

THE STATE AND THE FAMILY IN A SUBSIDIARY SOCIETY

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1. THE PARADOXES OF STATE-FAMILY RELATIONSHIPS AS A RESULT OF WESTERN MODERNIZATION

1.1. *The relations between state and family, in societies guided by Western modernization, are marked by a double paradox*

I start by making a sociological observation. In advanced societies, the relations between family and state are characterized by two paradoxes. First: the state considers the family as a private matter (sphere), but it intervenes more and more in its internal and external relations to rule and control them. Second: the state intervenes in family life with the declared purpose to promote social cohesion, but we observe that, on the contrary, its interventions favour highly individualized (subjectivized) behaviours and increase both family and social anomie.

Evidently, there is something that does not work in the structural (institutional) mechanisms of the relations between state and family. The processes of family morphogenesis are widely pathologic, and the political-administrative system is one of the top responsible of such outcomes.

In this paper I want to assert that, to make the processes of family morphogenesis 'physiological' (that is 'healthy'), we need to modify principles and rules upon which the structure of relations between state and family is based, as well as the deriving interactions based on the principle of subsidiarity. There are many various meanings of the concept of subsidiarity. Here I assert a specific concept of subsidiarity. Its specificity lies in proposing a *relational approach* to the comprehension and practice of subsidiarity (that I will explain later on). In brief: the sense and operativity of subsidiarity can be fully understood only if it is combined with solidarity and structurally referred to the principles of the dignity of the human person and the common good.

I will try to explain how and why a society inspired by such principle of subsidiarity may produce a *virtuous morphogenesis*, rather than perverted, of family life.

1.2. *The double paradox just exposed enlightens and explains the current social phenomena being labelled as 'family changes' and the birth of 'new families' in highly modernized societies*

The family loses its traditional identity of married couple with children and broadens in many kinds of relations (Donati 2001). The relations are 'family' ones whether and because they own two basic features: they are relations of *affection* and *care*. What is stressed today is the emergence of *friendship families* as, at about the half of the past century, E.W. Burgess and H.J. Locke foretold the passage of the family *from institution to companionship*. The affection may have sexual contents, even if not necessarily. Care may be symmetrical (as in an adults' couple) or asymmetrical (by age or by different health conditions, as happens between adults and children or adults and elders). Those practising such relations do not assume particular positions distinguishing them by gender or a legally defined membership, because they decide to share only some aspects of their everyday life. In those relations, there is a care engagement, because there is someone taking care of someone else. The elements seeming to define tomorrow's family are the *sharing of affections and reciprocal care in everyday life*.

Behind those changes there is a whole society letting the family's boundaries fail or be crossed and reversed in many different ways. Historically, we must face an unprecedented problem of how to *re-cognize* (knowing ever again) what 'the family' is (Donati 2007a).

The state is the main actor of such process, at the same time necessary and problematic, of how one can re-cognize the family. It is necessary because of a series of reasons resulting from the practicability of laws and welfare entitlements. It is problematic because of the fluid feature of the relations it refers to. The most characteristic feature of the state's action towards family concerns how it handles the family's boundaries between what is 'private' and what is 'publicly notable' (or relevant) in family life. The *private* aspects (the wholly discretionary actions among the family's members) and the *public* ones (the expectations legally recognized as regards the family's members from the other social institutions, particularly from the political-administrative system) are constantly modified and shifted from private to public and vice versa. So family relations are constantly in *fluctuation*. They are redefined moment after moment, situation after situation.

Fluctuations regard the central axis of what constitutes the family, namely parents-children relations and couple relationships.

Let us take a look to the parents' duties towards their children. Some educational duties, once considered at parents' discretion, become publicly notable, namely they are sanctioned by law and must respond to the welfare machineries: a parent who does not take care of an obese child, may be declared unable to be a parent and its parental authority may be revoked; two parents teaching religion to their children may be charged with child abuse and be submitted to restrictive measures. The education of children is more and more entrusted to socializing agencies outside the family. Though those agencies do not reach the results expected, or generate perverse effects, the state introduces some new legislative norms to make parents newly responsible of their children's education. The result is that a parent does not know for what he/she is really responsible to their children.

Similar tendencies are evident in the couple relationships. Marriage is more and more privatized and abandoned. Agreements become implicit and latent. In this case, the result is that a partner does not know for what he/she is really responsible to the other.

To face those results we notice the spread of a new private contractuality, to which family life is entrusted. In the USA, prenuptial agreements report a great increase. In Europe, new agreements have been recognized, like *Pacs* (in France), *Lebenspartnerschaft* (in Germany), *civil partnership* (in the UK) as alternatives to the classical marriage. Those are only some examples of how family is privatizing itself through self-poiesis and, at the same time, it is privatized by the state, namely through public action. To someone, such correspondence seems to respond to the saying of the Roman Law: *ubi societas ibi jus*, meaning that the law would have the sole task to recognize what happens in the society; but things are not exactly like that: the law creates some new social forms, not only institutionalizing the existing ones. Is that subsidiarity?

Someone claims so (in fact, the supporters of the saying *ubi societas ibi jus*). In that case, the concept of subsidiarity corresponds to the family's privatization, supported by the state, implying a growing social fragmentation (rather than solidarity), a radical loss of common goods and a growing individualization clashing with the relational needs of the human person (which is an individual-*in*-relation).

So, in my opinion, the processes in progress do not go in the direction of a real subsidiarity but, instead, they are the effects of the *loss* of a real subsidiarity in the relations between state and family. This loss of subsidiarity creates the two paradoxes I was talking about (even if the family is a private sphere, it is more and more publicly ruled; even if the state intervenes

in the family to create social cohesion, it actually generates social fragmentation and anomie).

The overall results of this way of acting of the modernized societies are characterized by two tendencies: (i) the growing *indifferentiation* of the concept of family (particularly in the middle-upper and well-off classes) and (ii) the growing public *welfarism* to support those individuals being in problematic family situations (thus concerning especially families of low social position and more marginal ones, having no sufficient resources to privately solve their family problems). Those two processes are strictly linked to one another, thus being empirically shown by the fact that the welfare state (namely the scarce public resources that may be destined to the social situations of family need) treats families as a problem of poverty and social marginalization, rather than a problem of empowerment of families as such (the Italian example is emblematic, but the same may be said of the other Western countries).

Changes inside the family are characterized by those two tendencies, being the result of certain model of relations between state and family, that I call *lib-lab* (I will explain it later). The epochal change is highly ambivalent, showing positive and negative aspects. On the one hand, it certainly increases individual liberties (*lib* side) and a certain degree of individual opportunities (*lab* side). On the other, it nourishes conflicts (divisions), break-ups (divorces), weak and precarious forms of family life (single parents), abandonment and neglect towards minors, family violence and abuse, and new demographic imbalances.

We ask ourselves: is there an explication of such paradoxical dynamics, being typical of those societies that follow the model of the Western modernization?

Here I assert two theses.

My first one says that the paradoxes I am talking about can be explained by the fact that the principles controlling the relations between state and family are not able to generate a 'family', but they generate something else. The current leading principle is the compromise between State and Market (the *lib-lab* structure). The joined action of State and Market fragments the family and deprives it of any social subjectivity. The *lib-lab* configuration causes all those paradoxical phenomena which I have referred to.

My second thesis is that the modernized societies are in search of new remedies to their own perverse effects. Here the principle of subsidiarity becomes relevant. In first instance, it may be defined based on two complementary dimensions: (a) the state intervention must not substitute the fami-

ly (*defensive* dimension of subsidiarity) and (b) the intervention has to create the conditions for the families to increase their capabilities to be a family, to avoid fragmentation and anomie (*promotional* dimension of subsidiarity).

If we introduce the principle of subsidiarity, how will things go?

The most modernized societies are actually introducing many measures of family policy inspired by subsidiarity, but they do it with lack of lucidity and adequacy. They have no referring outline to steer them. Let us think of measures like *family friendly social policies*, *Allianz für die Familie*, *corporate family responsibility*, and so on. Such measures try to answer to the problems caused by the lack of aid to the family but, if their action system lacks in a real subsidiarity orientation, they risk producing undesired effects and negative consequences on the family. In fact, self-reference and enclosure of societal systems (State and Market above all) still do not permit to 'see the family', but only living arrangements, which are only shadows of the family.

Why can we still talk of a 'family specificity' distinguished from other forms of cohabitation? Is the family still a necessary social form? Is state subsidiarity still able to distinguish the various kinds of families without discriminating any of them? How can the principle of subsidiarity be extended from the state (*subsidiary state*) to the whole society, especially all the actors of civil society (*subsidiary society*)?

Twentieth century society tried to realize social solidarity towards family through the welfare state, rather than subsidiarity. That is why solidarity did not work or caused negative effects. Today, families enjoy more liberty than equality of opportunity and solidarity. Maybe a different way to inflect subsidiarity could put right the failures of the welfare state towards families. The twenty-first century society must newly inflect solidarity with subsidiarity. That is why I believe that we must talk not only of a 'subsidiary state', but, more widely, of a 'subsidiary society', precisely because the state becomes just a sub-system of society.

1.3. *I will proceed in the following way*

First of all, I suggest classifying the existing models of family policy, as inherited from the 20th century, according to their main characteristics and practical outcomes. From this analysis we will find that all these models have serious shortcomings, though for different reasons. All welfare systems are in fact at present trying to reformulate their family policies. But we should notice that, to a great extent, the principles governing the reforms derive from the same premises that caused the problems and fail-

ures of the previous models. It seems, then, that we should rethink family policy in a new framework (§ 2).

