the second and third at the expense of the first.

Free-market neoliberalism is, of course, capable of spurring change, but not so capable of handling the negative consequences stemming from the marked time asymmetry between the distribution of costs and benefits. Costs are instant and tend to fall on the weakest part of the population; benefits come later in time and tend to go to the most talented. Joseph Schum-

peter was among the first to recognize that the heart of the capitalist system is the mechanism of creative destruction – a mechanism that destroys “the old” to create “the new” and that creates “the new” by destroying “the old” in a Spencerian competitive process of survival of the fittest firm – but it is also its Achilles’ heel. Thus creativity is at once constructive but also destructive: evolutionary progress is by no means painless and it has never been. This means that there are not only winners but also losers and society pays for the new with various levels of hardship and a lot of suffering.

Now, the point deserving attention is that the destructive component of innovation has recently increased, relative to the income-enhancing creative part.²⁷ The destructive component can be viewed as a negative externality – a cost that is imposed on third parties without their consent. Such a negative externality can impact GDP, employment or both, and it can fall on both producers and consumers. This is a novelty compared to the previous period, when the Schumpeterian process was more creative than destructive. Indeed, the transition to a post-industrial economy has been far from advantageous to the wellbeing of a substantial share of the population. The argument of the optimists according to whom this time cannot be different from previous experience is a mere *non-sequitur*. On the other hand, while market socialism – in its multiple versions – places the state as the subject in charge of coping with the time asymmetry, it does not refute the logic of the capitalist market; it simply narrows its area of action and influence. The *proprium* of the paradigm of the common good is the effort to hold together the three dimensions of freedom: this is the reason why the principle of common good – as opposed to the principle of total good – appears today as an interesting perspective to take into serious consideration. Needless to say, the concept of common good is far from being universally accepted. When it is identified with a set of democratic freedoms or human rights or with the generic object of redistributive policies, it is widely accepted. But when it is presented as a good that is not only shared by citizens, but also exists in its own right, the level of acceptance declines considerably.

5. On the civil role of the business firm in the present time

Finally, I am going to address a third area where the civil economy paradigm can offer a credible way out of some of today’s major problems. The

²⁷ See J. Komlos, “Has creative destruction become more destructive”? *The B.E. Journal of Economic Analysis and Policy*, 2, 2016.

landscape of contemporary corporations is changing. Since the financialization of the economy in the early 1980s, corporate governance practices tightly linked the purpose of business with maximizing shareholder value. However, as the twenty-first century pushes on, there has been increased emphasis on other stakeholder values, particularly social and environmental concerns. This trend in corporate governance has fuelled the emergence of new organizational forms. So far attention has been devoted mainly to the business model. The time has come to also reconsider the role of the management model.²⁸

Empirical evidence shows that the major crises of our time are a result of the way we conduct business. The traditional corporate form has, in many ways, monopolized our understanding of how we think and talk about business. The rise of new forms of organizations will require re-imagining what are the fundamental building blocks of business. As C. Mayer has recently written: “The corporation has evolved substantially over the past hundred years, but the very evolutionary processes that might have been expected to make it better suited to the world in which we live, have done exactly the opposite”.²⁹ One cause of this is certainly our own misconception about the nature and role of the company. It is dangerously reductionist to characterise it as a mere “nexus of contracts” between different parties, such as employees, suppliers, investors, clients, community. According to the received view, the company exists for the benefit of its owners – the shareholders – and those charged with running it – the directors – have the duty to further their interests. Today we know that this approach poses serious issues, as was remarked, among others, by Pope Benedict XVI in his encyclical *Caritas in Veritate*: “Business management cannot concern itself only with the interests of the proprietors, but must also assume responsibility for all the other stakeholders who contribute to the life of the business”.³⁰

The recently published UN Report³¹ on the results achieved during the first fifteen years since the launch of the UN Global Compact, gives evidence that corporate practices are changing, albeit in slow motion, as a consequence of high-profile clashes between companies and civil soci-

²⁸ A given business model may be compatible with many management models, generating different performances.

²⁹ *Firm Commitment*, Oxford, OUP, 2013, p. 2.

³⁰ *Caritas in Veritate*, 2009, n. 40.

³¹ *Impact. Transforming Business, Changing the World*, New York, 2015.

ety. It has become increasingly clear that the single-minded goal of profit maximization at any cost is fracturing societies and destroying the environment. Essentially, business has been threatening the very elements that underpin its own existence. Today, the umbrella of corporate sustainability (both social and environmental) covers a much broader range of issues than before. However, there is still a very long way to go before sustainability is fully embedded into the DNA of business on a global scale, even though there are clear signs of progress. In this regard, a strategically important role has been and will be played by civil society organizations that contribute to a cognitive overhaul of the purpose of business and its obligations to society, inspiring a new narrative around business as a force for good.

The question arises: which factors should be held responsible for the serious reductionism mentioned above? There is no doubt that a major factor has to do with the benign neglect of the ethical dimension in the discourse concerning business life. Indeed, while principles of morality are well developed in relations to individuals, they are not with respect to companies. Yet, the corporation is a moral agent in so far as it is a juridical person. The competitive advantage of nations depends on the moral fibre of its corporations. The risk of moral decay through market interactions has been discussed extensively in politics, ethics, sociology, but not in economics. Yet, empirical evidence shows that market interaction causally affects the willingness to accept negative consequences for a third party, which economic literature calls pecuniary externalities, these are not to be confused with technical externalities. Ethics in business schools tends toward economic instrumentality and a utilitarian outlook. This attitude is prone to the so-called “cut flowers syndrome”: the language of values may look attractive for a while, but severed from its cultural and spiritual roots, it withers.³²

A relevant piece of evidence on the “cut flowers syndrome” comes from the recent experiment carried out by A. Cohn, E. Fehr, M. Marchal³³ concerning the financial sector’s business culture – a sector that in recent years has been involved in numerous scandals that have undermined confidence in the financial industry. Results suggest that the prevailing business culture in the sector favours dishonest behaviour, implying that measures to re-establish an honest culture are crucial. For example, several

³² G. Hamel, “The 15 diseases of leadership according to pope Francis”, *Harvard Business Review*, April, 2015.

³³ “Business culture and dishonesty in the banking industry”, *Nature*, Dec. 2014.

experts and regulators have proposed that bank employees should take a professional oath, analogous to the Hippocratic oath for physicians. Such an oath, supported by ethical training, could prompt employees to consider the impact of their behaviour on society rather than focusing on their own short-term benefits. A norm change also requires that companies remove financial incentives that reward employees for dishonest behaviour. These measures are an important step towards fostering desirable and sustainable changes in business culture.

In the search for the origins of unethical behaviour amongst entrepreneurs, attention has been given to the potential influence of a cognitive process known as moral disengagement. This process serves to deactivate the self-regulatory process that normally deters individuals from actions that would violate their own moral standards.³⁴ Three basic mechanisms tend to generate moral disengagement. Firstly, individuals can cognitively distort reprehensible acts so that they appear benign (e.g., “true, we did pump our waste into the lake, but the pollution we generate is trivial”). Secondly, people minimize their personal role in unethical decisions through diffusion of responsibilities (e.g., “I evade taxes, since fiscal pressure is too high”). Finally, people can hold victims responsible for the harm they suffer (e.g., “They did not pay attention, so it is their fault if they are exploited”). Indeed, a full understanding of morality must explain not only how people come to behave morally, but also how they can behave inhumanely and still retain their self-respect and feel good about themselves.

What are the consequences of the phenomenon briefly outlined in the previous paragraph? A first major consequence is that the inequalities we observe today are the result of power relationships, generated by the unfettered market’s tendency toward monopoly, rather than of marginal product.³⁵ Today, sectors such as telecoms, cable TV, digital branches, health insurance, finance, pharmaceuticals, agro-business and few others cannot be understood through the lens of competition. These sectors are simply oligopolies with a huge market power. It should be noticed that, apart from individuals and families, the increase in inequality also affects firms. For example, the 90th percentile firm in the US sees returns on investment in capital that are more than five times the median. A quarter of a century ago, this ratio was two. The implications are profound. The social

³⁴ A. Bandura, *Moral Disengagement*, New York, Macmillan Learning, 2016.

³⁵ J. Stiglitz, “The Dynamics of Social Inequalities in the Present World”, see p. 115 of this volume.

and political legitimacy of market economy is based on the assumption of the competitive model. But if markets are monopolistic, hence based on exploitation, the rationale for laissez-faire disappears. Our economies have fallen short of any conception of a good economy – an economy offering a life of richness for all. Preoccupations are targeted to prospering, not to flourishing.³⁶

A second important consequence of moral disengagement has to do with a peculiar phenomenon of the present epoch. The digital revolution fostered an age of improved communications, flexible work, increased automation, substitution of labour with technology. And yet, the numbers tell an entirely different story. Despite the enormous growth in computer power and a myriad of technological inventions, productivity has largely stalled. OECD³⁷ has considered the period 1970–2013, divided in two parts. Using G7 countries data, productivity grew by 2.6% on average per year between 1970–1990; in the second subperiod it grew by only 1.7% on average per year. It is certainly true that the second subperiod encompasses the Dot-com bubble of 2001 and the 2007–08 financial crisis; but the first subperiod includes financial troubles of no less calamity (two oil crises; the market crash of 1986 etc.).

So why did the advent of the 4th Industrial Revolution fail to translate into higher productivity and income growth?³⁸ Several explanations have been provided so far. The one I deem more relevant is known as “the great war management problem”, based on a historical analogy. World War I saw an unprecedented advancement of military technology with respect to the French-Prussian war of 1870. However, despite all these advances in technology, military strategy had remained unchanged since 1870. This led to a virtual stalemate, a prolonged war of attrition and countless casualties. Today, technology has grown so fast that it has surpassed our strategies. With few exceptions, management is still rooted deep in the past, at the time of the Tayloristic model of organization, where intrinsic motivations, wellbeing of employees, work-family balance, etc. never played any relevant role. This problem is akin to the “displacement of goals” (Robert Merton Sr.) in a bureaucracy. Rules and procedures that initially served to prevent administrative and financial chaos became goals of their own. The

³⁶ S. Zamagni, “Prosperity, Poverty, and the Responsibility of Business”, *Journal of Catholic Social Thought*, 13, 2016.

³⁷ *Productivity Growth*, Paris, 2014.

³⁸ The real GDP grew by 3.3% in 1970–1990 and by 1.9% afterwards.

bureaucrat works toward rules and regulations as a goal. In the same way, managers work toward maintaining structures that are dated in the Digital Age. Business leaders are called to radically revise their model of organization, overcoming the fallacy of materialistic management.³⁹

In the environment briefly described above, business leaders need to shape the conditions for continued prosperity. In a very interesting Report conducted by UN Global Compact and Accenture,⁴⁰ one can read: “The global economy is on the wrong track and business is not playing its part in forging a sustainable future”. This is a study of more than 1000 CEOs from 27 industries across 103 countries: the largest study to date. CEOs are committed to take action. They recognize that market rules need to be shaped to create a level playing field and a race to the top that rewards socially responsible performances. A corporate leadership agenda to shape the future is particularly urgent today. The great challenge is to balance two apparently conflicting objectives. Firstly, business leaders need to secure the sustainability and prosperity of their own companies. Second, they need to shape the conditions for continued and more inclusive economic prosperity and for global economic integration. This implies shaping the next wave of globalization. Whereas the last wave centred on accessing foreign markets and creating low-cost global supply chains, the next wave will follow a very different pattern, that might be more decentralized, more geographically differentiated, more digitally interconnected, and more cognizant of social impact and the importance of building capabilities rather than exploiting labour cost differentials.

To contribute to society, and to gain its support, businesses must be deeply embedded in it. One way this can be achieved is to establish social businesses that are adjacent to their core business models. This puts corporations in a position to solve some important problems by sustainable philanthropic contributions. To this end, one should consider the very recent emergence of *benefit corporations* (or B Corps), which are a new, fast-growing legal form of for-profit corporation. They are under no legal obligation to maximize shareholder value. Instead, they are legally bound to pursue social benefit. Born in the US ten years ago, benefit corporations exist in Italy and the UK, and legislation is advancing in Australia, Argentina, Chile and Canada. Many entrepreneurs are using this form of corporation

³⁹ See Pont. Council for Justice and Peace, *Business Leader*, Vatican City, 2015.

⁴⁰ *CEO Study on sustainability*, Sept. 2013.

to signal that they are serious about doing business in a different, more responsible way.

To somewhat generalize this point, I should indicate that the still dominant argument according to which “good ethics is good business” – as if to say that what is good for business is good for ethics – is accepted less and less today. What is favouring the discontinuance of this argument? Simply the acknowledgement of the fact that in many situations, Smith’s invisible hand ends up with cramps that prevent it from fully accomplishing its task. As Kaushik Basu wrote,⁴¹ this celebrated principle has two sides, like a coin. The one theorized by Smith himself is the bright side; the other, masterfully evoked by Franz Kafka in *The trial*, is the dark side, generating perverse effects. Kafka’s allegory is a lucid description of how possessive individualism, when not balanced or controlled by the perspective of the common good, can lead to inauspicious outcomes. In such situations, Kafka’s invisible hand gains the upper hand over Smith’s.

A final consideration. A profound disruption is happening today in the workplace and in the economy at large, as the relentless march of technology had brought us to a point where machines and software are not just outworking us, but they are starting to *outhink* us in more and more realms. If machines can compete with people in thought, what makes us humans unique? And, what will enable us to continue to create social and economic value? The answer lies in the one thing machines will never have: a heart. Humans can love and can have compassion. This implies that the tech revolution will force human beings to create more value with their hearts and between them. Hence the growing importance of more human-to-human connections: “Machines can be programmed to do the next thing right. But only humans can do the next right thing”.⁴²

We know that by solely following the rules of reason, one can certainly rationalize what already exists, but one cannot invent much. In order to really invent one needs to cast a blueprint of what makes sense, beyond simple rationality. It seems to me that those who recognize an eschatological dimension are better equipped for this task than those who live within a pure, enlightened rational dimension, which is surely capable of fostering rigorous analysis, but is much less capable of creative problem-solving. This is perhaps the most significant contribution of Catholic Social Teaching

⁴¹ *Beyond the Invisible hand: Groundwork for a New Economics*, Princeton, Princeton Univ. Press, 2010.

⁴² Dov Seidman, 2016, CEO of LRN, which advises companies on leadership.

towards overcoming the neo-Machiavellian trend and the sentiment of despair so massively present in today's culture. Indeed, it is the lack of hope, today, which is a major impediment to the spreading of the sense of possibility which is so necessary in order to change our cognitive maps and to allow entrepreneurs of all kinds to play their critical role in bringing ideas to life.

6. In lieu of a conclusion

As P. Ulrich has written,⁴³ there is a fundamental difference between a *civilized* market economy and a *totalistic* market society. In the former, the constitutional task is to define the inviolable human and civil rights and to guarantee their *primacy* against all kinds of powerful infringements. In the latter, most social relations take the form of market relations so that civil society is reduced to market society (Polanyi). The specific contribution of the civil economy theoretical paradigm is that of re-embedding the modern market economy with its incredible productive powers into an equally modern society by conceiving of a new way of interaction between market, state and civil society.

We will not overcome the mental barrier to such a civilized understanding of the economy as long as the logic of the free market maintains its primacy over the logic of society and the logic of the polity. A civilized market economy requires its citizens, as economic agents, to integrate their "acquisitive intentions" in their civic sense. As a result, they are interested in personal success and profit only as far as they, as citizens, can accept this as ethically and politically legitimate. Personal integrity means not to split one's economic interests from one's civic identity. In his recent *#republic: - Divided Democracy in the Age of Social Media*,⁴⁴ Cass Sustein elaborates on the distinction between the freedom of the consumer who enjoys the full spectrum of choice and the freedom of the citizen who is a fit participant in a representative democracy. The Internet promotes consumer freedom, providing us with the information we want. But it can also suppress the citizen's freedom, by limiting exposure to the full range of information citizens may not want, but absolutely need. The ability to customise our informational environment, delivered by social media, makes it less likely for citizens to come across information that would change their minds or encounter by chance perspectives different from their own.

⁴³ "Republican liberalism versus market liberalism", in L. Zsolnai (ed.) *Ethical Prospects*, Springer, 2008.

⁴⁴ Princeton University Press, 2017.

To conclude, I would like to draw attention to the message sent by popes Benedict XVI and Francis to social scientists and economists in particular. This is the warm invitation to overcome, as soon as possible, the separability thesis according to which incentives and morals are additively separable, meaning that the effects of variations in the one do not depend on the level of the other. This is not at all true. The separability thesis implies that instrumental and intrinsic motivations are substitutes: more of one diminished the positive effect of the other. As underlined by Samuel Bowles,⁴⁵ policymakers can find ways – if they wish to do so – to turn the separability thesis upside down, making incentives and morals complements rather substitutes. This is the mandate for Aristotle’s legislator, according to the civil economy paradigm. For this we need a surplus of authentic culture in our entire scientific endeavour. Ambrosius, bishop of Milan (5th century) and Father of the Church once observed that authentic culture is always the result of two movements: “nova semper quaerere, parva custodire”, i.e. “always try to look for new things, while keeping what you have inherited from tradition”. Authentic culture is the result of putting together one’s wings with one’s roots, since if it is true that wings without roots lead to adventurism, it is also true that roots without wings can degenerate into conservatism.

⁴⁵ *Moral Economy. Why Good Incentives are no Substitute for Good Citizens*, Yale Univ. Press, 2016.

