

Discussion of the paper by J.B. Elshtain

MINNERATH

Both Professor Arrow and Professor Elshtain raised the issue of sovereignty of the family. It is true that this concept appears for the first time ever in the encyclicals of John Paul II. In fact, the concept of sovereignty is also often associated with conscience, and with “nation through its culture”. In international law we are used to associating sovereignty with the state (and the Holy See!). Professor Donati said it has to be interpreted as an ethical sovereignty. True, also, but a little bit more. The person with a free conscience, the family as a God-given institution, the nation with its culture are entities which enjoy autonomy by natural law, as they cannot, do not admit, manipulation by alien powers. So we may understand sovereignty in the sense of autonomy. The autonomy of conscience, of family, of culture have to be respected, as a condition for building up a sound civil society, where co-operation and research for the common good can only be fostered when their respective freedom is guaranteed.

ZUBRZYCKI

My first concern arises primarily from Professor Zampetti’s paper, but also touches on Professor Elshtain’s paper. It is about participation in civil society, and through it in democracy. We must not forget about those who for a variety of reasons are excluded from participation as a result of inequalities of education, welfare provision and taxation. We must also recognize those who are victims of globalization which makes it likely that the skills they acquired in their early life may become obsolete and new skills will have to be acquired, and therefore participation will be limited.

My second comment concerns the absence in our discussion of the ideas of reciprocity, amicability and solidarity, so prominent in *Centesimus Annus* and other pronouncements of John Paul II. By ignoring those issues we are, I think, largely ignoring the great potential that may exist in civil society for the development of social capital, the commonality of purpose of a habitually co-operative community, the development, in other words, of Tocqueville’s “habits of the heart”.

ELSHTAIN

I'll take the second question first if I may, and then respond to the first question.

First, on the issue of participation and inequality, I think that, of course, the stronger the civil society, the more one maximizes the possibilities for those who are least well placed in the social order to participate. When people are isolated and cut adrift from forms of social life and social organization, they feel most keenly social inequalities, but are at least well placed to deal with this effectively. If you wanted a pessimistic argument you would claim that those who most benefit from inegalitarian structures decide certain short-term advantages in the unravelling of civil society because it makes it more difficult for those who are excluded to fight against their exclusion. Notions of participation and equality are central to the civil society discussion. Second, on reciprocity and solidarity, of course you are absolutely right that the way in which social scientists talk about social capital formation is one way of analysing the building of bonds of reciprocity, self-help and solidarity.

LLACH

Las exposiciones del profesor Zampetti y de la profesora Elshtain nos dan una oportunidad de pensar más a fondo en el principio de subsidiariedad. Hay por lo menos dos lecturas posibles: una es una lectura macro del principio de subsidiariedad, tal como el concepto de la democracia participativa del profesor Zampetti, o la lectura en algún sentido corporativa o corporativista que ha habido también del principio subsidiariedad, y también el concepto que mostró la profesora Elshtain de sociedad civil. En todos estos casos, lo público y lo macro es lo dominante. También cabe sin embargo una lectura micro del principio de subsidiariedad y ahí el concepto clave es el de la soberanía de la familia, es el post-estado benefactor. Una de las lecturas posibles del siglo XX es que la democracia y el estado benefactor fueron los dos modos de resolver profundos conflictos sociales. La democracia goza de razonable salud pero el estado benefactor ha entrado en una crisis yo creo irreversible en casi todo el mundo. Y una de las posibles lecturas micro del principio de subsidiariedad es precisamente la de la familia recuperando el poder de tomar decisiones sobre una enorme cantidad de aspectos de la vida que le han sido hasta ahora quitados por el estado benefactor: la educación, la salud, los seguros o los ahorros.

ARROW

I have two questions for Professor Elshtain. One is on the role of authority. I am not clear whether authority inheres in certain individuals or

whether authority is found in general principles, particularly moral principles. I certainly respect authority in general principles, but with regard to individuals I have some immediate feeling for John Stuart Mill's position.

A second question is one already raised by Professor Llach: the attack on the welfare state. For example, there is a movement under way in the United States to go back in some form to a system where an individual becomes responsible for his or her security in old age or with respect to health. In certain ways, other countries, such as Chile, have moved further in that direction. I will not give a lecture here on the ways the conventional market system must fail to provide adequate security in these cases, but I am disturbed by the vigour of the attack.