How should we redefine family policy? There are many difficulties in this project. I will consider the three questions that I feel are most crucial. The first question is whether family policy ought to be undifferentiated, or whether it should be marked out as something specific and different from other social policies. If we go for indifferenciation, family policy would bear on all kinds of primary relationships, grouping them under the term of 'family relationships'. But if we take the option of differentiation, we need to distinguish those relationships which constitute a family properly and treat them according to definite criteria of need, value, or merit. The problem, then, is one of generalization as opposed to differentiation with regard to family policy. The second crucial question has to do with the individuation of the rights and duties that exist relative to the family. The third crucial question has to do with the problem of whether it is possible and appropriate to recognize the family as a social and legal 'subject'. This is the problem of the rights of the family as opposed to the rights of other subjects, whether they be individual subjects or collective subjects (§ 3).

Resolving these three crucial questions means determining new guidelines of family policy. What is sketched here is a new model which is labeled the *relational* model of family policy. This model takes its origin from the observation that the theoretical and practical answers which are given to the three questions outlined above depend on the logic according to which we conceive 'the rights of the family', and according to whether that logic is more or less relational (i.e. able to define and manage rights as entitlements to social relations, and not only to material provisions). The relational model proposes that the three crucial questions should be approached through a logic that is based on four key concepts. These are: family human rights, solidarity within the associative networks which are composed by families, a new 'complex of citizenship rights' for the family, and the use of instruments which increase, rather than decrease, the social capital of the family. Overall, these principles sketch out a *relational policy* (a form of social governance) based on a principle of 'complex subsidiarity'. This is completely different from the policies of assistance (welfarist policies) which are typical of *lib*, *lab* and corporate-type solutions (§. 4).

In conclusion, this paper aims at outlining a coherent and viable picture of new principles for family policy, principles which will be able to promote a society that is 'family friendly', rather than destructive of the family. This means a subsidiary society where the family can give rise to the family,

rather than to some other kinds of things (§. 5). This can be summarized by saying that we must operate through a combination of subsidiarity and solidarity in such a way as to produce a *new citizenship of the family* (as in cell D of fig. 1).

Fig. 1- Four possible combinations of subsidiarity and solidarity towards the family		SUBSIDIARITY (towards the family)	
		Absent	Present
SOLIDARITY (from the social state)	Absent	<p>A</p> <p>The family depends on external supports which are not up to public institutions (therefore the family depends on private resources, in particular it receives <i>private charity</i>)</p>	<p>B</p> <p>The family is held to be able to perform its own responsibilities with no or little public support (therefore families are left to <i>mutual help and self help</i>)</p>
	Present	<p>C</p> <p>The family is entitled to public benefits, but is treated as a passive actor (therefore the family is not <i>empowered</i>, but substituted in its own tasks and social functions)</p>	<p>D</p> <p>The family can rely upon a combination of public support and private networks which are autonomous and entitled to supplementary rights (therefore the family can enjoy an <i>active citizenship as a family</i>)</p>

2. THE MODELS OF FAMILY POLICY INHERITED FROM THE 20TH CENTURY: THEIR CHARACTERISTICS AND RESULTS.

2.1. Three models

As is well known, there are many different forms of welfare systems.¹

The most widespread classification is probably that which distinguishes four forms: the *liberal welfare* systems (typical of the Anglo-Saxon countries); the *socialist welfare* systems (typical of the Scandinavian countries),

¹ There are numerous theoretical and empirical classifications of welfare regimes and family policies. There are also national reports on family policies in many countries. Other classifications can be made on the basis of different legal ordinances, or, again, on the basis

the *conservative* or *corporative welfare* systems (typical of the countries of central Europe); and the *family welfare* systems (typical of the Mediterranean countries) (Esping-Andersen 1990).

This classification is made from a strongly ideological perspective. It is open to many empirical objections. Its questionable points are, first, that is clearly ethnocentric. It judges the different systems of welfare from the point of view of the Scandinavian model, which it regards as the best. Secondly, it encompasses a negative view of the family, and is clearly linked to an individualist philosophy. Thirdly, it does not answer to the empirical variations of the models examined, which are a good deal more complex than the classification suggests (Arts, Gelissen 2002).

From the sociological point of view, it is preferable to follow a path that enables analysis and comparison to be more objective. I propose to pick out three ideal/typical models: the *lib*, the *corporate*, and the *lab*. We shall see, in a brief overview, what they are – how they are constructed and how they operate – in line with their original characteristics (fig. 2).

i) *Lib* Model

The fundamental principle that inspires the *lib* model is individual liberty and the protection of privacy. The family, even to the extent to which it is an object of policy, is essentially defined as a contractual institution between individuals (Becker 1991). In the best of cases, the family is conceived as a joint venture of private individuals (according to the American jurist Carl Anderson).² The standards which regulate the family are those of the market. Both the family and social policies are considered as expressions of personal preferences and tastes. They are choices regulated by the fundamental institutions of the market, i.e. private property and contract.

ii) *Corporate* Model

The fundamental principle which inspires the *corporate* model is that of collective solidarity. This is achieved chiefly in reference to occupational

of various 'Charters of Family Rights': e.g. the Charter of Family Rights proposed to the U.N. by the Holy See in 1982 (and not subscribed to by the USA or the USSR). It is not possible here to give even an overview of the enormous literature on this subject. I refer you principally to: Bradshaw *et al.* (1994); Castles (2003); Cheal (1991); Cherlin (1988); Commaille and de Singly (1997); Donzelot (1977); Dumon (1994); Gauthier (1996); Hantrais and Letablier (1994); Jurado Guerrero and Naldini (1997); Trnka (1999); Zimmerman (2003).

² For a critical view on this see C.A. Anderson (1999).

categories, and, in general, in reference to the position individuals hold in the labour market.

The family, in so far as it is an object of social policy, is defined as a social institution based on complementarity between genders and on subsidiarity between generations (Badel *et al.* 2003). Social policy is understood as social security, i.e. as a policy which guarantees a minimum income and monetary backing to face the hazards of life. Family policy is conceived and organized principally as a means to meet the cost of family burdens as related to social status, i.e., particularly in relation to people's position in the job market.

The label *corporate* is given to this model for several connected reasons. First, because in this model, the family is a model shared by the members of a collectivity (*values* are shared). Secondly, because family policies are referred to specific social categories, each of which has specific rights and duties (*entitlements* belong to the individuals involved). Thirdly, because the family is understood as a *corporate* body, i.e. a union of individuals in one subject which represents them (*recognition* of family bonds).

iii) *Lab* Model

The fundamental principle which inspires the *lab* model is social equality. The family, in so far as it is an object of social policies, is considered as a *ménage* or household, i.e. a domestic aggregate or *anagraphical family* (family for purposes of registration). The tendency is to make married and non-married couples equal as regards rights, duties and benefits.³ Social policy is conceived as a support to individuals in their familial responsibilities and operates essentially through political control of resources (*politics against markets*). The main idea is to release social relations from the market (*decommodification*). Among these social relations is that of the family. Thus, the aim is to rid family relations of economic interests, in order to highlight its purely affective aspects and nothing else.

³ The case of Norway is a particularly clear example, and indicative of the tendencies in all Scandinavian countries (Eriksen 2001).

Fig. 2 – The three ideal-type models of family policies in the 1900's.

Models of family and welfare policies	<i>Fundamental characteristic principle</i>	<i>Definition of family</i>	<i>Mode of operation</i> (The fundamental regulatory criterion of family policies)
Lib (liberal)	Freedom and protection of privacy	The family as a contractual institution between individuals	Market (the family is regulated by the laws of the market)
Corporate (categorical)	Collective solidarity (according to work categories)	The family as a social institution based on the complementarities between genders and on subsidiarity between generations	Social security systems (designed to sustain the worker's family in respect to his/her status in the labour market)
Lab (socialist)	Equality	The family as a ménage (<i>household</i>)	Political command on resources in order to support family responsibilities of the individuals (politics over/against markets)

2.2. Results and overall valuation of the three models

As a synthesis of the successes and the failures of the three models, we can state the following (Fig. 3).

1) *Lib* Model.

Positive aspects are to be seen in the freedom of choice granted to individuals in the constitution and management of families. The negative aspects are individualism and the fragmentation of the social fabric produced. Overall, we can evaluate this model by saying that in such a culture, the family becomes an utility or disutility for the individuals.

ii) *Corporate* Model.

This has its positive aspects in the public support that it grants to family solidarity. Negative aspects are: lack of equity among genders and among generations (lack of equal opportunity). Overall, we can evaluate this model by saying that in such a culture, the family is treated by the state as a subsidiary institution.

iii) *Lab* Model.

This model has its positive aspects in the redistribution of resources for the sake of weaker members of society. Negative aspects are: the so-called 'poverty traps' and the loss of social bonds. Overall, we can evaluate this model by saying that in such a culture, the family becomes a purely affective aggregate between individuals who remain together on the base of casual factors.

Fig. 3 – An outline of success/failure of the three models of family policies.

Models of family and welfare policies	Positive aspects (successes)	Negative aspects (failures)	Overall valuation
Lib (liberal)	Freedom of choice for the family	Individualism and fragmentation of the social fabric	The family becomes an utility/dis-utility for the individuals
Corporate (categorical)	Public support to family solidarity	Lack of equity among genders and among generations (deficit of equal opportunities)	The family becomes a support to the state (subsidiarity in reverse)
Lab (socialist)	Equity and redistribution for the more disadvantaged conditions	Poverty traps and loss of social bonds	The family becomes a purely affective aggregate of individuals

In all three instances, family policies are submitted to troublesome burdens, because the question of ‘what is the object of the policies?’ becomes more and more of a problem. We are left to choose between the family *as an object of policy which is more and more limited to minority groups within society* (corporate model) and the family *conceived as a vague aggregate of casually brought-together individuals and their needs* (lib and lab models). In either case, it seems as if it will be necessary to abandon the idea of a family policy which truly and accurately responds in a universal way to the family as such.