THE SOCIAL REHABILITATION AND REINTEGRATION OF CHILD SOLDIERS

H.R.H. THE PRINCESS OF HANOVER¹

Dear President, Professor Margaret S. Archer,
Mr Chancellor, Monsignor Marcelo Sánchez Sorondo,
Academicians,

Allow me first of all to share my great satisfaction in being here with you today to participate in the work of the prestigious Pontifical Academy of Social Sciences. I am delighted to be talking to you in my capacity as President of AMADE Mondiale. AMADE Mondiale is an association dedicated to protecting children around the world. It was founded by my mother, the late Princess Grace of Monaco, in 1963, a few years, in fact, before the Convention on the Rights of the Child was adopted by the international community.

AMADE is based on a vision: the vision of a world where every child, whatever his social, religious or cultural origins are, would have the capacity to live in dignity and security, his fundamental rights fully respected. The vision of a world where every child would have the opportunity to fulfil his potential. I currently chair the association, which is based in the Principality and has an international network of partners and national branches.

AMADE is strongly committed in favour of child protection and empowerment all around the world. AMADE contributes to implement these commitments through the following missions:

- To protect the most vulnerable children from violence, exploitation and abuse
- To promote the empowerment of children by improving access to education and health
- To accompany change through awareness and advocacy

Among the different issues which affect children and with which AMADE is actively involved, I wanted to take this opportunity I have been given to discuss with you the specific situation of children who are part of armed groups, so-called “child soldiers”. Last September, I had cause to visit the eastern Democratic Republic of the Congo in order to observe the actions imple-

¹ President of AMADE Mondiale (Association Mondiale des Amis de l'Enfance).

mented by AMADE Mondiale on site. There, I was confronted with the harsh reality of the daily violation of children's rights. Children are the first victims of the poverty and indiscriminate exploitation of natural resources which is endemic in this part of the world, and the resulting internecine wars. I met children whose futures had been shattered overnight following the death of one of their parents by the need to flee their villages as rebel groups advanced.

Children involved with armed groups, or "child soldiers", are not all combatants. The youngest are assigned to such duties as collecting wood, preparing meals, managing supplies, or crossing "enemy" lines to act as spies. Young girls – because armed groups also recruit little girls – are particularly vulnerable as you might imagine. Many of them are undocumented. Known as "ghost" children, their time on Earth leaves behind no statistics, no official trace. The suffering endured by these children is, however, very real and is something I was able to observe and share with them during my brief visit.

At my initiative, AMADE Mondiale is therefore contributing to the efforts of various stakeholders, primarily UNICEF, MONUSCO and the ICRC, to prevent these vulnerable children from becoming enlisted in armed groups and to support the demobilisation and reintegration of these young people. The international community estimates that there are 300,000 children involved with armed groups throughout the world. In fact, it is highly likely that the actual number of children reduced to serving the interests of rebel chiefs and other warlords is much higher, since it is difficult to obtain statistical data in this area.

It would be wrong to believe that this phenomenon is unique to Africa. It is also an issue in Asia and South America.

AMADE seeks to be innovative in its approach to the demobilisation and reintegration of child soldiers. With the support of the Brazilian Ambassador in the Democratic Republic of Congo, therefore, we have used capoeira as a means of resocialising these children of broken dreams. In this dance, which originated in Africa, based on the "peaceful" combat practised by captive slaves, there is no contact; there are no winners or losers. The results of this project, which was begun three years ago now, are extremely convincing. The practice of capoeira, taught by Brazilian masters as part of the long process of demobilisation and reintegration carried out in transit and orientation centres managed by UNICEF in partnership with local NGOs, thus makes an active contribution to the psychosocial process of reintegrating these children. Thanks to capoeira, the children have been able to reclaim ownership of their bodies, bodies which often retain the

scars of the suffering they have endured, to gain control over their impulses and to respect their opponents. In capoeira, boys dance with the girls. The “rueda”, a circle made up of capoeiristas, rebuilds the spirit of community which dominated prior to the emergence of armed groups.

During my visit, it was a great pleasure for me to attend the baptism of the first 200 young people to benefit from this initiative. These children, all dressed in white and given a surname, were able to reintegrate into society, and particularly with their families. I witnessed deserving children rediscover their innocence, a new identity, a family and hope for a better life. I was moved by this event, but I was also touched by the accounts I heard from other, younger children, left to fend for themselves. They told me that without any real hope for the future, without access to education, they were considering joining the local rebel chief, the only adult figure able to guarantee them a daily meal and a little security. A small boy who was barely six or seven years old confided to me that he knew it wasn't a good idea for him, but that he had no other choice.

As part of this visit, I went to the Mungote camp for internally displaced persons in North Kivu. It is now 15 years since these people were first displaced. Of the 6,000 children living in the camp, just 600 were receiving an education in the school close to the nearest village. The others, left to idle, were mostly playing war games. Under such conditions, without finding the resources needed to educate these children, how can we put an end to the disastrous vicious circle of this fratricidal war? I welcome the commitments undertaken by the international community to combat this phenomenon, which is violating the principles of the Convention on the Rights of the Child, and particularly the Paris Declaration, day after day.

But beyond these commitments, how can this process be halted without returning hope and dignity to these children, guaranteeing them at the very least a high-quality education, which would enable them to extricate themselves from the “benevolent” yoke of these warlords? Although some initiatives have been taken to alert public opinion, I wanted to go beyond speeches and declarations and allow these children to speak for themselves. AMADE Mondiale therefore commissioned a photographer, William Dupuy, to visit this region of the world in order to collect photographic portraits of these children who, after being absorbed into these armed groups, are involuntarily growing up too quickly. These portraits will support an advocacy campaign that AMADE will initiate in the coming weeks. I would now like to share with you a short video of this mission to North Kivu.

NATIONAL LEGISLATION ADDRESSING SOCIAL AND CULTURAL PARTICIPATION

JOHN McELDOWNEY

Introduction

Social and cultural participation sets enormous challenges in societies at a period when distinct minority communities feel fractured, isolated and demonised from the rest of society. Smaller communities may be close knit but are often unduly sensitive to how they are perceived and understood by the mainstream. Migration and asylum, citizenship and religion, ethnicity and culture are strikingly familiar points of conflict that challenge even the most well-ordered society. Climate change often leads to climate injustice and inequalities flow as economically marginalised and poorer societies have less responsibility for creating environmental problems. The wealthy are more likely to use more energy and emit more carbon when compared to the poor.¹ Within the uncertainties and controversies of climate change lie many conflicts and disagreements that challenge existing orthodoxy and responses to legal conflicts.² Poverty, education and wealth also define inequalities and social exclusion. It is hard to believe that much progress has been made when the social inequalities are still so severe. Even within self-contained and relatively cohesive communities there are subtle and often hidden ways of excluding, ostracising and demonising. The main question addressed in this paper is whether national legislation has a role in addressing social and cultural participation and reaching social exclusion? What is the role of law and are there examples that define success as well as failure? Law may provide a means of social ordering and through institutional design and focus reach into the depths of our culture. Law also defines the structure of government and the means of governing. Distributing power amongst social groups, institutions and society articulates the boundaries in relationships as well as the allocation of resources. Law may

¹ See: Sharon L. Harlan and others, “Climate Justice and Inequality” in Riley E. Dunlap and Robert J. Brule, *Climate Change and Society*, Oxford: Oxford University Press, 2015, p. 127.

² Elizabeth Fisher and others, “The Legally Disruptive Nature of Climate Change” (2017), *Modern Law Review* 173–201.

also facilitate social ordering and provide accountability and transparency that may resolve disputes and settle social differences³. Legal doctrines and approaches are often more flexible than it first may seem and may encourage flexibility and incremental developments to address challenges and changing social, economic and political developments. Legal perspectives and methodologies,⁴ though legislation may also create responses and reactions that may encourage better policy making and settling disputes – even though the medium of law may constrict and inhibit outcomes – may also produce a positive reaction through adjudication and mediation. It is acknowledged that law is only one part of a social and political conversation but it may in the end deliver more than is expected even though there are times it may seem to offer very little when legislation appears to fail or exposes weaknesses in enforcement.⁵

As we shall see in this paper, national legislation has a major role in the development of social justice as a major concern of government. This is particular so when there is a tacit assumption accepted in many countries that market forces are insufficient on their own to result in sufficient social change.⁶ If the UK is taken as an example, national legislation may take a number of forms. From the nineteenth century social change and economic benefits to the poor and dispossessed came through different forms of state intervention, including legislation on public health, clean air, factory inspectorates and employment law. Later in the 1960s, legislation sought to prohibit a particular activity or practice under Anti Discriminatory legislation such as the Race Relations Act 1976. More recently going beyond anti-discriminatory laws, national legislation has addressed different forms of equality rights such as the Equality Act 2010. Equality law became a way to re-organise various status relationships such as the employment contract to ensure compliance with principles of fairness and justice.

It is clear that in tracing the creation of appropriate levels of compliance, national legislation to be effective has to engage with two particular

³ World Bank Development Report, *Governance and the Law*, Washington: 2017.

⁴ C. McCrudden, “Legal Research and the Social Sciences” (2006), 122 LQR 632.

⁵ J. Jowell, “Of Vires or Vacuums: The Constitutional Context of Judicial Review” in C. Forsyth ed., *Judicial Review*, Oxford: Hart Publishing 2000. L. Fuller, “Adjudication and the Rule of Law” (1960) 54, *Proceedings of the American Society of International Law at its Annual Meeting (1921–1969)* 1, J. Habermas, *Communication and the Evolution of Society* Cambridge: Polity 1984, 178.

⁶ Paul De Grauwe, *The Limits of the Market: The Pendulum between Government and Market*, Oxford: Oxford University Press, 2016.

approaches that underpin equal status in the law:⁷ the individual justice approach and a group justice model.⁸ In the case of an individual justice model, the aim is to secure the reduction in discrimination by eliminating from decision-makers illegitimate considerations such as race or religion. This approach certainly creates notions of merit and fairness but it is limited to individual cases rather than a cohort or group. It suffers from enforcement problems and may be insufficient to change institutions or their culture. The group justice approach seeks to remedy such shortcomings through the empowerment of dis-advantaged groups and the adoption of strategic approaches to enforcement.

It is clear that both approaches have been supplemented by the adoption of equality norms extraterritorially as well as what McCrudden⁹ refers to as “mainstreaming” – modes of equality legislation that go beyond anti-discriminatory legislation to equality rights. He gives various examples such as in Northern Ireland under section 75 of the Northern Ireland Act 1998, that introduced devolution, also stipulates that every public authority has the need to “promote equality of opportunity between certain individuals and groups”. The categories are widely drawn to include religious belief, political opinion, racial group, age, marital status or sexual orientation between men and women. All forms of national legislation such as anti-discrimination legislation, human rights and equality laws may provide the means to address social, racial and religious discrimination. Beyond targeting such problems is it possible to achieve a more participative and integrated society?

Our starting point is to define terms and set the main focus of the paper in terms of achieving a participative society. An integrated society is aspirational and rests on ideals of diversity, to diminish extremism and intolerance as well as setting values for society as a whole. Law in all its applications and methods may have a part to play but it may fail to reach the underlying factors that limit cultural participation and contribute to a

⁷ C. McCrudden, *Buying Social Justice*, Oxford: Oxford University Press, 2007, pp. 63-66.

⁸ See *Ibid.*, McCrudden chapter 3 and also see: C. McCrudden, D.J. Smith and C. Brown, *Racial Justice at Work: The Enforcement of the Race Relations Act 1976 in Employment*, London: Policy Studies Institute, 1991.

⁹ K. Yeung, “The Private Enforcement of Competition Law” in C. McCrudden eds., *Regulation and Deregulation: Policy and Practice* Oxford: Oxford University Press, 1999, p. 37. C. McCrudden, D.J. Smith and C. Brown, *Racial Justice at Work: The Enforcement of the Race Relations Act 1976 in Employment*, Policy Studies Institute 1991.

cohesive society.¹⁰ Is it intrinsically impossible to address cultural problems through legal mechanisms?

The paper looks at the role of different forms of national legislation in setting common standards for social and economic integration through an analysis of historical developments such as the public health legislation of the nineteenth century. This is followed by discussion of the different forms of anti-discrimination legislation leading to the Equality Act 2010.¹¹ Finally there are some conclusions about the value and role of law, particularly the opportunities for social change through embracing the potential for legislation to encourage equal status law across a wide range of social, economic and political problems.

A participative society – cultural and legislative challenges

The case for advancing participation is the belief that a country is stronger and more vibrant when each part contributes for the overall benefit of society. The common good prevails over the discordant voices of discrimination and sectarian conflict. Communities are stronger and more vibrant when contributions come from neighbourhoods, families and individuals. Private and voluntary sectors are each able to contribute to crossing different sectors of society, which may result in a more coherent society. Tackling extremism and violence is part of the challenge as well as all forms of racism and bigotry. Examples abound of divided societies where it is almost impossible to believe that there can be much hope of social cohesion. Brexit is indicative of the problem but it also systemic of the order in society and the feeling of isolation and lack of participation in government. There are serious concerns about increases in migration, and threats to employment are linked to fears about immigrants and immigration. Tracing the historical pathway upon which some progress has been made is useful, as it sets the key factors that contribute to integration. These are as follows: tackling intolerance and extremism; providing the mechanism for social mobility, participation and responsibility while addressing common ground that may foster integration.¹²

¹⁰ See J. McEldowney, “Comparative law, rights and the environment” in U. Baxi, C. McCrudden and A. Paliwala, *Law’s Ethical, Global and Theoretical Contexts*, Cambridge: Cambridge University Press, 2015, pp. 196–212.

¹¹ Boyd Hilton, *A Mad, Bad and Dangerous People? England 1783-1846*, Oxford: Oxford University Press, 2008.

¹² Marco Goldoni and Michael A. Wilkinson, *The Material Constitution*, London

There are many examples where the challenge is to address the underlying economics of the social exclusion and discrimination. Social and cultural participation is particularly demanding when it comes to the poor and their needs. Even in the UK with a National Health Services a profile of users and their medical health highlights a number of trends. A recent *Institute for Fiscal Studies Review*, a well-respected economic think-tank in the UK, noted that:

But to the extent that ill health drives both health and socio-economic factors, particularly employment, earnings and income, it is no surprise that the poor use more health care.¹³

The social inequalities in society are replicated in the use made of the health service. This has given rise to a wide-ranging debate as to the best funding model for health care. Globally, the funding of expensive health care has raised issues about social inclusion amongst the less rich nations. Initial impressions are deceptive. The UK's National Health Service (NHS) has been set to receive increased funds between 2015-16 and 2019-2020 but there are many cost increases that largely offset the increases. The amount spent on health care is below the average of many European countries. In fact the Department of Health spending has decreased considerably below the spending needed to support upward spending demands. The *Institute for Fiscal Studies* also predicts that there is a real-terms cut to non NHS Department of Health Spending by 20.9%. During the same financial period there are major cuts in local authority spending on social care. The IFS estimated that there has been a real terms cut of 1.0% between 2009-10 and 2015-16. The impact for adults over 65 is greater than younger members of society. In the UK it is likely to be the case that the demands on health and NHS services will continue to rise and occupy a large proportion of national income.¹⁴ This sets the parameters of discussion in terms of poverty, and the economic necessity to take positive action. Such contemporary issues have historical roots that are integral to the challenges of today. Despite the claim of a universal health service for everyone, the reality is somewhat different with many procedures rationed depending on the area of the country such services are being contracted for.

School of Economics 20/2016, LSE Working Papers, London: LSE. M. Loughlin, "Political Jurisprudence" (2016) 16, *Jus Politicum* 15.

¹³ R. Cookson and others, "Socio-Economic Inequalities in Health Care in England" (2016), *Fiscal Studies* Vol. 37 (4) pp. 371-403. At p. 397.

¹⁴ Institute for Fiscal Studies, *The IFS Green Budget* (February, 2017) pp. 176-7.

In August 2011 in a number of English towns and cities, civil disturbances highlighted the problem of deep-seated anxieties. Such unrest may be exploited and used for political purposes that challenge established thinking or orthodox analysis. Institutions often struggle to find a solution and may even contribute to the problem by making it worse. The Brexit decision to leave the EU leaves many questions unanswered about the future but also leaves a deeply divided society that will be difficult and challenging to integrate in a harmonious way. The UK has a long history of having to face challenges posed by strong nationalist beliefs in Ireland, Scotland and Wales with dissatisfaction over the imposition of laws that are not accepted. Discrimination on grounds of religion and politics dominated N. Ireland during the 1970s and resentment remains strong amongst many sections of society. In historical terms it may be that participation poses problems beyond the normal range of issues that are often contested, involving contract, conveyancing, family law and criminal law. In areas where conflicts arise – religion, poverty and ethnicity – law is limited in what role it may play and how.¹⁵ Mainstreaming equal status laws has some powerful effects. In the example of Northern Ireland, legal protections of the minority secured peace and the basis for a new constitutional settlement that engaged with how government should be conducted under an administration composed of representatives from the unionist and nationalist traditions. This went beyond the traditional anti-discrimination approach in favour of equality arrangements that extend into positive obligations and duties. A Human Rights Commission with related protections was a major part of the Anglo-Irish Agreement and the outcome of the Easter Friday Agreement. In South Africa, for example, the ending of one party dominance and the emergence of Nelson Mandela, made it possible under the new South African Constitution for black rights to be protected in law.¹⁶ Legal systems communicate with each other in many ways includ-

¹⁵ See: Hanna Lerner, “Making Constitutions in Deeply Divided Societies” (2013), *Public Law* 201. James Tully and Alain G. Gagnon (eds.), *Multinational Democracies* Cambridge: Cambridge University Press, 2001. Mark Tushnet, *Taking the Constitution Away from the Court*, Princeton University Press, 1999. Stephen Tierney, *Constitutional Law and National Pluralism*, Oxford: Oxford University Press, 2004.

