

SOLIDARITY, COOPERATION, DEVELOPMENT AND SUBSIDIARITY – AN OUTLINE

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GENERAL

Pope John Paul II emphasizes that today ‘peace is the fruit of solidarity’ (‘opus solidaritatis pax’, 102 and 203).¹ Thus one of the ‘primary’ obligations of nations is to adopt the ‘posture of (...) solidarity’ (157).

Solidarity is one of ‘the basic concepts of the Church’s social doctrine’ (77) and one of the ‘permanent principles’ of that doctrine. Together with the principle of the dignity of the human person, the principle of the common good and the principle of subsidiarity it ‘constitute[s] the very heart of Catholic social teaching’ (160).²

The social doctrine of the Church states that ‘[s]olidarity highlights in a particular way the intrinsic social nature of the human person, the equality of all in dignity and rights and the common path of individuals and peoples towards an ever more committed unity’ (192).

The application of solidarity is both national and international. In the present contribution the latter aspect is central.

The Church generally points to ‘different human societies’ as co-creative of solidarity. In my opinion they comprise governments, States, nations, peoples and international organizations. In the opinion of the Church, they

¹ The figures in parentheses refer to the paragraphs of Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church* (hereinafter *Compendium*), Libreria Editrice Vaticana 2004.

² It was so from the very beginning of the Church’s modern social doctrine. Pope Leo XIII used the term ‘friendship’. Pope Pius XI referred to ‘social charity’. Pope Paul VI spoke of a ‘civilization of love’ (103). All these terms, depending on their context, are synonymous with ‘solidarity’.

‘must establish among themselves relationships of solidarity, communication and cooperation, in the service of man and common good’.

The ‘structures of solidarity’ find their expression, though not exclusively,³ in law and legal systems. International law is of primary importance here; it ‘becomes the guarantor of the international order’ (434) also in respect of solidarity. One should be aware of the morality of law. In the Message for the Celebration of the World Day of Peace on 1 January 2008 Pope Benedict XVI again draws our attention to ‘the nature and function of law’ (paragraph 12): ‘the *juridic norm* [...] has as its criterion the *moral norm* grounded in nature itself. [...]. The moral norm must be the rule for decisions of conscience and the guide for all human behaviour’. To ensure that legal norms ‘are truly operative *it is necessary to go back to the natural moral norm as the basis of the juridic norm* [...]’.

THE PRINCIPLE OF COOPERATION

In the Encyclical Letter *Populorum Progressio* Pope Paul VI declares: ‘The spirit of international cooperation requires that, beyond the strict market mentality, there should be an awareness of the duty to solidarity, justice and universal charity’ (448).

An essential ingredient of solidarity seen through the prism of cooperation is ‘*the bond of interdependence between individuals and peoples*, which is found at every level’; ‘the classical theme of socialization’ can be associated to interdependence.⁴

Finally, it should be recalled that the Church teaches that the relationships among States, nations, peoples and governments ‘must be purified and transformed into *structures of solidarity* through the creation of appropriate modification of laws, market regulations and juridical systems’. Solidarity ‘places itself in the sphere of justice’ and ‘is a virtue directed *par excellence* to the common good’ (193). The Church emphasizes that members of a society or community, including States, are, in this respect, debtors towards one another.

³ In referring to solidarity the *Compendium* uses interchangeably such terms as ‘concept’ (77) ‘principle’ (e.g., 160), ‘moral value’ or ‘social value’ (193).

⁴ This association has been repeatedly examined by the Church’s social doctrine starting with the Encyclical Letter *Mater et Magistra* by Pope John XXIII, *Compendium*, p. 109, note 413.

Globalization increased the intensity of interdependence of States and nations, though the very phenomenon of interdependence is chronologically much earlier than the contemporary processes of globalization. New technology and free trade contributed to a rapid and systematic growth of interdependence of States already in the 19th century. This was also the beginning of a great expansion of the scope and contents of international law. Interdependence is the main factor favouring cooperation, yet State sovereignty remains in constant competition with or even antagonism to it. As one writer has noted, '[f]or more than a century this antagonism has retarded the development of international law towards greater social responsibility'.⁵ In fact, that problem is still with us and 'the gap between interdependence and normative response [and, I would add, executive action] is constantly widening, rather than narrowing'.⁶

In 1970 the General Assembly of the United Nations numbered the 'duty of States to co-operate with one another' among the principles of international law which it set forth in a Declaration:⁷

'States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences'.

What is striking in the foregoing formulation is its extreme generality which also characterizes the spelling out of ends States shall pursue to accomplish their duty to cooperate.⁸ That duty may therefore be described as highly imperfect (*lex imperfecta*). For in practice its implementation is left to the will of States and one knows only too well that State attitudes are formed and governed first of all by policies which more often than not reflect their egoism.

At the same time the persistence and the impact of State sovereignty have their limits. In any event, sovereignty did not prevent the birth, evolution and subsequent strengthening of international solidarity. That evolu-

⁵ K. Zemanek, *Interdependence*, in: R. Bernhardt (ed.), 'Encyclopedia of Public International Law', Instalment 7 (1984), p. 276.

⁶ *Ibid.*, p. 277.

⁷ *The Declaration* is contained in the Annex to Resolution 2625 (XXV) of the General Assembly.