The family is disaggregated into the needs and rights of individuals, whilst the family unit itself is treated passively and residually. A good example of this trend is the manner in which, in many countries, what was once the ‘Family Benefit’ (as it was called in the UK), which formally acknowledged communal spending, has been transmuted into ‘Child Allowance’ (or some equivalent measure), with its individualized ‘earmarking’.⁴ In consequence, the family institution atrophies and assumes parity with any other form of domestic co-habitation whose status rests upon nothing more than subjective affirmation by its members.

⁴ In Italy, for instance, some scholars (and the Italian Minister of the Family Rosy Bindi) call for what they call ‘the fiscal dowry for each child’ (a benefit given to the child summing up the child allowance and family deductions – approximately 2500 euro per year, which the child will use when he will be 18 years old). Measures like this are intended to free children from their parents, and to make irrelevant the bond existing between their parents (be it marriage or any other agreement).

Family policies become thus something other than they should be. They become policies of support for simple, undifferentiated relations of care-giving, and policies directed to bringing about equal life-opportunities for the individuals involved, leaving on one side their gender and generational relations. (This means that these relations become indifferent. They are regarded as being in principle negative and discriminatory, in relation to any attempt to bring about equality of opportunity between individuals.) The relation of the partners is to a great extent left to take care of itself. It becomes a relationship which can be changed at will, on the basis of the ideology of equal opportunity. The relationship between parents and children becomes an object of increasing control and is made more and more binding. These steps mean that conjugal relations are thrown more and more into a state of *anomie*, with negative consequences on generational relations. Society no longer expects that the family will be able to have the educative and socializing capacity which, nevertheless, society continues, in principle, to entrust to it (Luhmann 1997). The family is no longer conceived as the place where trust and social qualities are built up: we even come to expect the opposite.

2.3. *The crisis of family policies and the search for new orientations*

Family policies are in crisis for a series of reasons, which can be summed up in the following table (fig. 4 column a).

a) In the first place, they show a marked tendency to be *assistential*. Benefits are given to individuals in order to relieve them to some extent from their family duties. This is equivalent to *turning family functions into public functions*, which occurs when support for family responsibilities is given by substituting collective external services for family roles. Entrusting a good number of family functions to services which are outside the family leads to an over-burdening of the welfare state. The state fails to meet the expectations which are thus aroused.

b) There is a strong tendency towards making family policies coincide with 'mother-focussed' policies, policies centred on the woman and on the mother-child relationship. (This option is explicitly made in an increasing number of countries such as France, the Scandinavian countries and in general the countries of the European Union). The consequence is a loss of the masculine role and the weakening of inter-generational interchange.

c) A good deal of the policies privatize family values and behaviour, in the sense that they give individuals an incentive to consider family relationships as being completely private matters of taste, choice and preferences (an expression used in this context is *families-of-choice*).

d) Family policies lose their explicit character of being instruments for the support of family bonds because they concentrate on the needs of each individual throughout his/her life. The preferred language in this context is of policies for children, young people, old people, rather than of policies for sons/daughters, parents, or grandparents. (However, as will be discussed later on, there are signs of a move in the latter direction.)

e) Family policies cease to be specifically *family* policies and become indirect policies. That is, they look to the generic needs of the everyday life of individuals – minimum income, health, education, accommodation, employment, etc. (However, as will be discussed later on, a number of people are beginning to recognize that this reductive focus is a mistake.)

Taken as a whole, current family policies make individuals yet more individual, and throw away the social capital which is empirically inherent to the family (Donati 2003b; Donati and Prandini 2007). In this way they produce social disintegration rather than social integration.

In the face of these outcomes, one feels the need to shift to a new set of directions (sketched in fig. 4, column b).

a) The tendencies towards making family functions collective or public functions should be abandoned in favour of a *principle of subsidiarity* (correctly understood). According to this principle broader social formations should not be substituted for smaller formations. Rather, the former should help maintain the autonomy of the latter, and offer such regulation and means that are necessary for them to be able to carry out their own specific tasks on their own. The state's attitude and actions towards the family should turn away from the idea of making the family yet more passive. This does not mean that there should be fewer services: rather, it means the complete opposite, that there should be more services for the family. The difference would lie in the fact that families should be able to choose the services they make use of, and have some influence on the way in which the services are organized. More generally, the state should recognize the demand

that it should not absorb the functions of intermediate social formations, but help them. This help might be made available through further associative forms, e.g. family-based associations. The help would be given in order that the intermediate social formations should be able to provide for themselves the services which concern them. These might be, for example, family counseling, day-care, care of children and old people, home help, etc.

b) Matrifocal policies, focused on women and on the mother-child dyad, should be reoriented towards policies centred on the family nucleus conceived of as a relational system of reciprocity between genders and generations, by means of aids that can act as incentives for the presence of fathers.

c) The tendencies towards making family functions a matter of concern only to private individuals should be abandoned in favour of processes which recognize the value of inter-subjective relations, of the goods which really count in life. The regulations of family policy should support forms of intervention which are of a dialogic nature, forms which give precedence to human contact, to relations of caring. This arises from the fact that in the family rights are no longer an individualistic matter, but a relational matter. It is important to realize that anything that happens within the family – above all, the way in which the family is socially defined and constructed – is not something to which the community can be indifferent. Every vital community develops a culture which is more or less ‘civil’ on the basis of relations such as these.

Fig. 4 - Old and new orientations of family policies.

Characteristics of the policies adopted up until now:	Characteristics that are needed today:
<p><i>a. Assistential policies:</i> Benefits are granted to individuals in order that they may be relieved from their familial obligations; this coincides with the <i>publicizing of family functions</i> that results when support to family responsibilities is given by a mere substitution of family roles with external collective services.</p>	<p><i>a. Subsidiary policies:</i> benefits are granted so that the people can carry out their assignments in the family and in the surrounding associative nets; in particular, <i>the subsidiarity between state and family</i> means that the former has to operate towards the autonomy and the <i>empowerment of the family and family associations</i></p>
<p><i>b. Matrifocal policy:</i> centred on the woman and on the mother-child dyad</p>	<p><i>b. Policy for the family nucleus:</i> centred on the reciprocity between genders and between generations</p>
<p><i>c. Policy of privatisation of the family values:</i> the family is merely considered a private affair and the end result of choices and private preferences</p>	<p><i>c. Policy of valorisation of family relationships as relational goods (social capital):</i> the family is a primary relational good (super-individual level)</p>
<p><i>d. Implicit policies:</i> centred on the individuals with respect to separate needs throughout the life span of the individual; interventions to the good of separate age groups (generational categories) above all, minors and the elderly</p>	<p><i>d. Explicit policies:</i> centred on the relationships between genders and between generations, for the valorisation of social intermediations implemented by the family; interventions on the inter-generational ties as a problem of relational solidarity</p>
<p><i>e. Indirect policies:</i> centred on the generic needs of people daily life (like lodging, job, feeding, health, education, etc.); use of the family as an instrument in the fight against poverty or for other social problems = the family as a residual entity</p>	<p><i>e. Direct policies:</i> centred on the family nucleus as such (for example: the subjectivity of the family in the tax sphere, the family-income, the family-insurance, etc.); to increase the strength and the social functions of family relationships = the family as a social subject</p>

d) Indirect policies should give way to direct policies, *directed towards the family nucleus as such*; we ought, therefore, to speak in terms of 'family work', the 'family home', 'family services' 'family income'. We should orientate ourselves, in the *ad hoc* practical measures we adopt, in this direction (i.e. we should orientate ourselves in favour of the group institution as a whole).

e) Implicit policies should be replaced by *explicit policies for family relations as such* within a framework of intergenerational exchange. When we make an intervention on one generation, we should also bear in mind what effects it might have on other generations. It is possible to have an effect in

favour of or against a particular generation, not only through the measures which are taken directly in its regard, but also through the effects of measures directed to another generation. For example, measures taken for old people may have an effect on young people. More positively, we maintain that it is a matter of urgency that we should reach a new 'social compact' between the generations, both within the family and within the collective sphere (i.e. as regards questions of work, of the distribution and redistribution of resources, and above all as regards the relations of citizens) .

In synthesis: *current needs demand that we should shift from social policies which regard the family as a social residue, to social policies which centre on the family as a social subject.*

To make this shift, we need to see the family as a reality which is 'other' in relation to the agents of social policy (i.e. the state and the agents of the market and of the third sector), not as their 'alter-ego', something made in their image and likeness.

The *corporate* model (derived from what is called the Bismarckian model) certainly observes this otherness of the family, as being what gives origin and originality to family relations. Nevertheless, it ends up in subordinating the family to state power, which is conceived of as the apex and centre of society.

The search for new social policies is particularly evident in the so-called 'third ways' that look for progressive models, which might be capable of combining liberal and communitarian elements.⁵

Some of these 'ways' – the so-called 'communitarian ways' – recognize the family as a collective subject of rights. For instance, Pérez Adán (2001: 137) rightly maintains that a progressive democratic policy stands for recognizing the family as an intermediary social group, on which a specific 'sovereignty' should be conferred. (The term 'sovereignty' appears in the social doctrine of the Catholic church, and has been widely used by John Paul II). The Spanish sociologist proposes that we should work out a new definition

⁵ The term 'third way' is an expression often used in the past to indicate (in an improper manner) the social doctrine of the Catholic Church. More recently, it has been adopted by Anthony Giddens (1998) to designate a configuration of society that is based on a combination of liberalism and social-democracy. Other people use the same term to refer to other different ideas of society (for instance, the 'communitarian way' envisaged by Amitai Etzioni: see Pérez Adán ed. 2001). Consequently, the term has become very confusing.

of a 'communitarian family'. This attitude is shared by the many different 'neo-communitarian' theories, as they are called. The problem with neo-communitarianism is that it tends rather to affirm its understanding of the family than to justify it in relational terms. It runs the risk of being a merely ideal position, one which is not very practicable at the level of definite policies. From the relational point of view, it is true, the family is indeed a relation which is based on an unconditional consent of love, and it is in virtue of this that it is a community. But this relation is also expressed by means of a contract, by means of a certain hierarchical structure (in relations of descent), and by means of the norms of reciprocity which govern the networks of kinship. 'Sovereignty', indeed, is itself a concept which needs to be translated in terms of relations of autonomy, i.e. of autonomy in the choice of the (systemic) environment on which it is to depend.