¹⁶ T.J. Pempel ed. *Uncommon Democracies: The One-Party Dominant Regimes*, Ithaca: Cornell University Press, 1990. Arend Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty One Countries*, New Haven: Yale University Press, 1984. Jean Blondel, “Party Systems and Patterns of Government in Western Democracies” (1968), *Canadian Journal of Political Science* Vol. 1 No. 2, pp. 180–203. See: Valery Ferim,

ing the drafting of national legislation informed by rule of law principles and values.¹⁷ Examples of states with newly engineered constitutions are South Africa (1996), Namibia (1990), Angola (1992), Mozambique (1990), Uganda (1995) and Swaziland (2006). There are also examples in the case of Zimbabwe (1976) and Cameroon (1972). These constitutions provide modern forms of constitutional protections. One of the critical aspects of the “remodelling” of Africa’s constitutional arrangements is the role of an independent judiciary¹⁸ and gives rise to considerable debate about the role of the judiciary within the interpretation of national legislation. The influence of law is not easily assessed and often overlooked in the rush to judgement about the values of society and their application. There are also regulatory approaches to social and economic problems such as the Modern Slavery Act 2015 that addresses the challenges of human trafficking. The Act sets the parameters for trafficking as a crime as well as addressing the victims of trafficking by affording them legal protection. Politicians often speak of greater control over immigration as a means of ensuring some form of influence over the size and scale of immigrant communities. Whatever the political rhetoric, the reality is that there are some communities that resist or are unwilling to participate.¹⁹

“Flaws in Africa’s One-Party Democracies: The Case of Cameroon and South Africa” (2010), *Cameroon Journal on Democracy and Human Rights* 28. Dennis P. Patterson, “The Strategy of Dominant Political Parties: Electoral Institutions and Election Outcomes in Africa” (2011), American Political Science Association. Hanna Lerner, *Making Constitutions in Deeply Divided Societies*, Cambridge: Cambridge University Press, 2012. Andrew Feinstein, *After the Party: Corruption, the ANC and South Africa’s Uncertain Future*, 2010. Also see Anthony Butler, *Paying for Politics: Party Funding and Political Change in South Africa and the Global South* (2011). Binneh Minteh, *Democratization and Political Instability in West Africa 1960-2010: Post-Independence Pluralist Coercive One Party Rule: Coups, Conflicts and Democratization* (2010). Valery Ferim, “Flaws in Africa’s Dominant One-Party Democracies: The Case of Cameroon and South Africa” (2010), *CJDHR* Vol. 4 no. 1, pp. 28-41.

¹⁷ Charles Manga Fombad, “A Preliminary assessment of the prospects for judicial independence in post-1990 African Constitutions” (2007), *Public Law* 233. C. Larkins, “Judicial Independence and Democratization: A Theoretical and Conceptual Analysis” (1996) 44(4), *American Journal of Comparative Law* 605.

¹⁸ P. Russell and D. O’Brien, *Judicial Independence in the Age of Democracy: Critical Perspectives from Around the World* University of Virginia, 2001. Justice Nicholson, “Judicial Independence and Accountability: Can they Co-exist?” (1993) 67, *A.L.J.* 404.

¹⁹ M. Blyth, *Austerity: The History of a Dangerous Idea*, Oxford: Oxford University Press, 2013.

The role of national legislation in setting and delivering common standards for social and economic participation

The history of the United Kingdom is also a history of immigration and change. Empire and its loss; economic power, rekindled and re-defined, has challenged the most sophisticated attempts to create social cohesion. Class, religious and ethnic differences remain and in many instances have become entrenched. The myth of self-contained indigenous peoples in small villages is not supported by historical research. Agrarian society differed substantially from those in urban settings. There are emerging principles of tolerance and fairness as well as equality and respect irrespective of social background, ethnic origin, religion, or gender.²⁰

The UK's long-standing commitment to the rule of law has been a significant influence. The rule of law has not been easy to define at any one time but it has been interpreted to refer to general principles of justice.²¹ In constitutional theory the rule of law upholds certain principles such as an independent judiciary and principles of fairness and proportionality and is linked to equality before the law. Law refers to the moral order of society or more formally the law of the land. St Paul recognised the need not to discriminate in widely drawn terms of equality and fairness before the law.

English legal history²² is littered with examples of disabilities against many groups including Roman Catholics, Jews and Dissenters. Gypsies, in particular, were also the victim of discrimination and bad practice. It is hard if not impossible to reconcile with the rule of law and fairness. Despite legislative attempts to address the social conditions and requirements of various travelling people, there remain major obstacles to their participation in society.²³ It is clear that Britain has had to offset the theory of its laws with the realities of legal practice and the limitations of applying the law. Are there lessons from this analysis? It is clear that law and culture are not always *ad idem*. Reforming the former may not change the latter. Law may have an educative function but in terms of transformation it may take many generations.

²⁰ Stefan Collini, *Public Moralists*, Oxford: Oxford University Press, 2006. S. Romano, *The Legal Order* Routledge, 2017.

²¹ Lord Bingham, *The Rule of Law*, London: Penguin, 2010.

²² Michael Lobban, *The Common Law and English Jurisprudence 1760-1850*, Oxford: Clarendon Press, 1991.

²³ See: *Somerset's Case* (1770), 20 St T. 1.

Some examples of how national legislation comes about are instructive of the processes of law-making as well as revealing the necessity for sound policymaking. One early example stands out. In English law slavery was not abolished until 1772. This came about through Parliamentary pressure by various lobbying groups and the views of some judges, but judicial opinion was not in itself sufficient to have the law clarified. Judges could not define the law on their own or abolish slavery without the authority of Parliament. Parliament had to intervene. Legislation was passed and eventually given effect. Sadly slavery was not fully abolished in all its forms, rather it re-appeared in a more sophisticated form of human trafficking. Disappointingly law and legal solutions did not deliver all that was promised.

Historically it is hard to understand that a society that espouses the rule of law and due process should have been so reluctant and slow to address all forms of discrimination and unfairness. One suggestion is that England, as an island, was often both connected to the world but also surprisingly disconnected from Europe and, at times, the main influences of rights and liberties which it associated with the revolutionary France.²⁴ There is also an undue fascination with the history of Empire – its cruelties and subjugation. Attitudes to the EU and Europe have been ambiguous for many generations and often have been contradictory and self-deceiving. In contrast to the English common law tradition of judge-made law, countries under the civilian jurisdiction have codified law and the adoption of a positive legal tradition. Even here there were a great deal of pragmatic and often unprincipled legal doctrines that were rarely designed to protect and enhance equality. Even occasionally legal doctrines were linked to common moral and political preoccupations of the time but were too bound up with the protection of property rights, the maintenance of status and the values of market-led tradition that rarely brought Government intervention.

Britain struggled to find a common intellectual framework on which to set the boundaries for law and policy. Setting the parameters of the moral and legal order was a work in progress.²⁵ Major influences from the eighteenth century onwards that came to dominate policy approaches to leg-

²⁴ See: Robert Tombs, *The English and Their History*, London: Penguin Allen Lane 2014, pp. 871-5.

²⁵ This is a revised version of some of the main issues discussed in: J.F. McEldowney and S. McEldowney, “Science and Environmental Law: Collaboration across the Double Helix”, (2011) 13(3), *Environmental Law Review*, pp. 169-198.

islation may be found in the writings of John Austin (1790-1859), Jeremy Bentham (1748-1832), Albert Venn Dicey (1835-1922), Leslie Stephens (1832- 1904) and J.S. Mill (1806-1873). Britain went through several periods of individualism up to 1870 and thereafter collectivism. Mill's monumental work *On Liberty* argued for the link between truth and liberty to become a firm objective of law and sound policymaking. Mill's influence permeated many aspects of public life²⁶ including the general socio-political framework addressing the nature and limits of power. Progression to a civilised society, in Mill's view, required addressing the legitimate exercise of power over the individual. Retraining the limits of bad conduct was an essential pre-requisite of creating a moral agency through the functions of law. Recognising the importance of law also acknowledged the role of the state in intervening in the lives of ordinary people. Setting limits on the tyranny of the majority is as important as setting limits on authoritarian power. Underlying the moral issues of law and liberty was the work of John Austin, whose analytical jurisprudence helped determine a methodology in legal reasoning that addressed the substantive law. Partly influenced by Bentham, Austin also drew on the work of Kant and Hugo.²⁷ Austin's scientific analysis questioned empirical facts, logical premises and the abstraction of legal materials into a systematic approach to seeing law as a series of rules that are capable of being addressed through legislation. Mill's construction of civil society, combined with Austin's analytical jurisprudence created an opportunity for national legislation on the understanding that many aspects of ordinary society might be improved. The result was that law was used as a tool to improve public health, including quality of life and poverty. Working conditions, the terms of employment, the quality of sanitation and the standards of good housing could be and were improved through national legislation.

How was national legislation capable of achieving such wide-ranging objectives? Social and economic progress resulted in a number of inspired legislative interventions and examples. In 1832 Michael Thomas Sadler's *Select Committee Report on the Labour of Children in Factories* and Edwin Chadwick's *Report on Sanitary Conditions of the Labouring Population* (1842) addressed serious social and societal problems in an innovative way. What

²⁶ Dotum Ogunkoya, "John Stuart Mill's 'Harm Principle' as the foundation for healthy social relations" (2011) Vol. 14 (17), *The Journal of International Social Research* 516-33.

²⁷ Hugo, *Lehrbuch des Naturrechts, al seiner Philosophie des positive Rechts* (Berlin, 1819).

had been characterised as “polite and commercial” moved to social responsibility and order. Moral change took time and social revolution especially industrialisation usually preceded it. Social welfare policy was slow in developing. A raft of other examples followed, such as the Regulation of Working Hours in 1833, the New Poor law of 1834 and the regulation of emigrant passenger traffic in 1835 were all steps towards recognition of social progress. Systemizing English law came from a number of influences. Blackstone²⁸ favoured adapting continental ideas and rights into common law practices. He reasoned that English law was “a science which distinguished the criteria of right and wrong”. Bentham offered codification and principle-based analysis from general acceptance of a utilitarian sociology. Prevailing *laissez faire* economics were gradually remodelled under the influence of political economists. J.S. Mill’s influential *Principles of Political Economy*, first published in 1848, brought practical aspirations while analytic jurisprudence offered law reform as a means of addressing social and economic problems. The methodology at work was contested. Originally classical political economy favoured abstract, deductive and universal rules that conveyed respect for objectivity and conserving what was achieved. This form of *a priori* inquiry formed a logical process of reasoning that reached conclusions from the premise that was known or assumed beforehand – theories based on assumptions had to conform to objective facts. Facts found through statistical data helped verify conclusions reached by abstract argument.

The sociological methodology of Augustus Comte²⁹ (1798-1857) whose influence was later absorbed in Mill’s writing and became popularised by Frederic Harrison³⁰ further advanced the cause of a realistic analysis. This offered an alternative to abstract reasoning that took account of changing and often unpredictable outcomes. It also favoured a more subjective judgement.³¹ German legal writers, such as Gustave von Hugo³²

²⁸ William Blackstone (1723-1880), scholar and legal intellectual.

²⁹ Auguste Comte (1798-1857), French philosopher, *Cours de Philosophie Positive*, 6 volumes, 1830-1842 and *Système de Politique Positive* (1851-1854). His positivism and vision for humanity brought religious zeal and enthusiasm without formal religious beliefs.

³⁰ Frederic Harrison (1831-1923).

³¹ Charles-Louis de Secondat, Baron de La Brède et de Montesquieu (1689-1755), French philosopher and author of *De l’esprit des lois* (1748).

³² Gustave von Hugo (1764-1844).

(1764–1844), F.K. von Savigny³³ (1779–1861), and K.F. Eichorn³⁴ (1781–1854) varied in their adaptation of such ideas but were prominent figures for a broader social or national economics that would address the needs of the nation. They advanced the cause of understanding the general social environment as a means to achieve just laws in the evolution of ideas. Collective rather than individualist in outlook they offered an alternative to British classical political economic thinking. Rather than seeing matters as “static” they favoured greater pragmatism based on a rejection of the abstract method of reasoning in favour of a more realistic approach to the evolving nature of social problems. Maine’s³⁵ influence was also important in terms of looking at how nature and law evolved and in that evolution how some relative standard for law might emerge. The 18th and 19th centuries were remarkable periods for scientific discovery³⁶ and statistical evaluation. The work of statistical study informed the science that often set the foundations of public health and environmental safety through the development of pollution controls. Science and law shared many similarities in their methodology, reliance on facts, presentation of evidence and the evaluation of standards. Even so, the science that contributed to regulating the environment was permeated by Victorian attitudes to safety, often based on trial and error. The building and construction techniques used for the great engineering projects of the 19th century are prime examples of this.³⁷ Scientific investigation was often reactive and scientific knowledge tended to grow from the latest findings arising from mistakes. In Victorian Britain science drove forward technological and industrial change as it still does today in new, and perhaps unexpected, ways.³⁸ Through the nineteenth and twentieth centuries science has provided the data and evidence

³³ Fredrich Karl von Savigny (1779–1861), Law Professor at Marburg engaged in the Commission for revising the Prussian Code (1810–42).

³⁴ K.F. Eichorn (1781–1854).

³⁵ Sir Henry Maine (1822–1888), Jurist and historian. H. Maine, *Early Law and Custom* (1883).

³⁶ Bill Bryson (Ed.) *Seeing Further. The Story of Science & The Royal Society*. The Royal Society, Harper Press, London (2010).

³⁷ K. Baker, *Condorcet: From Natural Philosophy to Social Mathematics*, Chicago: University of Chicago Press, 1975, Gerd Gigerenzer *et al.*, *The Empire of Chance: How Probability Changed Science and Everyday Life*, Cambridge: Cambridge University Press, 1989.

³⁸ Today, for example, the commercialisation of nanotechnology has posed substantial regulatory problems and GM technology, cloning technologies and, most recently, synthetic biology have raised difficult social, ethical and governance issues.

necessary for evaluating social and economic phenomena. It has also created the opportunity for lawyers to adopt principles and procedures, and set standards that form the cornerstone of environmental law. In the last century the challenges that faced us in protecting the environment and human health have meant that environmental lawyers and scientists have had to adopt novel analytical and empirical strategies. The 20th century sciences of ecology and environmental science, of ecotoxicology and toxicology, of modelling and predicting long-term outcomes sometimes on global scales are surrounded by scientific uncertainty. This uncertainty has become endemic to environmental law and it has become imperative for science and law to work through dialogue and collaboration. Policy and law can be intertwined to address definable problems through legislative solution worked up over time.³⁹

One legislative example is in protecting the environment. National legislation was highly dependent on evidence-based policy making. In the eighteenth century naturalists and collectors abounded, and catalogued and classified the biological and geological world at home and overseas.⁴⁰ Some of the greatest observations by naturalists such as Gilbert White⁴¹ were made then and it is possible to trace the mapping of 'nature', the landscape and attempts to influence its future through conservation to this period.⁴² In fact the beginning of the conservation movement dates from the eighteenth century and the influence Malthus.⁴³ The nineteenth century, however, saw the growth of the conservation movement reflected in a proliferation of societies dedicated to lobbying for the protection of buildings, birds and the protection of nature, often based on the observations of naturalists. Notable among these societies were the Selborne Society for the Protection of Birds, Plants and Pleasant Places (1885) and the Commons Preservation Society (1865), which was a forerunner of the

³⁹ Richard J. Lazarus, *The Making of Environmental Law*, Chicago and London: University of Chicago Press, 2004, p. 1.

⁴⁰ For an excellent discussion of these collectors and their significance see Richard Fortey, *Archives of Life: Science and Collections*, in Bill Bryson, *Seeing Further: The Story of Science & The Royal Society*. London, Harper Press 2010, pp. 184-201.

⁴¹ Gilbert White, *The Natural History of Selborne*, Richard Mabey (Ed.), Penguin Books, London, 1977 (first published 1788-9).

⁴² See: B.W. Clapp, *An Environmental History of Britain*, Longman: London and New York, 1994, p. 1. Clapp attributes the use of the term conservation to Bertrand Russell in the 1950s. H. Gardner, *The Mind's New Science*, New York, 1985.

⁴³ Thomas Robert Malthus, (1766- 1834), *Principles of Population*: London, 1798.

National Trust for Places of Historic Interest or Natural Beauty.⁴⁴ Wildlife protection legislation was championed by these societies and by individual naturalists. The first success came in the Sea Birds Preservation Act 1869 and was followed by others setting out the foundation for nature conservation and wildlife protection.

The eighteenth century perception of the environment grew in other ways that are still of notable importance today. Statistics began to provide an important methodology that allowed collection and analysis of scientific data⁴⁵ and provided a technique to quantify the economic, social, agricultural and even environmental impact of industrialization and mechanization. In fact two important influences, those of William Petty and John Graunt, are apparent in this context from an earlier era. William Petty (1623–87) attributed to science the technical skills of “political arithmetic”, and fostered the first empirical research. The mathematical analysis of economic and social problems was favoured by John Graunt (1620–74). Collectively known as “the science of political arithmetic”, their work helped apply a generation of natural laws to the social sciences. There were three elements to “political arithmetic”: first the collection of statistical data; second the application of statistical or empirical research to a particular problem, and, third, the development of natural laws that might predict outcomes from known data. The publication of the works of William Petty (1623–87) and John Graunt⁴⁶ (1620–74) in 1662 marked a new approach to the study of society.⁴⁷ Together Petty and Graunt provided the statistical facts that allowed the scientific identification and definition of problems, transforming understanding and enabling law to form solutions. Eighteenth century “political arithmetic” helped shape the way environmental laws were directed.

The revolution that transformed England from an agrarian to an industrial society continued into the next century⁴⁸ and the importance of

⁴⁴ Christopher Rootes, *Nature Protection Organisations in England*. In W.T. Markham and C.S.A. van Koppen (eds.), ‘Protecting Nature: Networks and Organizations in Europe and the United States’, 2007, Edward Elgar, Cheltenham, pp. 34–62.

⁴⁵ See William Petty (1623–87) and John Graunt (1620–1647), two of the founders of the study of statistics.