⁸ See the paragraph in *The Declaration* which follows the quoted one.

tion of international relations has also had its *Realpolitik* aspect – States need each other and have to help each other. The deep transformation of international society in the second half of the 20th century created and continues to create *common interests* that led to the appearance of international solidarity.⁹ Cooperation is its main tool, in particular in the field of international economic relations, including economic law and ‘the new international economic order’.¹⁰

RIGHT TO DEVELOPMENT

The Church links the right to development to solidarity. As such it finds a high position in the social doctrine of the Church. That doctrine insists that there is an ‘urgent need for action in solidarity’ to achieve development which is ‘the transition from less humane conditions to those which are more humane’. ‘This *transition* is not limited to merely economic and technological dimensions, but implies for each person the acquisition of culture, the respect of the dignity of others, the acknowledgement of the “highest good, the recognition of God Himself, the author and end of these blessings”’. In the words of Pope Paul VI, ‘development is the new name for peace’ (98). The right to development flows from various ‘principles’, one of them being ‘the centrality of the human person and solidarity’ (446).

A ‘world of fairness and solidarity’ is a purpose that is brought about by the ‘principle of the universal destination of goods’. That principle ‘is an invitation to develop an economic vision inspired by moral values that permit people not to lose sight of the origin or purpose of these goods’ (174); that purpose is that ‘all created things would be shared fairly by all mankind under the guidance of justice tempered by charity’.¹¹

An ‘authentically global development’ has to take place ‘*in solidarity that is capable of involving every region of the world including those less advan-*

⁹ Nguyen Quoc Dinh, P. Daillier and A. Pellet, *Droit international public*, 7th ed., L.G.D.I., Paris 2002, pp. 59-60.

¹⁰ See *Charter of Economic Rights and Duties*, 1974, UN General Assembly Resolution 3281 (XXIX). See also *The Declaration on the Progressive Development of Principles of Public International Law Relating to a New International Economic Order* adopted by the International Law Association, ILA Reports 1986.

¹¹ Pastoral Constitution *Gaudium et Spes*, *Compendium*, paragraph 171.

taged' (321). In the Church's doctrine there is strong emphasis on the word 'authentic': either all the nations of the world participate, or it will not be true development (342).

The social doctrine of the Church observes that 'development is not only an aspiration but a right that, like every right, implies a duty' (446). This remark leads one to say a few words on the legal aspect of the matter.

In international law, like in the Church's doctrine, the right to development can also be linked to solidarity.¹² But then we revisit the issue of solidarity's place in that law; it is evolving. Can it be said that there is already an international legal principle of solidarity,¹³ with the right to development as one of its basic ingredients? These notions still lack precision. Today the right to development can be said to exist (as a *legal* one) only insofar as it is anchored in treaties or binding resolutions of international organizations.

Solidarity, including consensus on the need to help the less developed countries, especially those whose populations live in poverty, is the cause and reason of many rights and obligations under international law.¹⁴ That fact should, however, be distinguished from their legal source: it cannot be found in an all embracing principle from which the relevant rights and obligations related to development could be deduced. The matter remains too complex and too controversial. States still differ on the flow of finance to developing countries, on how to fight poverty, hunger and illiteracy and on how to stop the decline in living standards. A principle or a general right does not suffice. The relevant tasks require long-term and specific regulation and performance. The fact is that for the last forty years the gap between the developing and developed countries continued to grow.

¹² See, e.g., M. Bedjaoui, The Right to Development, in: M. Bedjaoui (ed.), *International Law: Achievements and Prospects*, UNESCO & Nijhoff, Paris & Dordrecht/Boston/London 1991, pp. 1184-1185.

¹³ For a positive answer to this question see, R.St.J. Macdonald, The Principle of Solidarity in Public International Law, in: C. Dominicé, R. Patry et C. Reymond (eds.), *Études de Droit International en l'Honneur de Pierre Lalive*, Helbing & Lichtenhahn, Bâle/Francfort-sur-le-Main. p. 275.

¹⁴ This has been amply shown by Macdonald, *op. cit.* in note 13. However, that is one thing. Another is that the legal content of inter-State solidarity remains in many respects ambiguous. That is the view of many Governments and writers.

SUBSIDIARITY

In international relations subsidiarity involves, on the one hand, States acting together and international organizations and, on the other, the individual State and its agencies, also those non-governmental organizations which pursue international aims.

On the international plane subsidiarity does not mirror subsidiarity within the State where one can distinguish communities of various orders, higher and lower. The society of States ('the international community') is still different. An international organization is not supranational; nor does it constitute a superstate (certain features of the European Union do not change this picture). It is only in some rare instances that the organization's relation to its members becomes one of hierarchy.

CONCLUSION

Pope Benedict XVI has put before this Academy the basic question: 'How can solidarity and subsidiarity work together in the pursuit of the common good in a way that not only respects human dignity, but allows it to flourish?'¹⁵

The Holy Father speaks of 'the living contact between the Gospel and concrete social circumstances'. That contact creates a framework for the solution of such problems as 'reducing inequalities in the distribution of goods, expanding opportunities for education, fostering sustainable growth and development, and protecting environment'.¹⁶ This is a huge agenda.

All these issues await resolution, also with the participation of the Church. There can be little doubt that in the 21st century the world needs more solidarity than ever.

¹⁵ *L'Osservatore Romano*, 4 May 2008, p. 1

¹⁶ *Loc. cit.*