Other 'third ways' abandon the idea of a public recognition of the family as a communitarian social subject and prefer to speak of family policies that combine individual freedoms with public control that make the individuals concerned socially responsible. For this reason, I classified them under the *lib/lab* formula.

Among variants of the 'third way' notion, the position of David M. Anderson (2001) is worth looking at. Anderson maintains that it is necessary to shift over to policies which are subsidiary in a strong sense (i.e. policies which create a social environment which supports the initiatives of local communities and families). In particular, he says 'we (the new democrats) can no longer afford to take a "neutral" stance on family structure'. He calls for policies which would make the family stronger and more secure, and maintains that 'the best model of the functioning family' is 'the intact two-parent family' (id.: 110). He proposes a law that would recognize and support the family unit (*Family Unit Act*, FUA). The proposal is interesting, and it fits in with what I have called 'new directions'.

Nevertheless we should notice that in practice there is no change here from the philosophy of modernity. The objectives which David Anderson identifies as 'family policy' are the following: reduction of taxes for working parents; help for community efforts to reduce the number of teenage pregnancies; putting the interests of children first if parents divorce; grants of paid parental leave; substantial support for early day-care for the poorer classes. The family is to be supported as a burden, as something that brings with it a risk of poverty, not as a subject that creates social capital. Moreover, since he maintains that the FUA should respect all kinds of diversity he also maintains that we should recognize homosexual unions as families (the FUA

'must also support gay and lesbian families'). We see here again the risk that in this kind of proposal, family relations would be neutralized as regards sexual differentiation and as regards inter-generational reciprocity.

We can find a huge number of other theorists holding very similar positions, amongst whom is the most well-known exponent of the Third Way, Anthony Giddens. Sometimes we find interesting features in the aim these Third Way thinkers uphold, of reinforcing the family. Anderson speaks of a 'richer liberalism', which would make the USA more like Europe; Giddens, of a 'reformed social-democracy'. Both these ideas mean striking a balance between individual rights and greater social responsibility. But these ideas are not enough to identify a family policy as such, especially if the idea of the family is said to be a 'pure relation' (as Giddens maintains). I do not believe that this Third Way can meet the challenges we face. I do not think that it is possible to formulate family policies which meet the demands of the new directions, on a *lib/lab* foundation (fig. 4, column b). As I have argued at length elsewhere, the *lib/lab* positions do not have an adequate view of the nature of the relations that are proper to a family (Donati 2003a).

3. HOW TO REDEFINE FAMILY POLICY? THREE CRUCIAL QUESTIONS.

3.1. *The context and the three crucial questions*

Scholars have rightly observed that the family is an ambivalent reality. This is because it is, at one and the same time, the foundation of society, and the source of its problems. On the basis of this observation, they speak of the *value* of the family as if it were an intrinsic contradiction for society and for social policies (Hardy 1981). There are many arguments for seeing things this way. But these same scholars have not noticed that the contradictions of social policy do not derive simply from the ambivalence of the family, but also from their own intrinsic manner of operating. What happens is that when social policies seek to include the family within the social system, they end up disintegrating it. How can we break out of this vicious circle?

Most reflections on family policy maintain that there is no way out. Scholars stress the fact that in a society which is on its way to globalization, the family lives in an atmosphere of uncertainty. It has lost its boundaries, it is disorientated, it is surrounded by fragmentation and by new fuzzy nets. They claim that every attempt to favour stable, socially integrated family relations is doomed to failure.

One might say that the more one tries to strengthen the family and to define family policy, the more the family slips away and family policy collapses on itself. As I wrote in a Report in 1989 (Donati ed. 1989), the family becomes, in this process, more and more 'autopoietic' (self-producing): that is, it becomes a norm for itself. The family must be produced only by the family and family policies can be useful to the family only through the family.

We can understand this all-inclusive crisis of current family policies through grasping the crucial questions which society today has to face up to.

In order to be effective, should family policies generalise the concept of family or should they differentiate it (i.e., should they distinguish what makes a family as distinct from non-families)?

Either way, how should we define the object of family policy?

What social and legal recognition should be accorded to this object?

Let us now examine these three questions in greater detail.

3.2. *Generalization as opposed to differentiation of family policies*

In the late nineteenth and early twentieth centuries, family policies were developed with a specific function, that of assisting family duties with cash and in kind measures.⁶ They had a definite object: married couples with children, in which in general only one person was in employment (the so-called *one-breadwinner family* model). But then things changed.

a) On the one hand, family policies have broadened to take in a wide set of welfare measures, which, though they do relate to the family, nonetheless have other aims. For example, there arose demographic policies, policies against poverty, policies against social exclusion, policies for children, gender policies, policies for the elderly, policies for the handicapped, and so forth. A good deal of confusion arose. Some think that family policies should be a kind of summing-up of these policies, but this is an illusion. Every policy has its own aim, its own means, and its own values, and therefore cannot be contained within another policy or even fully integrated with

⁶ 'Cash measures' means ways of supplementing income (e.g. family allowances, maternity allowances, child care allowances, etc.) while 'measures in kind' means support which is not, or is not wholly, monetary (education, health services, personal services, etc.).

it. What one must rather attend to is the way in which each policy is special, and then see how it is to be co-ordinated with others. Looking at things this way, there is no doubt that the policy which has become most residual has been precisely policy centred on family relations. But without family policy, the other policies run the risk of failing to reach their objectives.

b) On the other hand, the object – the family – has changed. There is an enormous quantity of literature on changes of the family. I will confine myself to reminding you of the principal causes of these changes. They are: the increasing part played by women in the labour market (the two-career family); the affirmation of the ideology of individual rights of citizens, as equality of opportunities (the egalitarian family), and the processes of emancipation of minors (the democratic family).

It is evident that there is a complex interaction between interventions of social policy on the family, on the one hand, and the changes of the family object, on the other (Donati 2003a). But the point is this: in the situation which is thus defined, should we generalize family policy (in the sense of broadening it to including whatever measure that touches on the family, even if only indirectly or implicitly), or should we introduce new distinctions that differentiate family policy from other social policies?

There is no doubt that the *lab* solution is in favour of generalization. The *lib* solution also tends towards generalization, though with more restrictive and selective criteria. The third solution (the corporate solution) is the only one that tries to maintain a specific policy of the family as such, but it is on the defensive and comes up against ever-increasing difficulties in choosing between generalization and differentiation. This can be seen in the case of countries like France and Germany, which approve social policies that are directed at forms of primary relationships (cohabitation, concubinage, homosexual unions) that are formally distinct from the family, but which are considered part of family policy (Prandini 2001).

A situation of non-differentiation thus arises in which the state pronounces itself neutral with regard to the comparison of family forms. This means that the state gives up pursuing a specific family policy and rather generalizes its interventions with regard to all forms of primary relationships. Such measures lead to diluting the concept of family, to the extent that if we want to sum these tendencies up, we could say that the family no longer exists. What arises is something different, a network of relationships which is often indeterminate. The relationships here consist of many very

different interconnections: children of different parents, couples that have been through several marriages, children and couples who maintain family relationships with an indefinite number of relatives.

Can social policies do without a definition of the family? From the sociological point of view, the answer seems to be No, whether as a matter of fact or from the normative point of view. We need, therefore, to make a distinction between general social policies (addressed generically to the population) and specialized policies towards the family which will be explicit, direct and cohesive.

Once these distinctions are identified, the following question arises: what is the family? Or rather: which family is the object of policy?

3.3. The question of the definition of family and of relative rights and duties.

It is true that there are many definitions of the family: anagraphic, statistical, legal, social, cultural, psychological, religious, and others besides. These definitions do not necessarily contradict one another, because most of the time they do no more than reflect the requirements of different practical points of view. Each definition has its legitimate point of view. The problem begins when we have to identify the rights and duties of the family from the point of view of social policies.

There exists a correlation and continuous interaction between the definition of the family and the set of rights and duties that belong to it. If we define the family in a certain way, this definition implies a specific set of rights and duties. If we begin with tangible rights and duties these likewise imply a definition of the family which is consistent with them.

If our goal is that of constructing a 'family-friendly' human society, will a merely operative definition be sufficient? Most scholars take refuge here in pragmatic solutions. But it is evident that this way generates more problems than it solves. No measure of social policy can be effective, in terms of family integration, if the definition of family has a purely subjective character (that is, if it is only self-attested). Family policy must have some institutional character (which arises when given form of the family is recognized as legitimate by society).

In practice, the proposal to generalize the concept of family in fact collapses when one attempts to distinguish between the rights of the family and 'other rights', i.e. the rights of individuals or entities other than family relations. This is because increasing individual rights does not necessarily do anything to develop the family to any extent.