⁴⁶ *Natural and Political Observations on the Bills of Mortality*, London, 1662.

⁴⁷ M.J. Cullen, *The Statistical Movement in Early Victorian Britain*, Harvester, 1975, pp. 1–6.

⁴⁸ W.M. Frazer, *A History of English Public Health 1834–1939* (1950). R.A. Lewis, *Edwin Chadwick and the Public Health Movement 1832–1854* (London, Longman, 1952).

statistical studies increased and substantially influenced law reform. There were statistical studies on smallpox,⁴⁹ insanity and the causes of poverty. Local statistical surveys identified inadequate poor law provisions and Boards of Public Health were formed to fill the gaps. Water and sanitation systems proved inadequate in the face of the growth in new towns and cities and led to a variety of health problems including the 1831–2 cholera outbreak, which claimed 32,000 lives.⁵⁰ The poor sanitary conditions were identified in the 1842 Parliamentary Report on the *Sanitary Condition of the Labouring Population of Great Britain*, which perhaps marks the beginning of environmental legislation. The House of Commons became a focal point for the collection of statistics on societal concerns from poverty and crime to unemployment. Numerous statistical societies formed during the nineteenth century, including the British Association for the Advancement of Science (1833); the London Statistical Society,⁵¹ renamed the Royal Statistical Society (1834); the Manchester Statistical Society (1833); the Statistical Society of Ulster that was established as part of the Belfast Natural History and Philosophical Society (1838); and the Social Inquiry and Statistical Society of Ireland, which began life as the Dublin Statistical Society (1847).⁵² The statistical movement, as it became known, was both national and international, and multidisciplinary in character. Different disciplines, including science, law, history, philosophy, economics and statistics, combined to use statistical data for the study of social, economic and legal issues and alleviate social problems by lobbying for law reform.

The major intellectual influences behind the rise in environmentalism, at this time, were Bentham and Edwin Chadwick's concerns about public health. "Moral statistics" was at the forefront of the link between science

M.W. Flinn, *Public Health Reform in Britain*, Macmillan London, 1968). Evans, *op. cit.* p. 12. Joel Mokyr (ed.) *The Economics of the Industrial Revolution* (1985), U.S.A., Rowman & Littlefield Publishers. Abbott Payson Usher, *An Introduction to the Industrial History of England*, Boston: Houghton Mifflin Company, 1920.

⁴⁹ William Black, *Observations Medical and Political on the Smallpox* (London, 1830).

⁵⁰ Francis McManus, *Environmental Health Law*, Blackstone Press, 1994, p. 4.

⁵¹ The Statistical Society of London had set up a census committee which included in the membership William Farr and G.R. Porter.

⁵² Professor R.D.C. Black, *History of the Society, The Statistical and Social Inquiry Society of Ireland, Centenary Volume 1847-1947*, Dublin, 1947. The Dublin Society had a large number of prominent Irish lawyers among its membership and its international dimension was reflected in the honorary membership offered to John Stuart Mill and Nassau Senior in 1849.

and social science and was applied to education, crime and religion. Moralistic and environmentalist observations that sanitary reform and an improvement in living conditions would produce a more stable and thrifty working class were expounded, although not originated, by Chadwick.⁵³ The miasma theory is also a notable example of the influence of 'scientific' ideas on environmental law. The theory advocated the view, in fact not supported by the statistical data of the time and subsequently rejected, that the removal of all putrefaction would remove disease.⁵⁴ A series of Nuisance Removal Acts and the Public Health Act 1848 were introduced on the basis of this theory. Powers were given to local authorities to construct sewers, licence slaughterhouses and lodgings, and remove nuisances. The General Board of Health, a central government department, received default powers to regulate and enforce local authority powers and duties. Scientific theories and statistical study were, then, powerful influences on law reform and important catalysts for major legislative change. There are numerous further examples of this influence including the Sewage Utilisation Act 1865 and the Sanitary Act 1866, which gave local authorities additional powers to provide and maintain drains and sewers and established special drainage districts. The Public Health Act 1872 divided the country into sanitary areas and gave local authority enforcement powers. The Public Health Act 1875 consolidated the law on all aspects of public health⁵⁵ and formed the foundation of the modern law on public health. There were major changes in housing law as well, with local authorities given powers to demolish unfit housing and erect buildings for working class tenants.⁵⁶ The Housing, Town and Country Planning etc. Act 1876 created in embryo the development of a system of town and country planning⁵⁷ in Britain and came from concern that the problems of unregulated housing and overcrowding risked outbreaks of typhoid and cholera. Similarly, environmental health considerations became a major focus of legislation for food standards including the manufacture, sale and consumption of food and drink under the Adulteration of Food and Drugs Act 1872 and the Sale of Food and Drugs Act 1875.

⁵³ Cullen, *op. cit.*, p. 63.

⁵⁴ Francis McManus, *Environmental Health Law*, Blackstone Press, 1994, p. 3.

⁵⁵ In Scotland see the Public Health (Scotland) Act 1897.

⁵⁶ See the Housing of the Working Classes Act 1885 and 1890. Also see the Shaftesbury Act 1851 and the Torrens Act 32 & 32Vict. c. 130.

⁵⁷ See: The Town and Country Planning Act 1947.

The Poor Law Commissioners' reports show that statistics on disease and its causes were accumulated from local and national surveys and linked the medical science and social science of the time, providing a basis for law reform. Both official and private⁵⁸ statistical surveys co-existed and parliamentary select committees began to develop a statistical basis for parliamentary information. Government departments also began to collect statistical information. A Statistical Department, which gathered data on trade and manufacturers, worked from 1832 in the Board of Trade. This was followed by the establishment of statistical sections in the Colonial Office, the Home Office and the Inspector-General of Imports and Exports. A General Register Office was set up under the Registration Act 1836 and indexed, collated and recorded the returns on births, deaths and marriages. The foundation for the use of statistical and scientific data as an aid to the resolution of social and environmental problems was truly established.

The statutory provision to control environmental and health problems was influenced by the public and private collection of statistics and by science in other areas. In recognition of the growing problem from air pollution, particularly from industry,⁵⁹ there was a Royal Commission in 1876 into Noxious Vapours,

To inquire into the working and management of gas works and manufacture from which vapours and gases are given off, to ascertain the effect produced thereby on animal and vegetable life, and to report on the means to be adopted for the prevention of injury thereto arising from the exhalations of such acids, vapours and gases. The outcome was the Alkali Acts of 1863 and 1868⁶⁰ intended to control emissions from part of the heavy chemical industry. It was these that created the first inspectorate. Other Royal Commissions were established to consider other environmental problems; one such was the 1874 Royal Commission inquiring into,

what towns and places contributed to pollution of the River Clyde and its tributaries; how the sewage and refuse from such places could

⁵⁸ The best examples given by Cullen, *op. cit.*, p. 23, were the various leading hospitals; Bethlem, Greenwich, St Thomas's, St Bartholomew's and St Luke's.

⁵⁹ A description of the problems of air pollution at this time can be found in B.W. Clapp, *An Environmental History of Britain since the Industrial Revolution*, Longman, Essex 1994, pp. 19-32.

⁶⁰ See: The Alkali, etc., Works Regulation Act 1906.

be got rid of without risk to public health or to the disadvantage of manufacture; and the best means of purification of the river.

In fact many of the urban and industrial rivers and waterways of nineteenth century Britain were in a similar state to the Clyde, highly polluted. The Rivers Prevention of Pollution Act 1876 brought forward the prevention and control of river pollution. This Act together with the Alkali Acts heralded the beginning of a pollution control strategy and laid the foundations of the “inspectorate” approach to solving environmental problems. The work of the Royal Commissions, the statistical societies and individuals collecting statistics recognised the important use of scientific statistics and data in support of law reform and in addressing environmental problems. They were in embryo the link between quantifiable scientific data and environmental law. Natural sciences, the terminology of the period, became subject to statistical analysis linked to statistical predictions that formed one basis for social and economic policymaking.

The period after the two world wars provided opportunities for re-assessment of the environment and environmental law.⁶¹ Scientific influence at this time continued through the ecological movement and this led to the founding of the British Ecological Society in 1913.⁶² The study of nature was no longer left to amateurs but rather ecologists such as Aldo Leopold⁶³ applied scientific methodology to the study of communities and habitats. It took considerable time, especially with the interruption of two World Wars, before environmental thinking became influential. An important centre point for the intellectual development of green issues came with the publication of *Silent Spring*⁶⁴ in the 1960s and *The Ecologist* in

⁶¹ The earliest town and country planning laws came with the Housing, Town Planning etc. Act 1909 with Local authority powers. The Town and Country Planning Act 1947 introduced after the Second World War became the basis for the rebuilding of new towns and cities. The National Parks Commission (later to become the Countryside Commission) was established. This initiative followed the approach in the USA in setting up National Parks, which was seen as a success in providing a safe haven for wild life and biodiversity.

⁶² The *Journal of Ecology* began life in 1927 under the auspices of the British Ecological Society.

⁶³ Aldo Leopold (1887-1948), American ecologist and environmentalist author of *Game Management* (1933) and the *Sand County Almanac* (1949) and Professor of the University of Wisconsin. Regarded as the father of wildlife ecology and one of the most influential conservation thinkers of the 20th Century.

⁶⁴ Also see Rachel Carson, *Silent Spring*, London: 1962, one of the first studies to show the impact of pesticides on the environment.

1972. Voluntary organisations remained important in contributing to the development of environmental protection, e.g. the National Smoke Abatement Society, supplementing legislative and judicial initiatives. The twentieth century saw science contribute to environmental regulation by setting standards that addressed the problems of industrial and urban expansion.

The environmental and public health challenges caused by industrial and urban development, oil refineries, tinplate works and cement manufacturing came within the jurisdiction of the Alkali Inspectorate.⁶⁵ An even wider extension of the work of the Alkali inspectors came with the significant Clean Air Act 1956. This was a response to unprecedented pollution from smoke and fumes. The devastating smogs that struck London and urban conurbations in the 1940s and 50s brought a public outcry and parliamentary debate resulting a series of Ministry of Health enquiries followed by a full-scale enquiry under the chairmanship of Sir Hugh Beaver. The key recommendation of the Beaver Enquiry was to reduce smoke emissions by up to 80% in urban areas within 15 years. The enquiry linked the science of smoke and fume pollution to impacts on health and regulatory control. The Clean Air Act 1956 was the result. The Alkali Inspectorate pressed on further limiting grit and particulate emissions, and regulating emissions from steel and iron works. The underlying and diverse interactions between different emissions and their subsequent environmental impacts were recognised in a regulatory framework under The Control of Pollution Act 1974. This applied the scientific understanding that emission controls had to be integrated across air, land and water to be successful. It also adopted the “polluter pays” principle. This Act brought together concepts from science and law to provide effective environmental regulation.⁶⁶

Anti-discrimination legislation: national responses

The need for national legislation became apparent during the late 1960s in Britain. Immigration from India, Pakistan and the West Indies led to much racial tension and friction. Racial tensions increased and the Notting Hill riots in 1958 underlined the need for appropriate legal pro-

⁶⁵ See: The Alkali Act 1863 and background: A. Markham, *A Brief History of Pollution*, London: Earthscan, 1994. Royal Commission on the Pollution of Rivers, Third Report, *The Rivers Aire and Calder* (1867), Cmnd. 3850.

⁶⁶ One common problem was noise and its effects on the community. *Rushmer v Polsue and Alfieri Ltd.*, [1906] 1 Ch. 234 allowed an injunction for loss of sleep accepted by the courts on the basis of scientific information about noise and its measurement.

tection. The Race Relations Act 1965, modelled to some extent on the US Civil Rights Act 1964, made it illegal to discriminate on the grounds of race in specific public locations, pubs and dance halls. A new offence of incitement to racial hatred was established with conciliation procedures operating under the Race Relations Board, an independent body to oversee the legislation. The 1965 Act was a promising start but it failed to have sufficient enforcement powers. The Race Relations Act 1968 was an improvement on previous legislation, with a newly established Community Relations Commission and improved enforcement measures. The US experience proved instructive with lessons from the riots in the 1960s in Watts in Los Angeles. The 1968 Act also proved inadequate and the 1976 Race Relations Act extended the reach of the law to private clubs, as well as “patterns of discrimination” and discriminatory practices more generally. Both criminal and civil law remedies are now activated when there is any discrimination, with a Commission for Racial Equality established that may take up the complaints of an individual or group. Court cases may be facilitated by the Commission, though the case is taken by the individual complainant. Investigations may be undertaken and results published.

One important aspect of anti-discrimination strategies is in the public procurement of goods and services. The duty on local authorities under the Race Relations Act 1976 provided important restrictions on contracting procurement that was discriminatory. The Broadcasting Act 1990 created responsibilities on certain licence holders to make arrangements for promoting equality of opportunity between men and women. Equality principles extended beyond a narrow set of rules and procedures. The Race Relations (Amendment) Act 2000 followed the death of Stephen Lawrence, and required responsibilities to prevent racial discrimination to apply to a wide range of bodies.

The rule of law and the equality acts 2006 and 2010

“Mainstreaming” the concept of equality is an important development in ensuring equality, diversity, and eliminating unlawful discrimination as well as protecting human rights. The Equality Act 2006 made it possible for a more holistic approach to be taken. The creation of the Equality and Human Rights Commission brought together the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission. The new Equality and Human Rights Commission allows for the enforcement of equality legislation on age, disability, gender religion, race and sexual characterisations under a single statutory body. The range

of powers includes advice and guidance as well as research and publishing information. In addition, there are legal enforcement powers to ensure that the law is clear and rights and duties are being applied correctly. The aim is to set priorities and practices that enhance rights and, in certain cases, the use of courts or tribunals to ensure binding agreements. The range of activities undertaken by the Commission provides a widely drawn net of important social and economic problems that mitigate against participation in society by many groups on the basis of fairness and equality. Many of the ideas and principles may be found throughout many countries.

The Equality Act 2010⁶⁷ is a broadly drafted provision intended to offer a legal framework that addresses various forms of discrimination. Public authorities have a duty to have due regard for the need to eliminate discrimination, harassment and victimisation. The requirement is to have “due regard” to such matters as “age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation”. The width of the Act is its main benefit in setting a high level of tolerance relating to all aspects of social life and society. The defect is that very often the courts will struggle with interpretation and how best to give due regard to the issues raised by the Act. Interpreting the motives of decision-makers is complicated by the facts and the limitations on many public bodies to address such a wide range of issues in a satisfactory way. The legal duty is framed in terms of the minimum acceptable as well as the overarching responsibility set by the legislation. It is not a matter of “tick box” compliance. It is broadly defined in terms of material considerations that are relevant and are part of the statutory arrangements. This is potentially an onerous task that is time consuming but is an integral part of the decision making process as a whole.⁶⁸

One important feature of the legislation is section 158 of the Act provides a positive duty that requires action in respect of employment. This is an unusual and important part of the legal system to change a duty to do something into a requirement to take positive action. Normally this might require a proactive step and would not normally be sanctioned by law. The UK legislation stops short of allowing positive discrimination. Instead, the Act provides a permissive framework to encourage good practice and to

⁶⁷ House of Commons Briefing Paper, *The Equality Act 2010 Caste Discrimination* Number 06862 (21 November 2016).

⁶⁸ See: *T and V v UK* (200) 30 EHRR 493. *R (Fawcett Society) v Chancellor of the Exchequer* [2010] EWHCC 3522.

hope that voluntary action may be sufficient. Proportionate and reasonable, it is hoped that discriminatory practices and attitudes will be overcome by minimizing the disadvantage suffered by some. There are a wide category of protected persons including age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity, race, religion, or belief, sex and sexual orientation. The Act allows such groups to be targeted to provide protection and legal certainty about their status. This may also include policies on recruitment and promotion. Section 159 allows an employer to take a protected characteristic into consideration when deciding whom to recruit or promote. This can only be done where the candidates are as qualified as each other. The method adopted in the legislation is voluntary, allowing employers to make policy decisions. This has the benefit of slowly changing and influencing the employment culture. The disadvantage is that it falls short of the expectation set by many disadvantaged people that their disadvantage will be addressed and fairly treated on merit. Policymaking in this arena is difficult. Measuring the success of the legislation will also take time.

Legal rules and their application are likely to have limited affect. There are new situations where it is imperative to develop new strategies for future policymaking. The way forward is to provide flexibility. This is achieved through the Enterprise and Regulatory Reform Act 2013, which provides the use of an Order in Council to allow different aspects of discrimination to be considered and developed. The process involves carrying out a review of the main issues and then, if required, the introduction of new powers. There is an International Convention on the Elimination of All Forms of Racial Discrimination. One issue is whether caste may be a ground for discrimination. The findings of an Employment Appeal Tribunal⁶⁹ that caste could be a ground for discrimination marked an important step in broadening the scope of the protection of the law.

Finding a legal framework for fair employment: the living wage and the Equality Act (Gender Pay Gap Information) regulations 2016

Poverty reduction applies to many who are seemingly employed but receive small wages or, in the case of zero-hour contracts, receive very little remuneration. The poverty line is currently at £7.85 per hour outside London, and £9.15 in London. The National Minimum wage was set by

⁶⁹ *Chandhok and Anor v Turkey* [2014] UKEAT 0190.

legislation that set a legally enforceable standard for payments to employees. The living wage is an arrangement for payment that looks beyond the minimum wage and seeks to address low pay. The actual rates of low pay are falling since the 1970s, leaving many sectors badly off than ever before. In the hospitality industry 69% of workers are low paid; in retail 41%, with younger workers most seriously affected. Women are the largest group that are badly suffering from low pay. The decision to introduce a living wage was made in June 2013 and there are regular updates on performance. In theory, the living wage should help reduce poverty but it is too soon to tell whether or not this will be the outcome.⁷⁰

The role of equality status is an important means of providing fairness. The new regulations address gender pay gaps by requiring private and voluntary sector employers in England, Wales and Scotland to provide pay details, including any bonus payments over the past financial year. The aim is to publish realistic data on the payments received by men and women.⁷¹ Mandatory pay reporting is intended to encourage steps in bringing together sufficient information on gender inequality. The use of a publication strategy is intended to address, through reputational damage and negative publicity, pay convergence as a means of promoting fairness and equality. There are also possible implications for any procurement issues in terms of government contracting and reputational damage when gender pay gaps are uncovered. Increasingly important are the varieties of financial and fiscal studies that reveal the challenges that confront social and economic inequalities.⁷²

The judiciary and the state

The role of the judiciary is often decisive in interpreting national legislation.⁷³ Independent and separate from the other organs of government, the legislature and the executive,⁷⁴ it is the judiciary who provide guidance

⁷⁰ House of Commons Library Briefing Paper, Number 06675 (12 June 2015), *The Living Wage*.