ELSHTAIN

First, to Professor Arrow on the question of authority. Authority is one of those contestable terms that structure political life and thought and are subject to a variety of different meanings and usages. The way in which I was using it, and the reason that I connected it to seeing people as responsible and holding them accountable, is the fact that in democratic civil societies authority is dispersed, and there are multiple sites of authority. Many different persons are accountable authorities over a range of activities or concerns. Authority is in part about general principles, but it is also about our capacity to hold ourselves responsible and to assume that self-responsible freedom is precisely accountability. I would submit that you can't sustain a defence of accountability without reference to democratic authority. If there is a crisis of civil society in the United States and in other developed democracies, at present it derives from the fact that we have come to accept a very strenuous version of the antinomy, set up by J.S. Mill, that if authority exists, liberty is imperilled. If you hold this view, authority is automatically suspect and you cannot distinguish it from coercion and domination. Arendt uses authority in several ways: to talk about general principles, but also about the person and responsibility. Second, what about macro and micro concepts of civil society? I don't see any sharp division between these understandings. In fact, if we too sharply moved within the framework of subsidiarity to talk about the macro levels, we might lose the integrity of the theory as these concepts deflect from the very heart of the understanding of subsidiarity. Third, I agree that the family is in crisis in most Western democracies in a variety of ways. How best to understand that crisis and how to reverse it is a very complex problem. If we situate that crisis of the family within the framework of

subsidiarity, and reflect on families and their authority over a range of issues, family questions will look much more different than if we saw the family in strictly functionalist terms. This latter leads to the argument that we can find substitute institutions to raise children; children will not be losing very much by losing the family. The subsidiarity account by contrast raises profound ethical questions that melt away if you look at these issues from a functionalist perspective.

GLENDON

The “crisis of authority” to which Professor Elshtain refers affects all the structures on which a republic depends for the formation of citizens (families, religious and other associations, schools, and so on). Ironically, this crisis has been exacerbated by attempts to impose a liberal, democratic, egalitarian model on the structures of civil society. We seem to be in the presence of a paradox that deserves more attention from political theorists: the maintenance of a healthy democratic political regime may depend upon nurturing “seedbeds” of civic virtues (such as the family) that are constituted on non-liberal, non-democratic principles.

ZIOLKOWSKI

In your excellent paper you speak, Madam, about subsidiarity as an alternative to individualism and collectivism. May I refer to what Karol Wojtyła wrote on the subject in the book “The Acting Person” in the 1950s: individualism rejects social responsibility and concentrates on self-fulfilment or self preservation; collectivism sets out to check and curb the individual, to subject him or her to its norms by coercion if need be. Both lack the idea of community, both also lack any sense of the common good. Individualism is not concerned with it, and collectivism has decided in advance what it is.

ARCHER

This intervention relates to the horizontal groupings which actualise subsidiarity in the twentieth century, compared with the decline of religious and domestic mediating structures which Durkheim traced in the nineteenth century. Today much optimism is associated with new social movements as expressions of subsidiarity (e.g. ethnic or feminist groups). However, one may doubt if such single-issue movements can constitute viable modes of horizontal subsidiarity since they lack integration with other parts of society which would enable them to fulfil this function.

MORANDE

I would like to support and to add to what Professor Minnerath said about the sovereignty of the family. It is a new concept, developed since Vatican II particularly, by the teachings of the present Pope. I'm a bit uncomfortable when the family is seen only as one among many important parts of civil society. The family is something very unique, very special, and this uniqueness can be explained by the special sovereignty it exerts over human reproduction. Up to now the family has been the social realm where the ontogenesis of each person takes place. That is why assisted procreation brings about such a serious social crisis. As an example, I can mention the decision taken by an U.S. Court last year, where a child, born by this procedure, was declared an orphan because there were five different options regarding its parenthood (filiation). If the argument stated in this case law is generally applied, it could be said that for functional society the best condition for the existence of human beings is for us all to be orphans. This seems to be in contradiction with the possibility of a truly democratic society because, if we were orphans, the state could do anything without restraints. It could exert totalitarian sovereignty and the difference, mentioned by Professor Kaufmann, between raising children or raising pigs would become conventional. Family sovereignty, which in particular includes reproduction, is the condition for a non-totalitarian social order.