Thus the idea (one dear to modernity),⁷ that the process of evolution can be made progressive through generalizing the concepts involved is not a valid evolutionary solution, since it does not tend to produce families, but rather something else. (The generalization of the concept of family in this sense means including all family forms, leaving for the traditional family a position as a more specialized sub-group.) To place the family in competition with other forms of primary relations (co-habitation or free unions which are sex-neutral, and which lack intergenerational agreements which are defined institutionally) only leads to non-family results (Donati 2001), or leads to reducing the family to mere communication (Luhmann 1982). The evolutionist solution of system theory (as stated by Parsons and reformulated in his own way by Luhmann) no longer works, because, as formulated, it refers to mechanisms operating within a cultural context and within a logic of modernity, a context which is no longer available to us.

The family, as the object of social policies, must be redefined in terms of (a) a sharing of values, (b) an entitlement to societal membership, and (c) an acknowledgement of bonds which society means to value.

The growth of subjective rights (Luhmann 1981) and the recognition of new relations (mutual and contractual relations of the couples, of filiations, and of co-habitation of various types) must be made compatible with the functional pre-eminence that the family has in so far as it is a *relationship of free giving and reciprocity (tendentially 'full')*⁸ *between the sexes and between generations*. We need to recognize that the family cannot be assimilated to a simple primary relationship, like that of a friendship group, but requires its own institutional recognition. This is true even though the family, from a sociological point of view, is by nature in a position of 'transcendence' with reference to the codifications made by positive law (Bahr and Slauch Bahr 1996).

I would go further. In principle, it is difficult to hold that both families and other primary relations (free unions, etc.) can both together be the object of social policy. Finding the object of social policy is easier if we recognize the family as a supra-personal social and legal subject, which is different from other relationships.

⁷ The most explicit and complex theoretical account of this idea is found in T. Parsons.

⁸ The expression 'tendentially full' refers to the reality of the family as 'a total social fact' (according to the Marcel Mauss's theory), in so far as – empirically – the family relation involves all the dimensions of human life. Only in the family the human person is considered and addressed in her full personality, and not for a particular quality or function she performs. As a matter of fact, the family is the place (system, sphere) where one can neither refuse to answer to the other (T. Parsons) nor avoid communicating whatever he/she does (N. Luhmann).

3.4. *The question of the family's being a social and legal subject*

Is the family a 'subject' in its own right? What does it mean for the family to be a subject?

From the sociological point of view, the family is a social subject in the following ways. It is a subject in so far as it is a *community relationship*, in so far as it is a *relational good*, in so far as it is a *subject of relational rights*, in so far as it *possesses a citizenship of its own* (Donati 2000), and in so far as it is a *sui generis* nexus between freedom and responsibility. Let us briefly examine these concepts.

- a. The family is a community relationship in so far as, while including a contract between spouses and generations, it goes beyond this, because it presupposes pre-contractual relationships and has supra-contractual goals. In other words, the family is the emergent effect of the working together of free giving (as the motor of family relations) and reciprocity (as the social rule necessary for continuing the exchanges between the sexes and between the generations).⁹
- b. The family is a relational good¹⁰ in so far as it consists of the goods which stem from the family-relationship and can be generated and enjoyed only by those that share it by acting together. It consists of relationships, not of individual goods. Nor is it the sum of individual goods (that would be a 'total – meaning aggregated – good'). Of course, the family can also generate 'relational bads', when it does not work properly.
- c. The family is a subject of relational rights and duties in so far as rights and duties ought to be relationally configured within it.
- d. The family is a subject of functions for the sake of society, in whatever way these functions are understood, in so far as whatever happens within the family and whatever the family does has an influence on every other form of social relations.

⁹ About the difficult issue of how to define reciprocity in respect to gift (free giving) within the family and within the other spheres of society see Donati (2003d).

¹⁰ Here it is not possible to discuss at length the theory of 'relational goods', which I have defined and developed in other papers, books and research reports since 1989 (for the most recent references see Donati 2003a; 2006; 2007b). Suffice it to say that relational goods can be distinguished into primary (family) and secondary (third sector) ones, depending on their distinct qualities, emergent properties and effects. Of course, the social processes which generate relational goods can also generate 'relational bads' in very many different ways.

- e. The family has its own citizenship (*family citizenship*) in so far as the family is a 'social person', the possessor of social rights of its own *qua* subject. This right goes beyond the rights of individuals as subjects. It refers not only to the entitlements to free choice in respect of what is provided by the state (for instance, the choice of a public school for children), but also, and foremost, it refers to the chances of families to meet their needs by taking free initiatives (e.g. organizing autonomous schools for their children, or providing personal social services through self-help and mutual help networks and associations) which must be supported by the state.
- f. The family constitutes a particular kind of nexus between freedom of choice and responsibility for consequences of actions. This is true both as regards the actions of individual family members and as regards the meaning-bearing societal functions of the family as a social relationship. (This means liberty and responsibility of the family relationship, not merely that of the individual).

There is no doubt that society nowadays manifests a persistent ambivalence with regards to all of these characteristics, which are both pursued and opposed at the same time.¹¹

Nevertheless, it is possible that these characteristics can lead us to reach an identifying description of the family as a social subject, a description which goes beyond the tendencies that exist towards making a 'casual' definition of the family. We should realize that we cannot create a coherent and effective policy when the family is approached as the mere outcome of casual individual decisions, or when anything is recognized as a family which asserts itself to be such. What this means is that people make up families as they think best; that anything can count as a family, whatever relationships may be involved, so long as the people concerned feel that these relationships constitute a family. As a practical matter, the concept of the family as a social subject can help social policy make some opposition to the anomic pluralisation of what are currently called 'new forms' of the family, a pluralisation which frustrates and marginalizes the civilizing meaning that the family holds. (Compare what happened in the 1930s under the Nazi regime, as we learn from the Frankfurt school.)

¹¹ This ambivalence is evident, for instance, in the Italian system of social security: see Paola Bozzao (2001).

The nature of the family as a subject is something which is less and less visible, and therefore less and less comprehensible, to politicians and to the apparatus of the state. This is because of the difficulty which the political and administrative system has in perceiving the 'environment' of the family (using the word 'environment' in a systemic sense). At the same time, the nature of the family as subject is more and more noticeable, as part of a process of reflection, in those areas of society which are constituted by the family as a subject. Nevertheless, taking things as a whole, civil society finds it difficult to picture the family, and to recognize what are the outcomes of society's actions towards the family.

From a practical point of view, the question as to whether in social policy the family can be considered as a social subject or not, and if so, as what kind of a subject, and to what degree, is a question that can be clarified by looking at the way in which we see shaped the programs and interventions of those who are the agents of social policies (whether they be explicit or implicit, direct or indirect agents).

From the legal point of view, we well know how and why it is difficult to reach a concept of the family as a subject which is considered as a legal person. Legal theorists like to repeat that law merely regulates social relations which already exist. In the case of the family this observation is fairly ambiguous. It is partly true and partly false, for at least two good reasons. The first is that the law does not recognize the social role which the family in fact carries out, but rather removes it. The second is that the law does not merely regulate already existing relations, but also creates new relations, or makes it possible for them to exist by means of choices that were not previously available.

For a definition of the family as a subject from the legal point of view it might be helpful to have recourse to the concept of family as a 'natural right',¹² the concept of the rights belonging to original 'forms of life',¹³ and the legally relevant fact that there is a joint relational responsibility which belongs *to* families (not merely that there are individual responsibilities *within* families).

¹² For example, Ronald Dworkin (1977: 174-177) maintains that a just society cannot be founded on contract alone, but requires a theory of natural rights (see the comments in Wolgast 1987: 23). E. Wolgast (1987: 21-32), Viola and Zaccaria (2003) have put forth similar arguments.

¹³ The concept of the 'forms of life' is addressed by L. Wittgenstein and introduced in the 'grammar of rights' of E. Wolgast (1987).

3.5. It becomes yet more urgent to adopt this point of view in facing the challenges of globalization and the onset of a society which is to be multicultural and multiethnic on a planetary scale. The choices in the field today are: on the one hand, to accept all possible family forms as one accepts simple diversity within the framework of liberal tolerance; and on the other, to accept the fact that supporting a certain model of the family may seem to justify a resistance to civic virtue. Personally I believe that it is possible to avoid having to make one or other of these choices by viewing the family as a social subject which has social functions that cannot be substituted by anything else. These functions can be made to harmonize with cultural diversity within the sociological quality which is proper to the family, to the extent that it is a relationship of full reciprocity between genders and between generations.

Europe is still uncertain about following this path. The so-called 'European Social Model' is largely conceived according to the *lib/lab* approach. The EU's *Charter of Fundamental Rights of the European Union* (solemnly proclaimed at the Nice meeting on December 7, 2000 – as the *Charter of Nice* – and approved again in Lisbon on December 13, 2007 by the 27 member states),¹⁴ is an example of a refusal to recognize the social functions of the family. In this document, the family as such has no citizenship, it is considered as a synonym of *privacy* and is depicted as an 'empty box' in so far as its concrete relationships are concerned.¹⁵ Europe, after having begun to be interested in family policies (EEC 1989), has since gone back on its steps. In the 21st century, it seems to have embraced an institutionalized individualism, which leaves little room for the family's societal functions. Perhaps it hopes that this will enable it to avoid cultural conflicts.¹⁶ But it

¹⁴ On December 13, 2007, the leaders of the European Union signed the Lisbon Treaty, a document that restructures the EU's governance. Among its provisions is one that makes the EU's Charter of Fundamental Rights legally binding on members. A protocol to the Lisbon Treaty limits the application of the Charter of Fundamental Rights in Britain and Poland to rights recognized by the national law of those countries. Britain is concerned that the Charter might be used to override its labour laws, and Poland is concerned about the Charter's prohibitions on discrimination based on sexual orientation. The Lisbon Treaty will come into force only if all 27 EU members ratify it.

¹⁵ For more details see my analysis in Donati (2003c).