⁷¹ The obligation applies to any firm or employment activity with at least 250 employees.

⁷² John Jerrim, "The Link between Family Background and Later Lifetime Income: How does the UK compare with Other Countries" (2017) 38(1), *Fiscal Studies* 49.

⁷³ There is also the Statute Law Society, established to advance good legislative drafting and the use of clear English.

⁷⁴ P. Sales, "*Pepper v Hart*: A footnote to Professor Vogenauer's Reply to Lord Steyn" (2006), *Oxford Journal of Legal Studies* 585.

on the interpretation and implementation of the law. Most legislation is not subject to judicial scrutiny or interpretation because litigation does not always occur in areas where matters of interpretation are in dispute or are unclear.⁷⁵ Recently, Lord Thomas, the Lord Chief Justice of England and Wales, has concluded⁷⁶ how the judiciary are an important, but independent part of governing, providing through the application of the rule of law a coherent role in ensuring the interpretation of legislation follows the intention of parliament. Articulating the intention of Parliament is not easy, since it engages with policy even though the context of the interpretation of legality is the rule of law. Assessing intention may involve⁷⁷ the review of many documents, including parliamentary debates and government policy, that may help explain the way the legislation should be considered. In many instances there is some guidance on how legislation might be interpreted. Section 3 of the Human Rights Act 1998 requires a court or tribunal to give effect to legislation that is compatible with the European Convention on Human Rights. Uppermost in the mind of the judges is the need to take account of democratic principles, uphold the rule of law and prevent unnecessary or excessive executive power. Setting rules of interpretation within legislation is a means of giving advice and guidance on how legislation should be interpreted. Clear and understandable legislation is an important first step. Eliminating vagueness or uncertainty is also important. European Union legislation is particularly challenging, as it requires reading UK law in a way that is compatible with EU laws. This may call for some creativity in reading and interpretation, allowing the courts some discretion as to how to “read” words or add concepts that fit into the meaning of the words. This sets challenges in an effort to secure the proper functioning of legislation.⁷⁸ None of this is easy or indeed a guarantee of a better understanding of the complexity of technical and challenging legislation. It is simply a methodological approach that sets the means by which judicial discretion is to be understood. The point of legislation is that it

⁷⁵ See: Aharon Barak, *The Judge in Democracy*, Princeton and Oxford, 2013.

⁷⁶ Lord Justice Thomas, *The Judiciary within the State—Governance and Cohesion of the Judiciary*, Lionel Cohen Lecture Hebrew University Jerusalem (15 May 2017). Also see Lord Justice Thomas, *The Judiciary Within the State: The Relationship between the Branches of the State*, The Michael Ryle Lecture, House of Lords, 15 June 2017.

⁷⁷ See: *Pepper v Hart* [1993] AC 593 and R. Ekins, “The intention of Parliament” [2010], Public Law 709.

⁷⁸ Case C106-89 *Marleasing* [1990] ECR-I 4135 (ECJ).

conveys policymaking and choices set in the context of priority setting and economic values. This makes the value of legislation especially important in redressing the needs of poor against rich. It also partly explains why legislation may fall short of what is expected or intended, as judicial discretion is an important but also unpredictable element in implementing national legislation.

Conclusions

National legislation creates many opportunities for social reformers and political groups keen to see a more equal and participative society. The nineteenth century examples in the UK point to major social progress that can be achieved through legislation in areas such as public health, housing and sanitation, employment and education. Underlying the rationale for legal intervention is the realisation that market-led solutions are not reliable or dependable.⁷⁹ The limits of the market to halt or deter discrimination or change poverty reduction strategies have been clear since the 1950s and 1960s. If the lessons of market failures are difficult to learn, so is the ineffectiveness of government illustrated by the constantly shifting legislative interventions that are intended to remedy past shortcomings. The experience of anti-discrimination legislation in Britain is a slow learning curve of correcting past mistakes or defects in the legislation. Undoubtedly anti-discrimination legislation in the 1960s and 1970s has given rise to equality status and “mainstreaming” into many parts of the economy through legislation.

Contemporary examples such as the Equality Act also point to the potential to make society fairer. Legal rights and obligations associated with equalities, rights and attempts to prevent discrimination and hate crime have some significance. As McCrudden⁸⁰ has shown, the development of status legislation, providing equality status to many groups and individuals, creates important links between policymaking and implementation strategies that build on the core elements of anti-discrimination legislation. Different approaches are evident based on an individual justice model as well as a group justice model. These approaches have been supplemented through international and intergovernmental approaches as well as the

⁷⁹ Paul De Grauwe, *The Limits of the Market: The Pendulum between Government and Market*, Oxford: Oxford University Press, 2016.

⁸⁰ C. McCrudden, *Buying Social Justice*, Oxford: Oxford University Press, 2007.

introduction of what is called “mainstreaming”.⁸¹ The latter has much potential to run. Fostering legal solutions may also provide a targeted and specific approach to certain social problems. There is also an important and powerful means of asserting community values and ensuring that there is solidarity and fraternity as an antidote to conflict, bitterness and divisions. There is an intuition that the promoting self-help and supporting voluntary groups may help mitigate the failures and shortcomings in the system of justice.⁸² The role of law, despite its many and various limitations, provides a powerful means to persuade companies, and all sectors of public life, to engage in good behaviour that they would otherwise not have done. Yet the pattern of requirements is uneven and often open to interpretation. The research undertaken by the Human Rights and Equality Commission is indicative of just how much more progress is required and how hard this is likely to be.

National legislation has limitations as the problems lie much deeper in the political system and in the way society interacts with social and economic problems. The UK Government White Paper in 2012 makes the compelling point:

Today participation requires changes to society, not changes to the law. This means that building a more integrated society is not just a job for government. It requires collective action across a wide range of issues at national and local levels, by public bodies, private companies and, above all, civil society at large.⁸³

The White Paper suggests that local civil leadership may have a role in enhancing participation in social change. The Localism Act 2011 gives local people the right to challenge public decisions based on community justice including even the running of local services. Local partnerships are also seen as a potential solution in the development of strategy for social integration. The White Paper envisages participation projects, tackling an assortment of issues, including the conditions for participation in long-term social and economic challenges. Political influences are overarching in the way they may set agendas and create opportunities. This may have limited the room for social and economic issues to be aired and discussed. The Equality Act shows many limitations in national legislation. Much of

⁸¹ The term is discussed in C. McCrudden, *op. cit.*, chapter 3.

⁸² See: Emmanuel Melissaris, *On Solidarity*, LSE Working Papers 10/2017.

⁸³ Communities and Local Government: *Creating the Conditions for participation*, London: 2012 p. 6.

the Act is aspirational with uncertainty as to how to create a mandatory structure to eradicate inequality and create equal opportunities. Creating change is always going to be challenging in the light of the conflicting nature of expectations in society. In the context of Brexit, and a political movement to the right of centre in many countries, the directions for the future look unpromising. It is here that Churches and religious groupings at local, community and central levels must provide a fresh agenda. Responses to human trafficking and many initiatives associated with helping unaccompanied minors are indicative of public opinion and social concern at work. Participation relating to social, economic and cultural challenges is one of the most difficult problems that will have to be confronted in terms of all the dimensions of race, ethnicity and religious belief. The participation of society is difficult and challenging. Avoiding the difficult decisions will simply leave it to future generations to deal with the problem when it is perhaps insurmountable.

National legislation is an instrument of policy but implementation is another matter. Capacity is needed to carry through and meet strategies for the legislation to be successful. Credibility is required to engage with beliefs and expectations. Incentives are needed to overcome any gains or benefits from non-compliance. Engagement with obstacles or vested interest designed to prevent effective law is also essential. Perpetrators must be deterred and whistle-blowing must enable the law to be enforced. The powerful must be confronted with their wrongdoing and their moral and social responsibilities articulated.

National legislation is also an instrument of coordination. It allows certain behaviour to be encouraged through options and outcomes. Laws may create a change in social norms and the recalibration of social responsibilities. National legislation can create a culture of compliance. It may also facilitate the transplantation of laws from different countries and in certain specific areas create greater economic rights. E.P. Thompson noted that the “forms and rhetoric of law acquire distinct identity which may, on occasion, inhibit power and afford some protections to the powerless”.⁸⁴ More recently Paul De Grauwe⁸⁵ has questioned how far will such binding or legal environmental constraints – such as on the control of climate change

⁸⁴ E.P. Thompson, *Whigs and Hunters: The Origin of the Black Act*, London; Penguin 1975, p. 266.

⁸⁵ Paul De Grauwe, *The Limits of the Market: The Pendulum between Government and Market*, Oxford: Oxford University Press, 2016.

– be effective? Market-led solutions have not worked, leaving excessive inequality and large measures of financial instability. Effective national legislation must be underpinned by the setting of appropriate priorities, and this is the policy vacuum that needs to be addressed.⁸⁶

⁸⁶ See: Jo Eric Khushal Murkens, “Democracy as the Legitimizing Condition in the UK Constitution”, LSE Working Papers 8/2017. A. Weale, *Democracy*, Palgrave Macmillan, 2nd edition 2007.

POLITICAL PARTICIPATION IN EUROPE: WHAT IS REQUIRED?

JANNE HAALAND MATLARY¹

Introduction and overview

This paper will address the role that participation ought to play in democratic politics and the obstacles to such participation with a specific focus on Europe. It goes without saying that political participation in a non-democracy – be it oligarchy, autocracy, theocracy or anarchy – has little meaning apart from in the cases of overturning these political forms. In this case, this can be defined as “revolution”. Revolution is in this sense political participation *par excellence*, yet it is rare and beyond rules and structures. By definition, it represents the very disruption of structures and institutions and will therefore not be dealt with here.

The paper begins with a discussion of the requirements for political participation *per se*. These also include some measure of economic wellbeing and equality. If the working class is too poor and exploited to revolt, there will be no revolution, as has been discussed by the classics when they tried to determine at what point revolutions would take place. Yet, economic deprivation is a serious obstacle to political participation even if it does not lead to revolt. Professor Stiglitz’s paper shows how economic inequality has increased over the last two generations – the lower end of the working class in the US today earns less than in 1970 in real terms. Also, in Europe, we see evidence of little or no income growth for the working class, whereas the middle class and the rich have benefitted from the EU’s internal markets and globalization. The unprecedented free market economy of today has benefitted many countries and in aggregate terms, yet impacts are uneven. The effects on political participation are strange: the working class votes for Trump rather than Sanders; and in Europe it is not Labour parties that have grown as one would expect, but right-wing populist parties. In short, the current “revolt of the masses” has so far led to support for populist parties rather than what seems natural: support for socialist ideology. European social-democratic parties are not responding to the challenge of working class marginalization.

¹ Department of Political Science, University of Oslo.

In fact, the traditional party structure is severely shaken: in France the party structure was unable to muster presidential candidates beyond the first round; in the Netherlands, Denmark, and Sweden there are strong right-wing populist parties, contrary to what one expect from these solid liberal-democratic states.

The issue of economic inequality has already been addressed in various papers in this Plenary, and I will therefore not explore this any further here.

I will then examine the following factors as requirements for meaningful political participation:

Civic education about the common good and citizenship, *institutional structures* such as recall, checks-and-balances, and rule of law, as well as *subsidiarity*. Following this *general* discussion I will proceed to analyse current European politics from the vantage-point of these criteria. The conclusion offers some suggestions about “what is to be done”, as Lenin famously put it.

Why the focus on Europe?

The emphasis on Europe is not only because Europe represents the largest cluster of democracies on the globe, but also because these advanced democracies are now undergoing profound change and experience much instability. The order based on steady EU integration is heavily upset by support for parties that are highly critical of supra-nationality and open globalized markets. Brexit is a fact, and migration is an external shock that created chaotic conditions in most of Europe in 2015 and may easily do so again. In addition, state security as a first order concern is back after a strategic “vacation” for almost 20 years. Russia is a revisionist power testing Europe with the use of military force, seeking to upend democratic stability and to weaken NATO and the EU. Terrorists attempt to achieve political chaos and disruption.

This political agenda leads to a *re-nationalisation* of politics and an emphasis on hard security issues such border controls, security, and defence. The open market aim of the EU is not easily reconciled, if at all, with these challenges. Like in Hobbes’ *Leviathan*, citizens now seek the classical ends of policy – *physical security* within their states and between their states. Security concerns extend to more than police and military. However, due to migration, internal market mobility, and general globalization, citizens also seem to seek “*secure*” *national identities*. The working class family that may lose their jobs to international competition typically lives in neighbourhoods where their children go to schools that are multicultural to such an extent that national language, national history, and the transmis-

sion of societal values is at risk. In Oslo, to take one example, families in Groruddalen, in the east, which has major immigration and where schools sometimes have more than 90% immigrant pupils, experience this problem first-hand. Their Norwegian children are such a small minority that they do not learn Norwegian properly and the school's traditional Christmas visit to church is contested by the majority. The families that can afford to move away do so, those who cannot must stay. When many move, this may lead to "parallel" societies where integration into the majority culture does not take place.

Anti-EU, anti-globalisation, and anti-immigrant preferences therefore overlap in voter preferences, but mainstream politicians are wary of dealing with this difficult agenda and are personally able to remain aloof from it. To mention a clear example, in Sweden the "cognitive dissonance" regarding these problems is very evident. The populist right party, "Sverigedemokratene" (the Sweden Democrats) is therefore able to set the agenda on this issue to their advantage. Boycotted by the main parties, this party is also the largest party in Sweden in several polls. Similar situations exist in other European states.

The focus on Europe is also valuable because these states are very advanced in terms of all the requirements for political participation. The present revolts and upheavals in Europe may therefore give us important insight into the *obstacles* to participation, containing relevant "lessons" for other regions. Moreover, the requirements for political participation in the rest of the world (beyond Western democracy) also concern the basics of political institutions that are already "in place" in Europe. This makes it more difficult to isolate current problems from generic ones in the analysis if these regions are included.

The World Justice Project (WJP)² offers detailed empirical data on requirements for the rule of law/democratic participation across the globe. In their 2016 report they present nine variables that together make up rule of law: checks and balances on power, non-corruption, transparency of political process and civic participation in the latter, fundamental human rights, order and security, implementation of laws (regulatory enforcement), civil justice, criminal justice, and informal justice. These nine variables are each made up of several components and studied through representative surveys as well as expert interviews in each of the world's states. This comprehensive study provides a useful comparative basis for

² World Justice Project, Ref Washington, D.C. 2017.

assessing the state of democracy/rule of law in the world since it includes both the institutional design of states and how this actually functions across broad participatory themes.

The rankings of states in this study is very consistent across the nine thematic: The Nordic countries are always on top, followed by other European states and the US and Canada. At the bottom of the ranking we consistently find states like Venezuela (almost the last one for all variables), Afghanistan, Cambodia, African states, Caucasian states, etc. In short, the well-functioning states of the world are the European democracies and the US. In the aggregate ranking, the four Nordics are on top, followed by the Netherlands, Germany and some smaller states. The UK is no. 10 and the US no. 18.

Corruption is a problem in very many countries of the world and one that hinders all aspects of true democratic development. There is no true rule of law in corrupt states and no possibility of a good society based on a social contract whereby the taxpayer pays with the reassurance that other citizens do so as well. Corruption is rampant in the developing world, in authoritarian states such as China and Russia, but also in the Middle East, and we find evidence of corruption in Eastern and Southern European states in particular. In the East this is a legacy of the Communist system where bribery was common. Much more serious corruption exists in the political class, and the euro crisis showed that many Spanish and Italian politicians were also corrupt.³

Money corruption is illegal, whereas what we call “network” corruption is harder to prove. Yet nepotism is also corruption, it hinders meritocracy and thus the best qualified in getting a job. Jobs given to relatives and friends is a serious example of corruption. This is not an unknown phenomenon in Southern Europe, and one that the sociologist Max Weber deemed the major difference between a modern, rational system of government and a primitive one. Unless there is meritocracy and rule of law, there is no real democracy, he argued.⁴

In Latin America democracies have developed quite well, after many decades of unrest, conflict, and civil war. However, in that region, econom-

³ Transparency International's list for 2015 contains 167 states and has the Nordic states on top as the least corrupt, but in Europe there are cases far down on the list as well – Spain is no. 36, Hungary no. 50, Greece no 58, and Italy no. 61. Towards the bottom we find mostly African states – Somalia as no. 167 – as well as some of the ‘stans’.

⁴ Weber, Max «Politik als Beruf» (1919) and «Wissenschaft als Beruf» (1917), lectures delivered to the student union in Bavaria.

ic inequality remains a major issue.⁵ In Asia democracies are stable, but the region is characterized by much rivalry between states.