VON BEYME

This is not a question but a comment of warning. The chairman may dislike its content, but he will appreciate its brevity: the subsidiarity principle was invoked several times and I would like to warn you not to exaggerate the consensus underlying this principle. Two federalised countries, Belgium and Germany, emphasized federalism, two centralist countries, such as France and Britain, opposed it. The deadlock was solved by a withdrawal to the least common denominator, e.g. subsidiarity. The European Parliament followed this compromise by stating: subsidiarity in a case of doubt means federalism. This genesis of a principle in the Maastricht treaty shows that the underlying idea was shifted from the horizontal co-operation of territories to a notion created for the hierarchical co-operation of functional groups. The result will probably be, as Professor Donati has already mentioned, that in most cases some decentralisation will be implemented, but the basic meaning of subsidiarity will not play any major role.

KAUFMANN

I wish also to comment on the principle of subsidiarity. I think that both traditional interpretations are at odds with the new emerging functional

structures of political and social relationships. The Catholic interpretation of the principle of subsidiarity presumes a pyramidal structure of society, or, so to speak, a model of concentric life circles. The second, liberal interpretation of the principle of subsidiarity, was that of the minimal state. I think this is too simple to understand what is going on.

What we need today is to see that the state as a description of the political system is one partial functional structure in the whole of society, as the totality of families as a system is, as the market economy as a system is, and now we have still emerging new complexes which often are called the welfare state, but this is a very misleading term. It is not a part of the state, it is rather a welfare service sector which may be more or less under the influence of political or moral or civil or even ecclesiastical authorities. I think we have to discuss about what is the real function of the state in the provision of this kind of welfare and, in my opinion, in many countries the state has gone too far, it has regulated too much. But there are some essential tasks of the state, especially that of securing minimal provision for everybody. The essential task of the state, is only the guaranteeing, not the provision, of services.

ELSHTAIN

Yes, first, to Professor Glendon's question. Let me remind you of what was at stake in her question. It had to do with the paradox in the functioning of a healthy democratic civil society in this sense: many of the institutions that comprise that civil society are not themselves democratically governed and organised. Families are not democracies, most Churches do not see themselves as democracies as they don't run "by one person, one vote", they have a different authority principle, as do the other structures that constitute them. Pluralism comes in at this juncture. A democratic civil society doesn't mean that we retain homologous structures for all institutions, rather a variety of important and vital tasks legally organising their internal structures in many ways that may not correspond with the overall formal authority principle of a democratic society, a vote, but we do not make decisions about what happens inside families by giving everyone a vote, or what happens inside Churches by everyone having a vote. To uphold the dignity and the essential character of plural structures, there are diverse modes of internal ordering within the Academy.

Second, in response to Professor Archer, a very important question about horizontal groupings and whether they express subsidiarity today. We could begin to approach this matter by looking at the distinction between a movement and an institution. Civil society is made up of a variety of

institutions that have some longevity. Social movements often come and go very quickly, and they can transmute with great rapidity. Part of the problem with many social movements lies in the fact that they promote and demand an ethic of solidarity which, in practice, means one of internal opinion. But their relationship to those “outside” is often one of suspicion and hostility. This isn’t true across-the-board, of course, but this is often the case as to its cause. One has the sense that internal solidarity is based upon a feeling of hostility *vis-à-vis* other groups. If so, this doesn’t bode well for that particular movement evolving into a functioning, sturdy, democratic, civil society. In general, we must evaluate all of these efforts within an ethical framework and a horizon of understanding based on the good of persons and the notion of common good which the Holy Father has proffered for us in a number of different ways.

Finally, on the family, what is at stake in many debates today is how the family is to be defined. It is simply any group of people who contract to be under one roof together? If so, we’ve really lost a substantive understanding of the family in any meaningful sense. While the family is being denuded of meaning in many policies and arguments, subsidiarity is being called upon to help us think about society. What is at stake is not world-wide harmony, but how we might adjudicate international tensions and differences. This involves building up a sturdy regime of human rights which are rightly understood. Pope John Paul II tells us to move toward something like an international civil society within, of course, nation-state formations and global markets. The Holy Father calls us to look at the possibility of building an ethical solidarity that positions us critically in order to evaluate growing economic inequality internationally. Why? Because persons fulfill themselves as citizens and as full participants in a civil society. They must have access to certain goods in order to do that.