¹⁶ Several jurists use this to justify the claim that the European Union cannot fully recognise the family as a subject of social reference in social policies. To a great extent, these jurists still reason from within the viewpoint of the *lib/lab* model (for an typical example, see Cananzi 2003).

will be unable to create any family policy. In the Enlightenment-based vision of the new Europe, the family is considered a sort of 'protected natural species', equivalent to rare animals and plants, something which can be made to live in 'reserves' like indigenous peoples, because there is no place for them in the 'rational construction' of society.¹⁷

Is it possible to recognize the family as a social and legal subject? Certainly it is not possible in either the *lib* or *lab* models, or even in a *lib/lab* mix. These models are all individualist and contractualist (Glendon 1989; 1991). To recognize the family as a subject we must adopt another point of view: we must see the natural rights of persons and of their social development as *relational rights*.

This change of viewpoint cannot occur within a functionalist philosophy, managed by a compromise between the state and the market. Rather, we have to abandon the functionalist point of view which for two centuries has considered the family as a sphere *delegated* by society to carry out certain functions. The extreme point of this theory can be found in T. Parsons (1977: 342), who calls the family a 'fiduciary complex' in the sense of being the operator that is entrusted by other societal institutions with the task of helping to raise children and stabilize adult personalities). But the family is not an institution that exists and operates as a delegate of society, because it is a *sui generis* reality whose nature as a subject is an original one. And it should be evaluated as such. Otherwise it would be impossible to understand how and why the family is a producer of social capital. That is, those who marry give rise to a relationship of trust and cooperation in solidarity, which is based on reciprocity; and this creates social capital for themselves and for the community around them. On the strength of this, this relationship (i.e. the family) may claim the right to be recognized as a subject entitled to a complex of rights and duties that 'exceed' those pertaining to the individuals. Family freedom and autonomy take their meaning from that. Without seeing things from this point of view it would make no sense even to talk of subsidiarity.

3.6. *A new logic of distinctions*

The reader will have noticed that we need a new logic which will bring together the proposals which have been made here for resolving our crucial

¹⁷ Such a view has been clearly expressed by J. Coleman (1993).

questions of family policy. This logic is relational to the extent that it examines relationships and differentiates between them according to their quality. This logic claims that:

- the problem of passing from indirect to direct policies can only be resolved through policies which differentiate between different treatments of individuals in relation to their positions within family relationships, even in the realm of the most general social policies that have a universal character;
- the problem of passing from implicit to explicit policies can only be resolved through the definition of the family as a subject of reference;
- the problem of passing from policies which produce a fragmentation of family relationships to those that promote social cohesion can only be resolved by defining the rights of *the family as such* (family citizenship).

These distinctions do not imply discrimination, because at the same time they specify their object and generalize the extent to which it may be shared by various stakeholders. In fact, while they indicate a specificity (that is, a specific family form and a system of rights and duties which are inherent to family citizenship), at the same time they give rise to a diversity (i.e. that which specifies the 'other' social policies, the 'other' primary relationships and the rights and duties that pertain to these 'other' forms). We are thus in a position to discern what unites and what distinguishes social policies with reference to the extent that the wellbeing of the family is at stake.

4. PROSPECTS OF A NEW SUBSIDIARY (RELATIONAL) MODEL

4.1. *A relational vision*

An explicit, direct and cohesive family policy can be 'focused' on the family provided that the family is given a distinct definition and that this definition encompasses the family as a subject.

Family rights must be formulated considering the family both as a relational system in itself and as an institution recognized by other sub-systems and social institutions with which it enters into relations (the school system, health system, fiscal system, welfare system, social security system, etc.).

To make this possible, there must be a relational vision of society, conceived of as a united set of spheres of justice held together by relationships that regulate it according to a principle of complex subsidiarity.

4.2. *The relational model*

In so far as family policies are concerned, the relational model is defined in the following way (for an overview, see Fig. 5).

I) *Criteria which distinguish family policy*

A policy is a family policy if it is directed according to the guiding distinction between family wellbeing and non-family wellbeing. In order for this definition to be unambiguous, reference to the family must be made definite by referring to the family as a social subject. Family policies are those which recognize the family as a subject.

II) *Definition of family*

With regards to social policy, the family is defined as a relationship of full reciprocity between the sexes and between generations.

III) *Complex citizenship of the family*

The family as a relationship has a set of rights and duties of its own that mediate between the relationships that exist between individuals, on the one hand, and society on the other. This is brought about through conjugal and filial relationships. The citizenship of the family is *societal* in as much as it has a civil character (it is pre-political or meta-political), and it is a matter of state citizenship in so far as it is acknowledged by the political-administrative system (of which the nation-state is only one level). The citizenship is termed complex because it is both societal (civil) and political.

IV) *The principle of complex subsidiarity in social policies*

The relationships between the family and other societal sub-systems (state, market and third sector institutions), must be regulated by the principle that each confers value on, and recognizes value in, the other agents and their specific tasks. Subsidiarity is complex because it not only defends certain goods from encroachment, but also promotes these goods: it is not limited to defending the family from the interference of higher-order communities of higher orders, but it actively sustains it in its autonomy (it empowers the family).

The difference between this model of subsidiarity and others is obvious. Earlier forms (*lib*, corporate, and *lab*) take a reductive view of subsidiarity for a variety of reasons. The *lib* model defines subsidiarity as private freedom (subsidiarity as privatization), the corporate model defines it as assis-

tance from the state (subsidiarity as a form of de-centralization, by the apex and centre of society), while the *lab* model defines it as a delegation or externalization of social policies to structures controlled by the state or in some way dependent on its regulations. This applies also to the allocation of welfare services to families (subsidiarity as delegation). The *lib/lab* model makes some kind of a combination of the first and third versions in a concept of subsidiarity which understands it as a provision of individual market opportunities under conditions of equality in access. It entails some advantages. However it does not avoid the characteristic effects of *lib* and *lab* policies, i.e. the immunization of individuals against social relationships (such as the family), because it, like the models from which it derives, focuses on the individualization of rights.¹⁸

The relational model considers these concepts as typically 'welfarist'. This may be so in a residual manner as in the *lib* model, in an institutional manner as in the *lab* model, or in a selective manner as in the corporate model. In the place of such models, the relational model proposes *relational policies*, which are characterized by their promotion of intra-family relations as the *primary* social capital that sustains the secondary social capital of society (extra-domestic civic relationships, *civiness*) (Donati 2003b). Subsidiarity is understood as a rule that is both internal and external to the family. Subsidiarity is complex because it is both vertical and horizontal, and it exists in relationships which are stratified (or hierarchical) and in those which are horizontal (or network). In particular, the new model of relational subsidiarity understands subsidiarity as a promotion of the norm of extended reciprocity between genders and generations in everyday life-worlds.¹⁹

4.3. *In short, it should be clear that the relational model is quite different from the welfare-state regimes of a beneficent type, or from compassionate capitalism*

To summarize the distinctive characteristics of the relational model, it will suffice to note that it is new:

1) because it is not only a defender of fundamental values such as those of freedom, solidarity and equality, but it actively *promotes* them through redefining them in the relational sense: freedom is defined as positive free-

¹⁸ To my mind this is visible in the French experience as reported by Lanquetin and Letablier (2003).

¹⁹ Examples of the application of a model such as this are numerous and are currently being developed. But I can cite as an example the case of the Region of Lombardy which, in Italy, is pursuing family policies of a subsidiary character: Rossi (2002); Carrà Mittini (2003).

dom *for* something (i.e. for the sake of others); solidarity is understood not as an association of collective beneficence or collective insurance, but as interdependency; equality is practiced not as uniformity, but as a relation of equity within difference;

2) because it identifies the family as a *relational good* and not only as an individual good. Thus, in agreement with the idea that common goods are natural human rights (Waldron 1987), the family comes to be considered as a human right in so far as it is a relational good;

3) because it redefines the family's wellbeing as *relational wealth* and not as a sum of individual utilities or as the sum of the individuals' wellbeing.²⁰

All of the above makes a difference between the relational model and the *lib*, *lab* and *lib/lab* models. With regard to the corporate model, it performs the following operations:

a) It takes into account that, in a society on its way toward globalization, the model of the family which is still adopted today in traditional social security systems is not very likely to be a model shared by all the members of a community. Therefore value sharing must be sought on another level.

b) It takes into account that, within the framework of complex citizenship, family policies can no longer be limited to specific social categories to which specific rights and duties are attributed. For this reason, legal entitlements must follow other relational lines.

c) It sustains that the family can continue to be regarded as a *corporate body*, that is, as a union of single individuals in a subject that represents them; but it also maintains that the responsibilities of the family can no

I. Criteria which distinguish family policy	A policy is defined as family friendly if it is oriented according to the guiding distinction between family wellbeing and non-family wellbeing. In order to make this distinction not ambiguous, the reference to the family must be formulated in terms of its social subjectivity (family policies are those which recognise this subjectivity).
II. Definition of family	A social relationship of free giving and reciprocity between the sexes and the generations
III. Complex citizenship of the family	The family has its own set of rights-duties in as much as it is a relationship of conjugal and inter-generational solidarity
IV. Principle of complex subsidiarity in social policies	The relationships between the family and other societal sub-systems (state, market and third sector institutions), must be regulated by a principle of mutual appreciation and support of each one specific tasks

²⁰ On the concept of *relational wealth*: Diwan (2000). On the concept of human wellbeing as tied to a community context: Shinn and Toohey (2003).

longer be understood as they used to be (i.e. presupposing certain status-roles and a hierarchy among these). Instead this body must adopt a relational character, i.e. it must recognize and encourage the contributions of individuals through the relationships they bring about.