In Europe, present-day democracy facing a crisis in many places because of distrust between elites and people, something which came to the fore during the migration crisis in 2015 and Brexit in 2016 in particular. From a democratic vantage point populism is a problem, yet so is EU supra-nationality. If we look east, we find that the democracies of the former Communist bloc are often marred by much corruption; rule-of-law exists on paper, but not in reality. Winner-takes-all mentality prevails and ministers are mysteriously enriching themselves while in office. Research on the separation of powers in these states finds that real power lies in what is called “the system”, a concept from Communist times, and not in independent courts.⁶ In Africa states do not have nations, as borders were randomly drawn, and the US currently has a populist president.

General requirements for political participation

Being a participant, an agent with influence, presupposes some kind of knowledge about politics, some degree of economic wellbeing, and a society where one is equal as citizens. These three factors – equality of personhood and citizenship status, basic economic equality, and informational or formative equality – have all been bitterly fought over throughout the history of democracy.

Participation and the common good

Ancient forms of self-rule (that are not democratic in the modern sense) such as the Nordic *Tings* or Greek city-states) did not come with equality in personhood – slaves still existed, women did not count – and in modern times the fight over who should have citizenship rights often centred on socio-economic status. The working class got the vote after uprisings around 1890-1920s and women even later. Throughout history,

⁵ Venezuela remains very high on the corruption index, and is in general very far from being a democracy. See Transparency International’s index of corruption for 2015.

⁶ Åse Berit Grødeland. ‘Informal Practice in the Judiciary: A Comparison of East Central Europe, South East Europe and the West Balkans’, in William B. Simons (ed.) *East European Faces of Law and Society Values and Practices* (Leiden/Boston: Brill, 2014), 81-104, and *ibid.*, ‘Informal Relations in Public Procurement. The Case of East Central and South East Europe’, in Jan Kubik and Amy T. Linch (eds.) *Justice, Hegemony and Social Movements: Views from East/Central Europe and Eurasia* (New York: New York University Press/SSRC, 2013), 346-384.

citizenship was a privilege for the few, from Athens to Rome until modern times. Education, or being enlightened enough to be trusted with the vote, was a debated topic in political philosophy in the heyday of liberalism – John Stuart Mill discussed whether those without education are rational enough to vote in his seminal work *On Liberty* from 1859.

Ideally a democracy is a quest for the *summum bonum*, a place where the human being realizes its potential as a social being. As the ancient Greeks saw it, the highest form of human life after philosophical life is indeed politics, understood as the quest for the common good. Participation in itself is therefore important for a society's quality as well as for the development of the person.⁷ In German there are two words for community – *Gesellschaft* and *Gemeinschaft*.⁸ The former is the “thin” version of society, based on interest and instrumentality; the latter is the “thick” version where there is real commitment to the common weal, the *summum bonum*. The highest aim of participation must be the “thick” community where self-interest is at least to some degree replaced by concern for the common good. Such communities do exist and we recognize them in terms of the virtue of its citizens, such as when they contribute to society without personal interest in mind. In my hometown Mandal, on the coast of Norway, there was such a quality to society when I grew up: citizens would do a lot for the common good of the town without any consideration of reward. They did not have much in material terms compared to the present, but they contributed much. Today people do not freely give their time and energy to community projects, although the community “quality” there is arguably higher than in the capital Oslo. This is perhaps a function of size – small towns with close personal ties allow for greater community – but it is also a function of the professionalization of almost all services. Other everyday “evidence” of the search for community is the willingness of city dwellers

⁷ See R. McKeon, *The Basic Works of Aristotle* (Random House, 1941), *Politica*, Book I: “Every state is a community of some kind, and every community is established with a view to some good... the state or political community, which is the highest of all and which embraces all the rest, aims at good in a greater degree than any other, and at the highest good”, 1252a and “a social instinct is implanted in all men by nature” – “Justice is the bond of men in states” (1252b).

⁸ First used by Ferdinand Tönnies in sociology, these concepts were made famous by Max Weber's use of them in his works, e.g. *Economy and Society*, ed. Guenter Roth and Claus Wittich. University of California Press (1921/1968/1978).

to move to Nova Scotia to work and live there because they longed for community.⁹

Learning about what politics entails is what we term civic education. To be a citizen is a right, which entails duties. A democracy belongs to its citizens; all power is given to the people with the exception of fundamental human rights that are non-political. Today there is very little emphasis on *Bürgerpflicht*, on the duties of a citizen. *Bürgerrechte* – citizenship rights – are much more familiar, and often confused with what is claimed to be human rights. Yet citizenship rights and duties are stipulated in the social contract of the state, mostly in its constitution. But if the common good is to be realized, each citizen must be taught to take responsibility for advancing politics beyond narrow self-interest. The Platonic dialogues dissect the notion of common good, which is about the quality of politics as well as about the limits of the political. Politics is what concerns the life of the polis, the community beyond and above family and other associations. Good politics is more than compromise of self-interests – the self-interested politician is perverted, according to Aristotle.

The major point about the norm of participation, however, is not only the argument that people should participate in decisions that affect themselves, but that participation *as such* is important. Being an active citizen, part of the *polis*, is important for the full development of the human person. As both the Greeks and Romans put it, we are social beings by nature. The Greek *zoon politikon* is the *animalum rationale* of the Romans, a theme later to be developed to the fullest by St Thomas in the *Summa* and other works. This is an absolutely vital issue in Catholic social teaching and in Western political philosophy: *the human person becomes himself only in the company of others*, as part of a human community; first the family, then civil society, then the *polis*. This is an ontological statement: we are born as social beings. Therefore the family is a natural institution, and so is the *polis*, according to Aristotle and Plato. There is such a thing as a common good, something which is not only a common interest, but a *qualitative* aspect of society.

The normative imperative – to make a society a good one – is very different from the instrumental concept of a common interest which appears much later in political philosophy, e.g. as the rationale for the state in Hobbes' *Leviathan* and as the central concept in British liberalism.

⁹ NYT, Oct 24th, 2016 (title).

Thus, participation as a norm in traditional political philosophy is not premised on rights or interests, but on human nature and the natural need for community. By participating we become full human beings, realizing our natural potential. After philosophy, politics is the highest type of human activity.

Yet there was relatively little democratic participation throughout human history. There were few citizens, it was a privilege for the rich and important to be named a citizen, granted by the king. In the Greek city-states both slaves and women were excluded from citizenship, and democracy was regarded as one of the worst forms of government. Democracy was the opposite of aristocracy and aristocracy, the rule by the best, the *aristoi*, was the preferred form of government because the quality of the participants was ensured – they were wise, educated, the most knowledgeable.

Democratic participation is tied to the state, which first is the territorial state and later the nation-state. The latter becomes the basis for the development of democracy, which is late in appearing. The consolidation of the territorial state starts with the treaties of Münster and Osnabrück in 1648, following the Thirty Years' war. The all-important principle of territorial sovereignty is enshrined here, with total power over the realm vested in its ruler. The *cujus regio, ejus religio* principle testifies to the totalitarian nature of this: the one that has military control of the territory is its king: *rex imperator in regno suo*. There is no social contract or democratic participation. This is the age of absolutism.

Gradually social contract theory is developed in the aftermath of the revolutions that bring the middle class to the fore. The political community is being constituted by the concept of the nation. The nation plays a vital role as the scope condition for this community – it is no longer Christendom and/or empire, but nation. Napoleon is the creator of the French nation *par excellence*. This is a created community that builds on existing smaller local communities inside the territory, but which is forged into one community through one common French language (all other languages and dialects are forbidden) with a common central administration in Paris and common laws (*code civil*). Conscription is the new obligation of the citizen, *le levee en masse*, all of society must defend and, if needed, die for the nation. For example, the ancient Military Order of Malta experienced this change as the shock of desertion of the French “tongue” (the French-speaking knights) in Malta in 1798. Napoleon simply sails into Valetta harbour and calls the French, who follow him. Christendom, which had hitherto united the knights, is replaced by nations that disunite

them. The soldier who is conscripted must be ready to die for the nation, and under Napoleon, a great many indeed do. Horace's old dictum *dulce et decorum est pro patria mori* reappears as a duty to the political community of the nation-state, and mercenaries, who had so far been the norm in the territorial state, are replaced by the citizen-soldier.

The revolutions in Europe in 1848 are called "burgher revolutions", or citizens' revolutions. The middle class demands political influence and gets it. Only later does the then burgeoning working class rise and call for the same, from about the 1890s. And so it goes, women get the vote latest of all, after the turn of the century. It is no longer participation of the intellectually fittest or the privileged; it is participation based on *rights*. The middle class demands this right since the aristocrats have it, followed by the working class, and later women. The arguments concern equality and the right to be a free citizen. Are the employed free enough to be citizens? Do they have enough economic independence to be free agents? Similarly, are they knowledgeable enough to vote? Can they make rational choices? John Stuart Mill discusses both issues in *On Liberty*. A gentleman is a man of education, leisure and of independent means, thus able to be a citizen. Mill surprisingly argues that women can be rational too, and therefore should be allowed to vote.

A nation is characterized by a common language and history, common currency, common flag and common culture. Duties under the social contract include potentially dying for one's nation, in the institution of *conscription* which still exists in several European states – Sweden reintroduced it this year. The duty to pay taxes to support the nation and the state is as certain as death, to paraphrase Keynes. The taxman still cometh.

These duties are balanced by rights: the state is obliged to ensure citizens' safety, provide a modicum of social benefits, and keep order on the territory. The state, governed by an elected government, must first of all defend its citizens; then secure order and later, welfare, for the former.

Participation and rule of law

In the Norwegian constitution of 1814, Europe's oldest still in force, we already find many individual rights. Democracy was still very limited – few could vote – but the key principle of safeguarding against tyranny was in place in the form of checks-and-balances: rule of law was ensured through the separation of powers. Montesquieu's principles had been known and implemented long before democracy. Norms that guard against abuse of power and arbitrary rule – rule of law and the separation of powers – are of fundamental importance to any democracy.

Participation presupposes a political community where one has rights and duties (a social contract) and where the rules do not allow for majority tyranny or the arbitrary exercise of power. Decisions must be based on law, and there must be an independent legal branch that can keep both the plebiscite and the executive within legal boundaries.

Rule of law is older than democracy. When we look at the earliest Nordic proto-parliaments, or *Ting*, we find rule of law as the key to civilized decision-making. Where there is law, there are arbitrators in the form of judges, and people submit to their judgment. In Norway we find legal regions as early as around 900, in Iceland likewise. The names of these legal regions are the same today in both countries: *Eidsivating*, *Borgarting*, *Gulathing*, etc. where the word *ting* means the meeting place for decision-making, being the name for the Nordic parliaments as well. The Norwegian national assembly is the *Storting* (the great *ting*), the Danish is the *Folketing* (the people's *ting*), and in Iceland we have *Althingi* (everyone's *ting*). At the *tings* disputes were settled by *lovsigamen*, literally those who could read and therefore proclaim the laws, i.e. the judges. At that time there was no democracy, only equal rights for all free men (the few who were independent militarily and economically). But there were elements of democratic participation in the *tings* where those men voted on new laws. The practice of the *ting* meeting only for a few weeks each year was common until recent times, as representatives had professional lives in addition to the duty of political participation. Turning politics into a "profession", and a full-time one at that, would have met resistance from the ancient Greeks and from traditional democracy advocates – the point of *democratic* politics is exactly the opposite of professionalism – the politician is an amateur, a common man or woman who can be elected to high office.

Respecting the law as opposed to ruling by power is significant indeed and it seems that the law was respected. Someone banned from Norway or Iceland could be killed if they returned, as they violated the law by so doing. Manslaughter was punished by law and seems to have been the most common crime, according to Snorre's sagas.¹⁰

There can be no democracy, regardless of level of participation, outside a political community, and the latter has to have "checks and balances" as well as accountability. Effective accountability means recall or re-election

¹⁰ Snorre Sturlason, *Heimskringla*, ca. 900, translated into the Norwegian from Icelandic by Gustav Storm, *Snorres Kongesagaer*, Stenersens Forlag, Oslo, 1900.

through periodic elections, and this presupposes a public sphere where citizens are aware of what goes on. Without accountability, participation has little value beyond agenda setting and the shaping of public debate. Democracy basically means that power is delegated to elected representatives, and all political power rests with the people. If they cannot recall the power delegated, there is no democracy.

Summing up the argument so far, we have pointed out that participation alone makes little sense as a democratic norm. It makes eminent sense when there is a political community with a common public sphere where transparency reigns and where there are checks and balances on power (ab)use, however. Rule of law is essential to checking power abuse and is a pre-democratic norm.

Participation and subsidiarity

What is the right *size* of a political community in order for meaningful democratic participation? Direct participation in the city-state or perhaps a federal structure based on the principle of subsidiarity where one participates in decisions that affect oneself? Or is it only in the nation-state that democracy can realistically flourish today? The ancient Greeks had their city-states with direct democracy. Some states have retained direct democracy, e.g. Switzerland, but this is the exception.

Carole Pateman created much debate about the centrality of the norm of participation with her seminal book from 1970, *Participation and democratic theory*.¹¹ She defined participation as the partaking in decisions that affect oneself. This makes logical sense and is also the basis of theories of federalism where there is a postulate that there are natural “layers” of political issues – the local level should deal with local issues, the regional with regional issues, the national with national issues, and a fourth level, the supra-national or federal level, should deal with its set of issues.

Federalism – the theory on which the European Union (EU) is built – has no theory of democracy as such, but most nation-states have local, regional, and national governance structures where the national level is the most important. In federal states the national level is called the federal level – e.g. in the US, Spain, and Germany. The EU has a confederal structure rather than a federal one, since the national level matters so much. There are two forms of democratic accountability in the EU, a European

¹¹ Cambridge University Press, 1970.

Parliament (EP) and the European Council, which remains intergovernmental.

Federalism is a theory of political de-centralisation, but today there is little consideration of this vital aspect of the EU legacy although subsidiarity is enshrined in the treaty as the principle to be applied for determining the correct level of decision-making for a given policy area. The long-standing German demand for a *Kompetenzkatalog* has never been accepted since federalism is highly contested as a model for the EU by many member states, but it is a logical idea. Subsidiarity requires that there is a reasoning behind the ascription of policy areas to levels of government based on criteria of closeness to those affected by policy and nature of the policy itself. Defence policy can only be made meaningful at the national level, perhaps in some cases at the supra-national level. City regulations are best made by the cities that are affected by them.

The norm of participation goes well with a federal system, but not with a large supra-national polity. In a truly federal system careful attention to the size of the political unit will be paid, and the guiding idea is not only that policy naturally “belongs” to a certain level of decision-making, but that participation is optimal if the citizens are knowledgeable of their representatives, the issue areas, and can partake in public debate. The implication is this: the closer decision-making is to the citizen, the better in terms of democracy, and probably the better in terms of the quality of decisions. A counter-argument is that experts make better decisions than informed citizens, and that experts typically are found at the national and supra-national level. The EU Commission is e.g. an expert body.

Thus, the smaller the unit, the better the quality of the democracy? The smaller the unit, the more meaningful the participation? We would then opt for something akin to the city-state. However, the framework for modern democracy is historically and legally given in the form of political organization we call the nation-state. In terms of size, this unit is probably the largest we can expect to be democratic. The citizens normally have local and regional political rule in addition to the most important level, the nation-state.

There are only two instances of supra-national governance in the world – the EU’s Commission and Court and the so-called “community procedure”, whereby majorities can outvote minorities, and here I should also mention the permanently supranational monetary policy of the EU which is not subject to any political governance, only expert rule. In addition we could count the decisions by the UNSC (Security Council) as supra-national because they are politically binding on all member states.

In all other international organisations (IOs) the decision-rule is unanimous or “consensus minus one”.¹² This means that democratic accountability is to be taken care of at national level – the foreign minister has a mandate from the parliament. IOs may have so-called parliamentary assemblies, consisting of parliamentarians from member states. They typically have advisory power only. The parliamentary assemblies of NATO, the OSCE, the Nordic Council are examples of this, and the EP was such a consultative assembly until 1974.

There are no supra-national democracies. The nation-state with its local and regional government remains the key model. In federal systems the regions or Länder/states have much competence; in more unitary state systems like France or the Nordic states the main rule is that the national level decides on most matters. It overrides other levels, taxes and manages the welfare state, runs foreign and defence policy, conscripts citizens, and sends embassies to other nation-states. It also levies taxes, along with the local level. Conscriptio belongs to the national level alone.

These states mark the political boundaries of democracies although they are mostly not optimal polities. Some states are micro-states; others are empires in term of size. They all share the same status as *de jure* equal as a result of being members of the UN. There are several “quasi”-states on the map – Kosovo is not recognized by Russia and China; and the West does not recognize South-Ossetia and Abkhazia, to mention some. The PA is another “half-state”, sharing the status of associate member at the UN with the Holy See. The word *status*, notably, is the same as state, referring to formal place in relation to other entities.

The main problem with the state system, however, is not that it is highly diverse, but that so many states are not cohesive in terms of political community. Political scientists usually divide states into three groups: post-modern states, modern or Westphalian states, and failed states. *Postmodern* states in Europe are highly integrated in the EU and have dismantled borders to a great extent, do not pursue national interests with military force and embrace an ideology based on international human rights and the internationalization of the rule of law. The *modern* state is the prototype of the nation-state where the nation and national interests matter and where patriotism is a positive and important concept. Russia and the US

¹² This means that some opposition does not hinder consensus, but is usually formalised as a reservation by the dissenting state(s).

are examples of this type; in Europe perhaps France and Britain should be counted in this category. The *failed* or ungoverned state should rather be termed the pre-modern state, as there is usually no state in place that can fail. These are states without any political governance system beyond clans, tribes, and family structures. They are often marred by violent conflict and have mostly never been democracies.

In sum, the state remains the “upper limit” for democratic participation if accountability is possible. Ideally, a smaller unit such as the city-state may be the best for participation and its benefits for the common good, but it should be pointed out that the larger unit of the nation-state has functioned well as a cohesive community in Europe and the US, much thanks to the nation-building that has taken place over a long historical period.