4.4. I must underline that the relational model is based on the fact that the distinctions which are necessary in family policies operate in a relational manner. What does this mean?

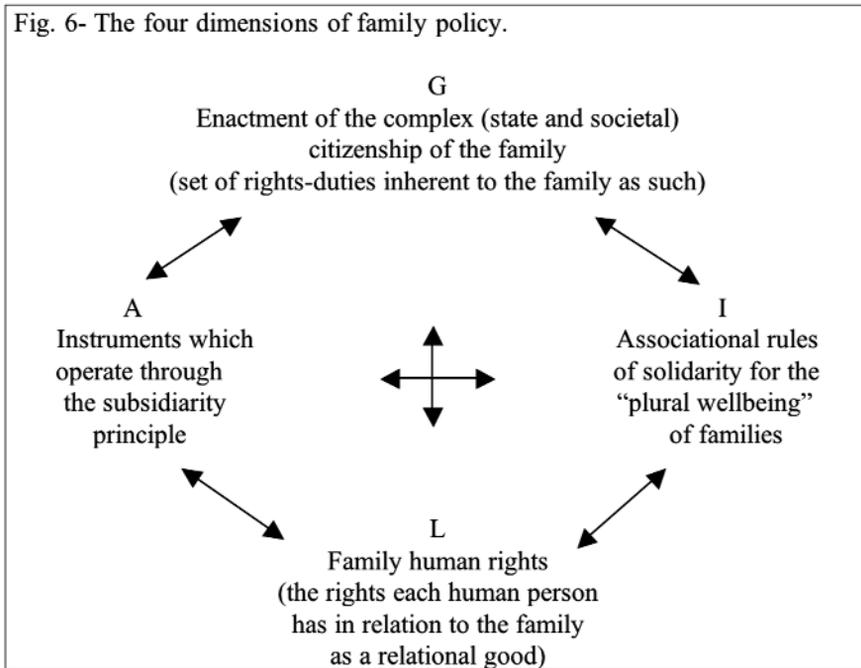
The distinction between citizenship/non-citizenship attributed to different forms of the family implies that there are types of families that merit the recognition of a set of rights and duties which have a public value, and that there are other forms which do not. This distinction is not made on the basis of a discriminatory standard. It is made rather on the basis of the characteristics of the relations which are chosen and created by the subjects. If the subjects originate forms of co-habitation in which there is no assumption of social responsibility, then it is the subjects themselves who have decided not to ask for public recognition. If these subjects do ask to be recognized, it is up to the political community to examine what kind of relationship is in question, and what kind of recognition they deserve in comparison with the public responsibilities which the family takes on. This implies that those forms inspired by 'pure individualism' (i.e. regulated by merely private arrangements) should not have the same recognition of citizenship as the family. Also excluded, in part, are those forms of co-habitation in which social responsibility is not originated from within the relationship between the persons living in a household, but is left to outside bodies (public institutions).

This also holds true in the distinction between subsidiarity and non-subsidiarity. 'Non-subsidiary' forms include both '*laissez-faire*' forms (in most Anglo-Saxon countries) and 'state-interventionist' forms (like the French case with the *Caisse Nationale des Allocations Familiales*), because both lack relations of reciprocal conferral of value (empowerment) between the agents. The principle of subsidiarity implies a different manner of relations, that is, a relation of reciprocity in conferral of value for respective tasks. It is not to be forgotten that subsidiarity is not solely a criteria for sharing out functional tasks, but also a way to govern the sphere of relations in which the common good comes into play.

5. CONCLUSIONS: NEW FOUNDATIONS FOR FAMILY POLICIES.

5.1. *A vision*

We may conceive family policy as a programmatic system of actions that must fulfil four requisites or dimensions. Such a system (see Fig. 6):²¹ (G) has as its goal the achievement of complex family citizenship; (A) avails itself of a collection of resources which act on the basis of the principle of subsidiarity; (I) is integrated and made cohesive by associational rules of solidarity which promote the ‘plural wellbeing’ of families; (L) is made legitimate on the basis of family human rights, which are the rights of the human being to ‘make a family’. The rights of joint conjugal, parental and intergenerational relationships are thus protected and promoted.



²¹ A,G,I,L are the four reference dimensions of the AGIL scheme, originally elaborated by Talcott Parsons and subsequently revised and deeply reformulated in my relational sociology (see Donati 1991: ch. 4).

1) *Achieving the complex citizenship of the family*

The scenario of society in the years to come is that of a community (one that is 'politically organized') which must achieve human rights by making use of 'state' citizenship (that conferred by the state, in its various central and periphery institutions) together with the 'societal citizenship' that stems from civil society (i.e. that which pertains to its social subjects or intermediary social formations). The family thus becomes one of the social subjects entitled to new legal rights according to the guidelines of *societal citizenship*, if we conceive of them as an expression of human rights generated by a *wellbeing society* in which the needs of self-organization are manifested by primary and secondary social formations. Societal citizenship must be seen as an alternative both to statism (the citizenship of collectivized socialism) and to that kind of liberalism which is a mere affirmation of individual rights that are not bound to community responsibilities (the citizenship of the market). Citizenship thus becomes, more than ever, that complex of rights and duties which human beings express through their social formations: both at various different territorial levels, such as the local, regional, national and supranational levels, and through autonomous associative networks

2) *Operative principle of subsidiarity*

The principle of subsidiarity affirms that it is wrong for a 'political' community (in an empirical or in an analytical sense)²² of a higher rank to take upon itself powers and tasks that belong to a community on a lower level.

Here there may be a limited interpretation, and another more wide-ranging: the first would refer to non-interference in the (minimal) tasks of the minor community, the second would tend to reinforce the minor community within the range of its actions. In other words, we could have a simply *defensive* interpretation in favour of the smallest communities, but there may also be a *promotional* interpretation, in the sense that the larger communities would not only have to protect, but should also work towards increasing the autonomy of the smaller communities, creating conditions

²² 'Political' in the *empirical* sense means what belongs to an administrative system of national importance (states, regions, provinces, municipalities, etc.), since it must make collective decisions which are binding on the collectivity, normally a territorial collectivity, which it affects. 'Political' in the *analytical* sense means what belongs to a social formation (including e.g. the family) which functions as a maker of binding decisions for the common good of all those who belong to it.

for their independent development. In particular the larger communities must regulate social exchanges (whether they be distributive, redistributive, or commutative) in such a way that the smaller communities have sufficient resources to accomplish their goals.

More simply, the principle signifies that: (i) in what concerns the state, political-administrative decisions must be taken at a level as close to the citizens as possible; (ii) with respect to the relationships between the state and the other agents (sub-systems) of society (which we call civil society in so far as it is not vested with state institutional responsibility), there must be present an operative principle that respects reciprocal functional autonomies.

This principle of reciprocal conferral of value on the autonomy of agents implies having a direction (which is a form of social governance) towards the greatest possible synergy between the various subjects of society (institutional and civil), instead of being directed towards the colonization and exploitation of the minor communities by the larger ones. Subsidiarity must be understood not as a residual intervention (according to some, the state must intervene if there is no one else to do so, which is a mistakenly reductive interpretation), but as a principle which permits the various levels and functions of society to be systematically balanced in an integrated mode, without undue substitutions, in such a way as to favour the respective responsibility of each agent in the division of responsibilities.

3) *Associational rules (governance) of solidarity for the 'plural wellbeing' of families.*

Since wellbeing is multidimensional (economic, psychological, social, cultural and spiritual) there must be a plurality of subjects which generate it and which are legally allowed to act as 'public' subjects ('public' does not necessarily mean that they are governmental, but simply that they are recognized as subjects of societal citizenship).

This is the theme of *plural welfare*, which is so called because it is put into practice by 'associative' entities that organize wellbeing in an 'associational' manner.²³ This is the frontier of a conception of *civil* wellbeing quite beyond that of welfare intended as a result (output) of some kind of compromise between the state and the market (*lib/lab*) or as a *welfare mix* (the so-called 'mixed economies'), as a *mix* between public and private in the sense of state and market.

²³ On the concept of 'associational' see: Hirst (1998, 1999), Hirst and Bader (eds. 2001).

A highly complex society such as that of the 21st century can no longer be governed by a Centre that regards itself as the apex of society. Nor can it be left to a market that is composed of atoms which spontaneously align and realign. There needs to be a regulation of society that allows greater freedom to the agents who exist today, within the network of their own responsibilities, and of the forms of *social governance* (not just political government). But how?

We must realize that the compromise between State and Market which has organized welfare systems since the second world war, is no longer sufficient. The State-Market pair, which has been the supporting axis of all modern society, is no longer suitable for the regulation of a family friendly society. The intervention of two other sub-systems is called for. To begin with, we have a third sub-system, the so-called third sector, made up of associations, volunteer groups, social solidarity cooperatives, foundations and other non-profit and non-governmental organizations. This 'third associational pole' is establishing itself today as the pole which is the most dynamic, most active and most capable of making up for the lack of regulation in the Market, as well as that which is most able to avoid the alienation of a bureaucratized society which arises from the state organization. And then there is a fourth sub-system, which we may define as the *family sub-system*, i.e. the whole set of families, understood as units of primary services, and subjects of their own rights and obligations, both in respect of welfare choices (for example the acquisition of goods and services) as well as in respect of the organization of these same welfare services (prosumers).

In other words we must think of a society organized not on two but on four sub-systems, which are to be considered as symmetrical and inter-related poles: the state, the market, the third sector, and the family sub-system, each having equal dignity and all inter-related. Since the third and fourth sectors are those currently least recognized, they must be promoted by any appropriate solutions.