Subsidiarity is not really well developed in the nation-state, but at least it has three levels of government – the local, regional, and national. Moreover, democratic participation is not possible at the supra-national level. The distance to the centre of power is too great – can one meaningfully, with knowledge and transparency, participate in decisions in Brussels when one lives in Sweden or Portugal? Where is the common public sphere? There is not even a common language of deliberation available.

The main rule of democratic accountability for policy-making beyond the nation-state is therefore the mandate to the minister representing the state at the IO. Thus, democracy works through indirect representation through parliament to government. This enables national-level public debate.

In sum, I have argued that the nation-state and political levels below (local and regional) constitute the realistic framework for democratic participation. The national level remains the most powerful because sovereignty belongs to the state, not to the local or regional levels. I have also pointed out that local democracy may stand the best chance of realizing the common good in a close-knit community, but that the national level nonetheless is the more important because most political issues are international and because the state’s duty is to protect the security and well-being of its citizens. One’s citizenship is national. One cannot take up local citizenship without national citizenship and it is the privilege of a state to determine who should become its citizens.

Given this, each and every person must deal with its own state and has duties and rights vis-à-vis the latter. It is the formidable task of each citizen to build the national and local political community, and one could argue that it is admissible to leave one’s state, as a refugee, only if one’s life is in

danger. However, people have always migrated in search of better lives, and today a vast number do so. Yet if they are citizens eager to build a better political community, they ought to stay. Unless the national population of a state builds the political community, no one else can. There is very little success in imposing democracy from the outside. The international community can design and help make the democratic infrastructure, but it cannot substitute for its citizens and their participation. A democracy is as good as its citizens – or the opposite. Once one has achieved democratic rights, there is a commensurate responsibility, especially in states that are poorly developed democracies to begin with.

Participation and European politics

The common good?

From the point of view of the *quality* of political participation in Europe, several arguments can be made.

Firstly, the common good is not served by populist politics, which is opportunistic and superficial. The weakening of the traditional party structures based on ideologies along the left-right spectrum in Europe therefore represents a major problem. If parties are not based on ideology, voters have no guarantee of representation of their choice of political principles. The very notion of representation is jeopardized, and elected politicians are unaccountable. Anything goes, including abuse of power. Populist politics represent an extreme weakening of the link between voter and elected. The political candidate says whatever voters go for, and is unable to deliver – vide Trump.

Further, populism allows for very pernicious agenda setting and framing of issues in Manichean terms. This makes reasoned political debate impossible, and the Internet allows for confining one's public debate to sites where one finds the like-minded. There is thus no common public debate, but "alternative worlds" with "alternative facts". Populism seeks confrontation and division through agenda setting that is not aimed at the common good, at what unites, but the contrary.

Populist parties in Europe primarily mobilise support on the anti-immigration agenda, but as mentioned, this is tied to anti-EU and anti-globalisation, and the call for national identity that is clear and recognizable. Populist politicians have perhaps "hijacked" the political agenda of migration, economic inequality, and supra-nationality, but mainstream parties have avoided engagement on the same issues, thereby creating a unique opportunity for these parties. Mass migration is a problem that has to be

addressed, as are the inequality wrought by globalization and the undemocratic aspects of EU supra-nationality.

There are also non-populist politicians that ascend to power outside the party structure. Representative democracy is based on the predictability and promise of ideologies. What does Macron represent – how do we know – when he is outside the party structure? The problem here is two-fold: how can voters choose when there is no ideological platform? How can voters hold politicians accountable when there is no “guide” for doing so? Participation becomes the granting of power to the *representative who does not represent*.

Secondly, the case for civic education must be made. The purpose of politics, the common good, must be taught. Politics is something specific and it is not the pursuit of private interests and power. Here the teaching of philosophy, political history and Western civilization are the essential building blocks, but such a curriculum is no longer common in Europe’s schools and universities.

As stated, the main form of democratic political organisation today is the nation-state. Citizenship is national. Yet today this is a contested concept – by “group theory” or “identity politics”, whereby citizens are thought to be unlike in all respects – they are minorities who demand representation as group representation. This is a major danger to the very concept of democracy where the equality presumption means that the citizens may be unlike in all respects but that of citizenship. This does not invalidate the argument that citizenship presumes a certain degree of economic and other equality, for this must be achieved *in order to* become equal. Modern “group theory” however argues the very opposite – we are never equal but remain members of minority groups that claim rights. The nation as a concept negates such differences – we are Frenchmen or Americans as citizens, whatever we are in the private sphere. There is unity in diversity – as citizens all are equal in terms of having the vote, regardless of ethnicity, sex, or other factors. Citizenship in the modern age is based on the notion of *demos*, not on *ethnos*.

In light of this it is indeed paradoxical that “identity politics”, the politics of underlining differences between groups, has become so salient in Western democracy. But multiculturalism cannot be a recipe for political participation, quite the contrary: citizenship underlines what is *common* among those who should seek to realise the *common* good. If little is in common, there can be no community.

The question is whether the notion of national identity is strong enough to be the basis for citizenship in our time. There are multiple identities in a

person, and this is nothing new: the national is the European is the global, human beings are above all human beings, etc. Yet one pays taxes in one's state and only has the right to vote there. The national welfare state redistributes to its citizens. Legally and politically one's nation-state remains extremely important.

Subsidiarity?

In European politics, supra-nationality has become a key issue on the agenda. Presidential candidate Macron in France states that “unless the EU reforms, *Frexit* will be next” (May 1st, speech). Britain opted for *Brexit* in a referendum where supra-nationality was one of the arguments for leaving, and the *Visegrad* states demand an EU that is intergovernmental.

Participation is not optimal if the political unit is too large, hence the problem of lack of accountability and a common public sphere when we move beyond the nation-state. Supra-national decision-making, such as that of the EU Commission and Parliament, therefore constitute problems. This has to do with subsidiarity or rather, the lack thereof. The EU must either become a federal polity – something which no member states opts for, as it entails a major weakening of the national level – or an intergovernmental one, where democratic legitimacy is obtained at the national level through a mandate.

In the present confederal system the EP is an anomaly and, I would argue, an undemocratic one at that. The members of the EP are elected with a very low level of participation – around 40% as a consistent pattern – and as they do not really represent parties, voters also lack a basis for holding them accountable. Moreover, their mission is in fact not to be accountable, as they are to act in a diffuse European interest. The EP was originally a parliamentary assembly without decision-making powers and as such, not very important. Today the EP has 50% of the decision-making power of all EU directives, i.e. its law-making. This makes its democratic accountability extremely important. The EP should be abolished if the EU is to become more democratic unless a full-fledged federal structure replaces the confederal structure of today.

Rule of law?

A similar argument could be made about the EU Commission and the European Court of Justice (ECJ), but these institutions are very different in not being political bodies. They are therefore not meant to be democratic. The Commission is explicitly meritocratic, although led by politicians that

are from member states (but forbidden to act in their interests), and the court is per definition apolitical. What is similar in argumentation here is related to the power over states wielded by these two bodies. There is much empirical evidence of the integrative activity of both bodies,¹³ and they are treaty-bound to seek “ever closer union”. This is no secret, on the contrary it is the explicit mandate given in the treaties, and driving integration towards political and economic union is something explicitly political that is not found in any other IO.

There is also the *political* aspect of supranational legal power: The ECJ, whose competence now includes the former Justice and Home Affairs “pillar” of the Maastricht Treaty, passes judgements in an ever expanding area of law. Its scope widens steadily. Its power over national legal hierarchies is by now very well established. The court has established itself as a supranational court through judgments never challenged. In the rulings in two cases the ECJ established rights to litigation directly from citizens in EU member states and the supreme position of the court vis-à-vis national court systems (Van Gend en Loos, 1963, Costa vs Enel, 1964). Legal integration in Europe is now very solid. The court is accepted as supranational not only in EU member states and also *de facto* (but not *de jure*) in non-member states like Norway.

Law is “politics with a time lag”. Supranational courts, of which there are two in Europe, the other being the European Court of Human Rights (ECHR), are actors with major political impact despite being formally non-political.

The ECHR uses a legal method called “dynamic”, which explicitly takes political development in Europe into account when it interprets human rights. This makes its judgments inherently political. The ECJ determines detailed national politics in interpreting EU directives in an ever-increasing policy field; while the ECHR delivers judgments on human rights based on political trends. Neither court is balanced by other institutions in the checks-and-balance system that exists at national level.

Theresa May has stated that only British judges will judge British citizens. This is the same argument that the US government makes against the International Criminal Court (ICC). It is an interesting argument from a

¹³ Joseph Weiler, *The European Court of Justice*, Oxford Univ. Press, 2001 as well as several other publications: Hjalte Rasmussen, *On Law and Policy in the European Court of Justice: A Comparative Study in Judicial Policy-Making*, Brill, 1986; Matlary, J.H., *Energy Policy in the European Union*, Macmillan, London, 1997.

democratic point of view because it underlines the connection between the various institutional elements that *together* make up the rule of law. If courts become too powerful, political bodies will correct this and *vice versa*, if parliaments act unconstitutionally, supreme courts or constitutional courts will act to modify this development. This system of checks and balances is arguably the guarantee against the politicisation of courts and the legalization of political issues. This corrective institutional mechanism is not available at international level. IOs, be they courts or commissions, tend to pursue their own vested institutional interests. They only change under pressure, and are rarely abolished, only marginalized if states protest too much by not implementing their decisions.

The issue of supranational courts is a complex one that I cannot deal with in this paper with any degree of justification, but I mention the general problems related to this because the general theme of EU supra-nationality is on the political agenda in Europe. The usual way of looking at this has been pragmatic: as long as the EU “delivers” effective output in terms of directives that work well in terms of the internal market and the court ensures common rules of interpretation, one does not raise the issue of democratic participation and accountability.

Conclusion

The democratic “bottom line” remains that all political power comes from the people and can be recalled by the people, i.e. accountability. Populist reactions are about many things, but one element is reaction against supra-nationality. The EU ought to look critically at reform and take the protest seriously. After all, the EU and its bodies are only as sustainable as member states allow them to remain.

In sum, European political participation is in many ways in crisis. Populism is a reaction to supra-nationality, globalization, and immigration, but also a way of conducting politics that destroys the ideologically-based party structure that is vital for representative government. Yet the reactions to supra-nationality and globalization are also arguably sound democratic reactions, since the working class especially suffers economically in terms of relative income and job loss. The so-called “elites” gain economically and are not adversely affected by immigration since they can afford to live in affluent areas.

The current political situation is one where fundamental questions are raised about political power: who should govern, where should decisions be made, why should supra-national political institutions and courts be ac-

cepted? Debating the major issues of democracy is, of course, political participation *par excellence*, but populist politics are the ones that set the agenda on these complex issues, so far in a simplistic and polarizing manner. It is vitally important to have a proper and profound debate about the political architecture of Europe while avoiding the superficiality of populist politics. To this end, the contribution of the social teaching provides central concepts such as the common good, subsidiarity, and solidarity.

COMMEMORATION OF DECEASED ACADEMICIANS

Kenneth Joseph Arrow (1921-2017), Founding Member¹

We are gathered here today in Casina Pio IV to remember and pay tribute to the memory of our dear friend and colleague, Kenneth Joseph Arrow, a Founding Member of PASS, who died on 21 February this year.

If you click onto Google and type “Kenneth Arrow”, you will find many, many tributes to him, not just from economists, nor only from people who knew him. You will read that he made momentous discoveries that spanned economics, political science, sociology, and moral and political philosophy. If you continue to look, you will discover that he made significant contributions to operations research, in particular the stability of certain dynamical systems. And if you look some more, you will read that his first publication, based on work done during the Second World War as a weather forecaster in the US Air Force, was on a problem in aeronautics (the path that should be taken by an aeroplane flying from A to B that, so as to conserve fuel, corrects for wind velocities). Arrow created an entire branch of thinking (the possibilities of designing ethical voting rules – he showed there can be no voting rule that satisfies a set of minimal normative requirements); he helped to close a long standing attempt to conceptualise an ideal price-guided economy (the existence and efficiency of general competitive equilibria – joint work with the late Gerard Debreu); and he opened new areas of thinking (identifying unique features in doctor-patient relationships that make unassisted markets unsuitable for supplying medical care; understanding the forces that drive the practice of racial discrimination; deriving the meaning of option values for environmental goods; uncovering the meaning of sustainable development; exploring the characteristics of knowledge that make it very different from marketable commodities; using the Aristotelian Principle – learning by doing – to show how practice is an engine of economic growth;² and so on). Even

¹ The Tribute was prepared and read by Partha Dasgupta (Member PASS) at the Plenary Session of the Pontifical Academy of Social Sciences on Saturday 29 April 2017.

² Appealing to what was then a sparse empirical literature within industrial economics, he assumed that a firm’s productivity is a function of its cumulative output to date. Borrowing from Thomas Dewey’s writings on education policy, Arrow gave his

in his more discursive papers, Arrow offered insights that have repeatedly been used by others to build their own work. You will find in your Google search that he was not only admired universally for his brilliance and creativity, but more importantly, that he was much loved. In an international ballot among economists some twenty years ago, he was voted the greatest economist of the twentieth century. Arrow was not unaware of his natural gifts, nor reticent about displaying them, but for a reason I discovered many years ago, none of that ever grated on others (I come to that later in this tribute). His presence caused others to balk before speaking, but he was never intimidating.

Those intellectual gifts included not only an exceptionally creative mind, but also the ability to read at speed, distilling from what he read were their essential elements, and recalling them when he had need to do so. And he was a voracious reader of whatever lay close to hand – books, journals, newspapers, and magazines. There is a story, that at the time of his move from Stanford to Harvard in 1968, the younger members of Harvard’s Economics Department devised a plan to open a discussion on a subject of which they were confident Arrow would be innocent. (I imagine they connived so as to retain some form of respect for their own abilities). In anticipation of a dinner in Arrow’s honour, the group read what they thought was then available on how grey whales find the same breeding ground every time. The topic was duly introduced at the dinner, casually of course, and the protagonists talked at length on the subject. Arrow, as the story goes, remained quiet, but before the conversation moved on to other things, he murmured; “But I thought Turner’s theory was discredited by Spencer, who showed the supposed homing mechanism couldn’t possibly work”. The story isn’t apocryphal. I once asked Arrow if it was true; he didn’t say “no”.

We at PASS remember him as a dedicated Member, duly attending meetings and being fully engaged in our discussions (even while taking his renowned naps during sessions). He was proud of being Member of PASS, loved staying in Domus Sanctae Marthae, and made a habit of visiting a

paper the title “The Economic Implications of Learning by Doing” (*Review of Economic Studies*, 1962). Dewey in turn had borrowed it from Aristotle: “Anything that we have to learn to do we learn by the actual doing of it: people become builders by building and instrumentalists by playing instruments”. Aristotle, *The Nicomachean Ethics*, trans. J.A.K. Thomson (Harmondsworth: Penguin Books, 1976: p. 63). John Rawls in his *Theory of Justice* (1972) christened “learning by doing” the Aristotelian Principle.

favoured coffee shop near the Pantheon. On every occasion we both were at a PASS meeting, he would pick me up from my room on arrival at the Domus so that we could visit his favourite coffee house and catch up on our thinking.

Kenneth Arrow was born in New York City on 23 August 1921 to Lillian Greenberg and Harry Arrow, both Romanian immigrants of the Jewish faith. A younger sister, Anita, survives him. The family income fluctuated wildly during the Depression years, so the Arrow family was not infrequently poor. Ken once said to me in passing that he walked several miles each day to school. As I understand it, his exceptional intellectual gifts were recognised early, and his father borrowed money so as to send him to college. He attended City College New York for his undergraduate studies, graduating in mathematics in 1940, and moved to Columbia University for graduate studies and obtained his Master's degree in mathematics and statistics in 1941. There he came under the influence of the great economist/statistician Harold Hotelling, who helped Arrow to obtain a scholarship to study for a Ph.D., but in the Economics Department. As Arrow told the story, Hotelling said he had no influence over the Mathematics Department, so could not be of help obtaining funds there.

During 1942-1946 Arrow's studies were interrupted while he served as a weather forecaster in the US Air Force. He returned to academia in 1946, partly as a graduate student at Columbia University and partly as a Research Associate at the Cowles Commission for Research in Economics at the University of Chicago, under the Directorship of Tjalling Koopmans. In all the years I knew Ken, the two scholars to whom he showed reverence (and I mean this literally) were Harold Hotelling and Tjalling Koopmans. They had both served as his mentors during a period when he needed reassurance that the life of an academic economist was what he should aim for.

Arrow married a fellow research associate, Selma Schweitzer, herself a statistician of distinction, in 1947. Together they moved to Stanford University in 1951, where Ken assumed an Acting Assistant Professorship in the Economics Department. The couple remained there until 1968, when they moved to Harvard University. But it was not for long, because the Arrows (with their two boys, David and Andrew) returned to Stanford in 1979, where Ken was appointed Joan Kenney Professor of Economics and Professor of Operations Research. He retired from his Professorships in 1991, but continued to work in the Department of Economics in the

afternoons, right to the end. Selma, who had subsequently trained as a psychotherapist, practised well into her 80s. She died in 2015.

I got to know Ken in Spring 1973, when he was visiting Cambridge. He had taken an interest in a typescript I had recently prepared on John Rawls' just principle of saving. Because he felt an alternative model would better fit Rawls' intentions (we published our papers separately), he made it a point of seeking me out so as to discuss the principle with me. It was a terrifying experience. His mind not only moved at an incredible speed, he also spoke rapidly so as to keep pace. He also had the habit of changing gear mid-sentence to improve upon what he had been intending to say, on occasion recognising even while he was formulating a theorem that it wasn't quite right and correcting it by the end of the sentence. I found this overwhelming. It meant I had to do something if I were to retain whatever self-confidence I then had. I took to crossing the street to avoid him if I saw him approaching. But I couldn't do that all the time. Over the weeks I realized that he felt our conversations had helped to improve the paper he was writing. It was only some years later that I realized Arrow was under the impression that most others he met were equal to him in intellect. In all the years I knew him that was the only fact about the world on which I knew him to be wrong.