In the case of the 'private-social' third sector, there is a solution which I call 'statutory'²⁴ since it is based on universalist rules of *social governance*

²⁴ Here 'statutory' does not refer to measures and/or rules enacted by the legislative branch of a government (abiding by law). It means measures and/or rules contained in a statute which has been enacted, created, or regulated by an intermediary body (such as a family association, a corporation, or an international agency) and set up to regulate its scope or authority.

which permit subjects of the third sector (in particular, family-oriented associations) to act as publicly free and responsible social agents, legitimized by proper statutes and by their functions in 'public' service (in the sense of 'public' outlined above). They need this recognition to be able to be considered as subjects of public utility and not merely as private subjects.

4) *The family transformed from being a 'social burden' to being a human right: family human rights*

Family human rights are the basis for legitimizing family citizenship.²⁵ Many have not yet comprehended in which sense and in which way using the term 'citizenship of the family *as such*' implies something more than the recognition of the rights of the individual (including the rights of the individual to interpersonal relationships). It implies more for at least two important kinds of consideration.

i) First, because individual rights are not 'absolute', but have, within the family, a relational structure; the right everyone has as a person is exercised in relation to the rights of others.

ii) Secondly, if it is true that the family can exercise mediations that are positive on behalf of persons, then these mediations must be recognized as goods in themselves, to be protected as a 'relational good'.

To affirm the citizenship of the family means to recognize and to give value to the regulations and behaviours that are inspired by principles of solidarity, or rather of full reciprocity, which have their justification in the relational rights of the human person. The concept of citizenship lays claim to the positive value of these mediations, rather than claiming legitimization by rules and behaviour inspired by principles of indifference, or worse still, by principles which involve penalizing the mediation of solidarity which the family offers.

People who still do not understand or accept the idea of family citizenship often fail to understand because they are afraid that this recognition is in some way 'anti-democratic'. We must, in contrast, insist upon the fact that the concept of family citizenship *extends* the meaning and importance of the substance of democracy, and *avoids* an ingenuous and mechanical application of merely procedural democracy, which could have harmful effects on the family. To promote the citizenship of the family means, in other words, to choose what goes towards a real, more complete democracy, one that works for the realization of the rights of solidarity, sharing, participation and autonomy of the people as individuals-in-relation with each other.

The new citizenship means that the family is no longer given value solely as a structure of social control, nor considered as a fragmented reality, whether already so or capable of becoming so. Forming part of a family becomes acquiring an entitlement to promotional rights, not merely rights to protection, for individual rights, based on principles of solidarity.

Putting such a scenario into effect is not easy. It is complex, above all, because the recognition of the family as a subject requires not only new welfare provisions for the various types of families (for example those of single mothers), but also a qualitative leap in the conception and in the practice of citizenship. Citizenship, from being a 'statist' concept, must become a 'societal' one: it must become able to recognize the citizenship of those social subjects – especially supra-individual subjects, such as the family – that are decision-making, associative and organizational. Many laws and projected laws, in fact, proclaim the principle of the family as a subject, but the actual legislative measures which they propose turn out to be just another offering of impersonal and anonymous services for this or that particular receiver (the child, the woman, the elderly person) as if these individuals did not live within a family structure. Direction towards the family, the choice of the family as a subject in itself must become part of civic consciousness.

Beyond certain economic provisions (like the 'quotient' system in the taxation of family income), only the recognition of a full citizenship of the family, with all that it implies, can escape the widespread phenomena of apprehension, discomfort, injustices and social pathologies. Without such recognition, indeed, increasing burdens of social solidarity which cannot be assumed by the welfare state will be transferred in a wrongful, implicit, indirect and undeclared manner on to families, and this will be wholly harmful to the pursuit of the goals of social equality and of universalist solidarity that are inherent in citizenship.

If up to now there has been an *inverse correlation between the strength of the state and that of the family*, this historical correlation is no longer valid in post-modern or complex societies. I could even venture the hypothesis that in the 21st century the strength of the family and the strength of the state will bear a positive correlation to each other: but this will be *on condition that the state's role is truly subsidiary*. But it is also possible that the state-family correlation will lose its importance as globalization gains ground.

As a matter of fact, in the functional and relational distinction between state and family, which is something unavoidable, the family must mediate a growing number of relationships in order that the collectivity may be able to function positively. The family can no longer be a segmented element of

society (in the sense that it reproduces by making identical copies of itself, like an earthworm), nor a corporation, nor a small community enclosed within a larger society. It can no longer be an intermediate community in the organicist sense of the term. It must become a communitarian relation of intermediation between the individual and society, which gives voice to a definite sphere of citizenship rights: rights of the person who, by the fact of living in a family, must be recognized and sustained with adequate legal entitlements (or guaranteed 'access rights' to social guarantees and rights) in the practice of the mediations that he or she in fact exercises.

Let us take an example. Society must guarantee the right of children to an education, and the law-making system must guarantee the freedom of choosing a school without discrimination of any kind, and guarantee the right to study as a right of citizenship. Now, the question is: does the right to study belong to the individual or to the family? There is no doubt that the lib/lab welfare system treats it as a mere individual right. According to the relational approach, this is not correct: the right to education must be seen both as an individual and as a family right. The latter is in addition to the former. It is true that this right certainly belongs to the child as a human person. But if we reduce this right only to an individual entitlement, we end up by losing the role of the family, which is sociologically mostly relevant in favouring or disfavouring this right's being effectively exercised. To treat this right as a mere individual property leads to serious failures. Therefore we must consider that the right to education is *also* inherent in the family, because the individual can put it into effect only by passing through the chances offered by the family. If we do not take into consideration the mediation of the family, the right would not be enjoyed in the best way by the child. To make this right effective, then, we must guarantee the rights of the family (the freedom of choosing a school is only one among the others). (To achieve the exercise of the fundamental value of schooling, which is so widely shared, it is possible to think of the private school and the state school as being made equivalent within a single 'public service'. This does not mean either privatizing or statalizing the system of education, whether at its core or at its periphery, but it does mean guaranteeing to families the

²⁵ By 'family human rights' I mean those rights that are inherent to the human being which have as their object the family as a relational good. These rights are intrinsic to the dignity of every human person, but have to do with the family as such. I understand quite well that the concept of human dignity is problematic (Seriaux 1997). But precisely here lies the novelty of the relational approach.

exercise of their rights. Families are spheres of educative mediation for their children.) If this mediation, which constitutes society's *primary social capital*, is not recognized and is not actively promoted, society will take the place of the family. Likewise, those intermediate institutions that create secondary social capital (civicness) through the exercise of real formative choices of the family will also be emptied.

5.2. *In conclusion*

There are four fundamental principles of a family policy inspired by a drive towards a human society.

(i) The relational good of the family as a fundamental right inherent to the dignity of the human being.

(ii) The norm of solidarity as interdependence and reciprocal support not only through redistribution, but also by way of institutions of internal and external mutual assistance in the healthy pluralism of a civil society that organizes family well-being in numerous associative forms.

(iii) The fulfillment of the set of rights and duties of citizenship which pertain to the family as a relational good.

(iv) The use of resources and instruments which increase the primary (family) social capital as well as the secondary (civic) social capital through the principle of subsidiarity.

If we reason from the perspective of a complex principle of justice, which distinguishes between the various spheres of justice, then the entire set of families which pursue the family good (the relational good of reciprocity between genders and between generations) is one of these spheres.

In my opinion, there is a good deal of both theoretical and empirical evidence that suggests that the so-called 'Charters of Rights', both the general Charters and the more specific ones pertaining to the rights of the family, must be re-examined in the light of these principles. In fact, all of the Charters of Rights²⁶ owe their framework to the cultural and political climate of the 20th century. In reality, each of the Charters still makes reference to a

²⁶ Including the 'Charter of Family Rights' promulgated by the Holy See and signed by John Paul II on October 22, 1983. Notwithstanding the fact that this Charter relates the family rights mainly to the nation-states, it is a fundamental document. It is worthwhile noting that the Charter was proposed by the Holy See at the U.N Headquarters in 1982, but was not approved by the Assembly (it was not signed by the USA nor by the USSR, among other countries).

stratified society which has the nation-state at its apex and centre. But in a society that is on its way towards globalization, these principles need to be universalized and made capable of being pursued beyond the limits of nation-states and beyond the era of industrial welfare. We are now entering a global society that will be a society of networks, where the central problem will not be one of political constitutions, but of *civil constitutions*.²⁷

From antiquity, scholars have sustained that family relationships have always been a symbolic model of reference for political systems, in particular as regards the type of relationships that exist between individuals and authorities. Many scholars have stressed that, just as the model of the patriarchal family helped sustain the authoritarian or at least paternalistic states of the *ancien régime*,²⁸ the modern nuclear family sustains the liberal-democratic states. But they have forgotten to observe that today this correlation has become more interactive, and has in fact been reversed. Today, the fragmentation of the family and the fragmentation of the political system match each other. But this is not the only issue at hand. Of more relevance is that the family of today is becoming a 'neutral' object for political-administrative systems. The outcome is widespread *anomie*. Under these conditions, the family must then be promoted through civil action, that is, through a world-wide civil society, rather than through the states and international governing organizations, which have in large part become indifferent to the fate of the family.

We are in need of a grand, new relational vision to rediscover the bonds between family, civil and political society, if we wish to have social policies that are not only *family friendly*, but *subsidiary to the family* properly, within the framework of a global democratic civil society.

²⁷ For more on this theme, see G. Teubner (2003).

²⁸ This thesis has been known since Aristotle's times. Modern scholars would find it of value to re-examine the observations of authors such as A. de Tocqueville, M. Horkheimer, J. Habermas and others. An ideological review was undertaken by Todd (1985) and by Commaille and Martin (1998), who nevertheless did not consider the negative results attained by family policies within the lib-lab regimes.

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