Arrow was one of the architects of modern economics, including the theory of public policy. But unlike his writings on social choice, risk and uncertainty, and general equilibrium theory, his publications on the theory of public policy are discursive, both in style and focus. Some are essays, with no mathematics to aid the exposition, and are written in an informal style that guide rather than direct readers toward ways in which the questions could be most fruitfully framed. Others are mathematical, have a sharper focus, and are enlivened by theorems. Arrow's style of discourse on the theory of public policy fitted his intentions. They have shaped the way the literature has developed and continues to develop.

He took public policy to be society's reasoned response to failure of markets to allocate goods and services efficiently and equitably. Utilitarianism guided him, but by paying greater attention to individuals' expressed preferences than is welcomed by moral philosophers, he avoided the authoritarian streak that has frequently marked Utilitarian writings. A deep meditation (*The Limits of Organization*, 1974) on the constraints on motivation and actions that dispersed information imposes on people reads as a tussle between the democrat and the Utilitarian in him. Arrow's democratic instincts curbed his Utilitarian leanings; his Utilitarian convictions

in turn kept him far removed from Libertarianism. Arrow did not advocate dispensing with markets, his work led him to characterise well-functioning mixed economies.

Although confident about the relevance of his models when establishing theorems, he was hesitant when lifting them to speak to the world we have come to know. This was a reflection of his pluralistic values. He opened his monograph of 1974 with the words of the great first century sage, Rabbi Hillel: “If I am not for myself, then who is for me? And if I am not for others, then who am I? And if not now, when?” That tension is present not only in the monograph, but also in his other writings on public policy.

His Utilitarianism isn't the one to be found in Henry Sidgwick's great work, *The Methods of Ethics*. Arrow was an Intuitionist, at direct odds with Sidgwick, who had devoted an entire chapter criticizing Intuitionism. Arrow arrived at his Utilitarian thinking from fundamental ethical axioms. That is why his version of Intuitionism is also called Value Pluralism. In this he was influenced by Tjalling Koopmans, who had provided an axiomatic foundation for Utilitarianism in an intergenerational setting. Value Pluralism encourages one to iterate between the choice of ethical parameters and the consequences of those choices for public policy. Without such experiments seemingly plausible expressions of ethical preferences can commend policies that are in deep conflict with other values the decision-maker may hold.

At the personal level, though, Arrow was far from being a Utilitarian. You all will have felt his uncompromising stance on what he felt to be his duty. Although he never spoke to me about it, I can't help thinking that on personal conduct he was influenced by Kant.

But above all, what made him entirely distinctive was that he never abandoned the intellectual life of the graduate student. No problem was too trivial to explore, no topic was too boring to pursue. His love of mathematical calculations never deserted him. Once he had formulated a problem and uncovered a truth, he was done. He disliked writing papers.

Ken told me that after reaching age 80 he would come to PASS meetings only when absolutely required. We at PASS know of his concerns over the global environment. And we at PASS have been much engaged in recent years in trying to understand Humanity's common responsibility toward Nature. At Stanford Arrow was for many years much engaged in seminars on global conflict and the ready availability of nuclear material. We also know of his concerns about humanity's treatment of the biosphere.

I shall end this remembrance tribute with a brief account of some of his activities in the period when his visits to PASS became rare.

Arrow's involvement with what we now call "ecological economics" dates back to 1990, when he joined a monthly seminar organised by a group of ecologists and economists at Stanford University. That involvement was reinforced by his subsequent association with the Beijer Institute of Ecological Economics in Stockholm. In 1993 the Institute's Director, Karl-Goran Maler, initiated an annual workshop that was to be held in the Summer at the marine field station on the island of Asko in the Trosa archipelago. Each year the designated group, comprising equal numbers of ecologists and economists (members of the Institute's Scientific Board and a few invited scholars), chooses a theme for discussion and prepares a brief report. The records show that Arrow attended all but six meetings in the years since then, until his last, in September 2016. By then he was bent and weak and needed to pause after every few steps. We queued to carry his backpack and luggage, while Paul Ehrlich, his neighbour and friend, locked arms with his to prevent him from stumbling over the uneven fields of the island. Despite his frail state, Arrow not only took part in the discussion, he was insistent that the policies we discuss for reducing our reliance on environmental natural resources should be built on liberal values. He also took part in socializing, joining Swedish members of the Asko group in singing drinking songs in his imperfect Swedish.

In one way or other, the Asko meetings have addressed the idea of sustainable development – its meaning and its implications for the way we should live. He was signatory to eighteen policy briefs that emerged from those meetings and he co-authored a number of scientific articles that formulated the notion of sustainable development and then put the notion to work on data so as to explore whether nations in recent years have followed development paths that are likely to be sustainable.

Above all else, it was his tireless involvement with ecological economics that will be remembered by those many scholars who have met him at conferences and listened to him at the teaching and training workshops on environment and development that the Beijer Institute organised over the years in various parts of the developing world (South Asia, Latin America, sub-Saharan Africa). Networks of mainly young economists in the developing world that were established with the help of the Institute found Arrow in their midst, listening to their presentations, reading their works, and commenting on them on the margins of their manuscripts.

Kenneth Arrow is renowned in the West and Far East as a teacher and

mentor, not simply as that greatest of social scientists. What may not be known elsewhere is that his death is being mourned by scholars in the developing world, who not only heard him lecture, but were also helped by him to formulate problems they had found on their own ground. We all have cause to mourn.

■ PARTHA DASGUPTA

Hans Tietmeyer (1931-2016)

“You will be able to tell them by their fruits” [Mt. 7:16]

On December 27th 2016, Hans Tietmeyer, founding member of this Pontifical Academy of Social Sciences, was called to his home by the Lord, at the age of eighty-five (born on August 18th in Metelen, Westphalia). He led a fruitful life at the service of knowledge, of man, of his country (Germany), of Europe, of the world, ultimately at the service of universal society and, with particular and irrefutable availability, at the service of the Catholic Church.

Thank you Lord for allowing us to know him and live in close proximity to him, for permitting us to follow his example throughout a significant part of his itinerary; years that were distant from pressures and sorrows, with abundant, precious space for reflection, affording him the opportunity to spread the profundity of his thoughts amongst those of us who knew him.

He leaves behind him a rich human, family and professional legacy, which of necessity pales before the dimensions of the man he was. In his memory, we take refuge in the enormity of his heart, the righteousness of his acts, the delicacy of his always respectful words and the kindness so permanently shared and witnessed in the company of his wife Maria-Therese.

In December 2016, those who, when confronted by death, like to enter into the particularities and specific data of a life lived with greater and lesser successes, unleashed an array of eulogies, honours, acknowledgments, gestures and tributes of great importance to recognise his contribution to supranational cooperation, but few, if any, emphasised the man he was over and above his accomplishments.

Few raised their voices to bear testimony to the light that emanated from his behaviour, or to highlight the benefit that his example set for those of us who knew him beyond his *curriculum vitae* (see www.pass.va).

Personally, when I became aware of his person, of the fineness of his criteria, of his knowledge, of his determination, a determination that resides in one who knows where he is and where he wants to go, and invests effort and wisdom in order to get there, I never realised that one day, a day that would not be so distant, I would feel privileged by the way he welcomed me, his friendship, his participation and cooperation in a common project, his way of being and wisdom, in both the big and the small things in life.

A privilege that was not based on my merits, merits which I lacked, but rather a privilege that was exclusively based on his kindness. So much

so, that when communicating his loss for those of us who continue our pilgrimage in this world, as long as God so wills, I tried to characterise what he meant to me as a person, leaning upon this as if it were a way of reinforcing my security.

No words seem insufficient to describe his profile. Today, four months after the sad event, I still see Hans Tietmeyer, both as member of the Academy and friend, as a person in whom resided generosity, kindness, intelligence, honesty and prudence, and all of this within behaviour free of arrogance, and full of humility and respect for all humanity.

Those of us who, for reasons of providence, have devoted our lives to economic studies and the monitoring of economic policies perceived at the beginning of the decade of the 1990s that a person, a German professor who spoke with scientific authority and moral conviction, entered into our work on practically a daily basis.

It was Professor Tietmeyer, at that time President of the Deutsche Bundesbank, who, with the *auctoritas* afforded him by his knowledge and clarity of vision, became, without seeking such a role, and with great naturalness, the monetary confessor of the presidents and governors of central banks in the majority of countries wishing to embark upon the path of convergence that would give rise to the single currency.

At the seminars and scientific meetings on what was known as the European Monetary Union, doubts and controversies were frequently addressed with the recurring question: *What does Tietmeyer say?* His wise opinion dissipated any doubts in those matters and in many other matters, which, at that time, some of us could not even imagine.

Thus, at the outset, with a modesty that would subsequently become evident, the personality of the President of the German central bank would be reduced, albeit it with significant eloquence, to the objectives of Monetary Union, in both academic and political forums, and particularly in those forums in which the focus was on weighing up the pros and cons of a project requiring a deep commitment from countries who opted to form part of it.

His great capacity for the task, which made him one of the most significant architects in the construction of the Euro, and his enthusiasm for the initiative did not prevent him from seeing the difficulties that would arise from the implementation of the Monetary Union.

His warnings were clear and unequivocal and candidates for membership of the Monetary Union were aware, from the very beginning that the path would demand great efforts and sacrifices from those countries wish-

ing to embark upon it. The theoretical and practical advantages of a single currency were hidden to nobody but, thanks to his forecasts, all were aware that the task would not be easy, particularly for a number of economies accustomed to having currencies with very little stability.

All of this was very clear and well known to both, theorists and practitioners of monetary policy. Abundant information was available and numerous studies addressed the issue, which was an attractive project in itself, as well as a further step in the itinerary that has existed in Europe since the Treaty of Rome to create a stronger union that might one day culminate in full political union.

The work of Professor Tietmeyer, the result of magnanimous thought and limitless generosity, was a project to which a good number of countries would commit to, in full knowledge of the foreseeable constraints and difficulties. A project for Economic and Monetary Union in which the fraternity and solidarity amongst the people and nations committed to it shone through from the very beginning.

My great surprise and source of personal and permanent admiration would occur when, years later – in 2001– within the framework of the Pontifical Academy of Social Sciences, I would meet Professor Tietmeyer in person, who generously offered his sincere friendship. The differences between the two of us in terms of science, experience and know-how were abysmal. However, this in no way affected our personal relationship and was even less significant when the occasion of working together came about.

I learned, from his person, that what was decisive in human life – in whichever of its aspects – is precisely that: the person in all his integrity. It is in the person as such where all remaining facets and activities converge but, more than ever, it is in the person where the parable “*You will be able to tell them by their fruits*”, becomes a reality.

Hans Tietmeyer was an implacable model of coherency of works and thoughts. His life, I would dare to say, was supported by a tripod which, as a geometric figure, enjoys the greatest of stability. The three points of support of this tripod, the confluence of so many other internal and external aspects of the human figure, were, in the case of Tietmeyer: humanity, humanism and science.

And let us add to these dimensions others, such as the capacity to love, loyalty to principles, people and institutions, unconditional commitment, introspection and reflection, the shaping of a life of greatness in the eyes of God and men.

That tripod could not produce anything but fascination. I would be so bold as to say that those determined to see in Tietmeyer a great economist, or even more, a prophet in the intricacies of monetary policy, are missing the most significant part of his personality. A rich personality, more than anything else: rich in thought and in commitment to the transcendental dimension of the human person.

He always aspired more to the reward of the spirit, of the soul, than to any reward he could have obtained in the material world, for which he was more than well endowed with knowledge and capacities. He was, ultimately, a Catholic living in the world of today and a shining example to those of us who knew him.

His great Catholic faith, his knowledge of and commitment to the Church was not sporadic but rather was immersed within his doctrine and in the practice of the virtues consecrated within the messages of the Sacred Scriptures. Nobody could be surprised, or I at least was not surprised, to learn that his first university studies were not in the field of economic science but in the field of Catholic Theology.

Could we possibly imagine a firmer foundation on which to build a human life project than Theology? Reminding ourselves of and paraphrasing the parable of Our Lord Jesus Christ [*Mt* 7:24-25, *Lk* 6:48], we might say that he who builds his life in this way is like he who builds his house on rock, which is solid and cannot be destroyed by winds, rains or the onslaughts of storms.

Rain, wind and multiple storms often fall upon men in their personal, family, professional and social lives, above all on those who, because of their capacities and knowledge, are more in demand for the undertaking of tasks, and public and private activities that entail a risk of collapse.

Only those who build their house on rock, who nurture their knowledge and conscience with solid principles, differentiating at all times between what is permanent and what is transitory and forging their will accordingly, feel secure and show us by their example, their works, their testimony, their confession, the opportunities that the world itself can offer for an itinerary of perfection: the practice of Christian virtues.

Those of us who had the fortune to know and share with Hans his attitudes could only marvel at his way of being, his humanity, his modesty; and we saw in a person of flesh and blood the reality of what it is to lead a dignified life, which is not merely a life with rights but also one with responsibilities.

May the Lord God hold him in his Glory and may He give us the strength, the consistency of principles and coherency of action to guide

us towards his Glory. And, meanwhile, the moment has arrived to demonstrate through prayer our gratitude for the many lessons received from one who also did so much for our Pontifical Academy of Social Sciences, which was certainly his Academy; our brother Hans.

■ JOSÉ T. RAGA

FINAL STATEMENT

The Pontifical Academy of Social Sciences held its Plenary Session on 28 April – 2 May 2017 to address the theme *Towards a Participatory Society: New Roads to Social and Cultural Integration*. Pope Francis sent a special message, dated 24 April and published in *L'Osservatore Romano* on 29 April, which provided the backdrop and guideline for the workshop.

The participants in the Plenary addressed the theme of “participatory society” by first defining the concepts of social participation, combating exclusion and social and cultural integration, and then considering the empirical phenomena, their causes and possible solutions. These are multidimensional concepts and processes that are not identical to each other, and yet are related in many ways.

Participation can be institutional or spontaneous. Exclusion can be active (desired, as in the case of ethnic or religious discrimination) or passive (due to unintentional causes, such as a major economic crisis). In both cases it is the fruit of processes that have been analysed in their generative mechanisms, since social and cultural integration is the result of the modification of these mechanisms, which are economic, social, cultural and political. The aim of including people and communities in society cannot be pursued with forced measures or in a standardized way (for instance, with school systems that do not take into account cultural differences and local cultures). Real social participation is only possible if religious freedom is guaranteed as the basis of the other freedoms, human dignity and peace.

The proceedings highlighted concerns over the spread of social fragmentation, on the one hand, and the concomitant inability of political systems to govern society, on the other. These two situations are spreading in many countries, causing major social disintegration and making it increasingly difficult to implement forms of social participation inspired by principles of justice, solidarity and fraternity.

The causes of these disruptive tendencies, which work against a more participatory society, are a crisis of political representation, increasing social inequalities, global demographic imbalances, rising migration and high numbers of refugees, the ambivalent role of information and communication technologies, and religious and cultural conflicts.

Certainly the most significant factor that thwarts social participation is growing social inequality between a small elite and the mass of the population. Statistics on the distribution of wealth and life opportunities indi-

cate enormous gaps both between and within countries. Whereas in some countries, such as India and China, the middle class has grown, meaning less inequality at global level, worryingly in Europe and the USA the middle class has been greatly weakened and the working class and upper middle class are disappearing. The answer cannot be the rejection of globalization, but rather a fairer distribution of the profits generated by globalization, also within the developed countries themselves. Indeed, it must be recognised that democratic stability presupposes both a strong middle class and a clear stance against populisms that offer simplistic solutions that are incompatible with the moral responsibility for the common good of humanity.

In spite of all this, it is possible to work in favour of a better “participatory society” when genuine subsidiary cooperation is established between a political system that is sensitive to the voice of those who are not represented, and when there is a civilized market economy and civil society associations based on reciprocity networks. Top-down and bottom-up forms of participation must be made circular, enhancing the intermediate institutions on the basis of the principle of collegiality and subsidiarity.

In essence, a participatory society is one that enhanced relational goods, starting with friendship, fraternity and the family, and promotes human rights, knowing that human rights legislation cannot achieve any utopian social transformation project but can only create the positive conditions within which people and groups can act in an ethical way, that is, being given the opportunity to devote themselves to the mutual good of the members of the community, and to develop new social initiatives capable of generating greater social inclusion. The role of national legislation and regulation is essential in promoting a participatory society and encouraging good practice. Confronted by the dominance of “top-down” policies, said to promote social participation, on the part of national governments, especially those supportive of multinational enterprises, it was encouraging to note that Pope Francis was promoting a “bottom-up” alternative: namely, the use of INGOs to represent the views of the Church (such as the newly designated Sustainable Development Goals and the Paris Climate Change Agreement both of 2015). Certainly these require national ratification and subsequent legislation, but generically can out-manoeuvre the powers of national resistance or, at least, reduce them to standing out as a minority against the majority consensus.



The misuse and destruction of the environment are also accompanied by a relentless process of exclusion. In effect, a selfish and boundless thirst for power and material prosperity leads both to the misuse of available natural resources and to the exclusion of the weak and disadvantaged, either because they are differently abled (handicapped), or because they lack adequate information and technical expertise, or are incapable of decisive political action. Economic and social exclusion is a complete denial of human fraternity and a grave offense against human rights and the environment. The poorest are those who suffer most from such offenses, for three serious reasons: they are cast off by society, forced to live off what is discarded and suffer unjustly from the abuse of the environment. They are part of today's widespread and quietly growing "culture of waste".

Address of His Holiness Pope Francis to the General Assembly of the UN, New York, 25 September 2015.

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