

Governance in a changing world. Meeting the Challenges of Legitimacy, Solidarity and Subsidiarity

INTRODUCTION

■ ARCHBISHOP ROLAND MINNERATH

In introducing the theme of our meeting, I feel the need to stress the gap between the present state of world affairs and the approach of the social doctrine of the Church. On the one hand, there is urgency to meet some issues in national and international economic and financial governance, in a context of social unrest and uncertainty with respect to the future, and a general lack of confidence in the institutions built after World War II in order to prevent a return to chaos. On the other hand the ethical principles put forward by the social doctrine of the Church are politely ignored.

The social doctrine of the Church moves indeed on another scale. It presumes a capacity to keep some distance from the flow of events and their media coverage and not be discouraged by obvious difficulties in mutual understanding between persons and nations with different cultural backgrounds.

The social doctrine of the Church is built on a set of principles which are deduced from the nature of the human being understood as a social being. It takes for granted that a natural order governs human actions in society. This natural order is grasped by sound reason open to the light of divine revelation. Our reason is able to catch something of the order created by God. The principles of the social doctrine are the grammar which allows the Church to interpret social issues and to propose solutions in accordance with the dignity of the human person and the common good.

The program of our meeting mentions three principles that bring us back to previous sessions. We have dealt in depth with the relationship between Solidarity and Subsidiarity. What could be considered as new is Legitimacy, a notion that expresses exactly the new challenge we have to face. After the failure of the international financial institutions to control and moderate the banking system worldwide, and after the failure of national governments to join in clear commitments in order to overcome general disorder, we have to reinvest a huge amount of legitimacy in governance as it is practiced.

Caritas in veritate, the last Encyclical of Pope Benedict, gently but firmly advocates a new order. Without invading the field of political decisions, it stresses the fact that ethical judgment should prevail in all aspects of economic, financial, social decisions. This point is at the core of all Catholic social teaching.

Legitimacy has to do with ethics and with law. Two kinds of interpretation are possible.

1. If you share the views of the positivistic school of law, you would say that what has been decided according to the rule of law is legitimate and has to be implemented. Legal positivism as the common approach in national and international law today.
2. If you follow the school of natural law, you would say: as long as positive law does not contradict the natural order, it can be considered as law. Positive law is judged by natural law. Natural law is nothing else than sound reason elaborating on a specific issue. The Church holds that our reason participates in the divine Reason and is able to express a judgment appreciating the natural order in which we are inserted. So ethical appreciation precedes legislation. A juridical norm is legitimate as long as it does not contradict natural law.

As a result of our inquiry connecting Governance with Solidarity, I would underline the need for a global approach. All economies and social systems are interdependent today. Even if the people's mentalities are not yet ready to accept it, it is a fact. The market is global, communication technology is global, and concern for the future of the eco-system is global.

Solidarity has to be put forward in the political community at all levels. If Governance means looking for the common good, solidarity is the value that encompasses all efforts made by a community in order to achieve more justice and equity among its members. Solidarity must foster a voluntary policy. It does not flow automatically from the free game of the market. The same has to be said when solidarity is considered as a goal to be achieved in the relationship between nations.

Dominating and dominated economies still characterize our world. Even formally connected economies like the European Union are not able to perform the last steps in direction of a better integration of their policies. Yet solidarity means that the issue is global and that nobody should be excluded from its fruits.

From the point of view of moral legitimacy, solidarity is not an option. If legitimacy means compliance with natural law, governance at all levels should pay attention to solidarity as one of the four conditions – together with freedom, truth and justice – which have to be fulfilled in order to achieve the common good.

Governance versus subsidiarity is a rather recent couple. It has become increasingly obvious that governance must be adapted to and respect each level of competence and decision in society. Subsidiarity means organizing and managing projects starting from the bottom. A higher level of authority must not smash a lower one where there is better information and motivation. There is subsidiarity where stacked levels of competence fit together.

The Church has been one of the few supporters of subsidiarity since the famous encyclical of Pope Pius XI, *Quadragesimo anno* (1931). The idea goes back to Aristotle. It was rediscovered by the European Union in its Maastricht Treaty (1992), while defining the respective competences of the Union towards the member States. Global governance cannot be established without subsidiarity. Subsidiarity requires a mental conversion to all those who must learn to restrict the exercise of power to the precise field where it is needed. Legitimate governance works according to subsidiarity.

Who has any legitimacy to promote governance in the financial, economic, social cultural sphere? I do not consider here national policy, where institutions are strictly defined and better controlled. The question is how to govern a world that escapes any control: international finance, investments, medical and pharmaceutical research. This is a legal, not a moral question.

Many comments have been made about recent papal and curial documents about a universal authority, bringing more confusion than light on such a controversial topic. Suffice it to say that the Church does not wish for a centralized world government. What gives moral legitimacy to a governing body is the need to achieve a common good at the service of the dignity of human persons.

If global governance means the capacity to make decisions that are binding for individuals and states, it should be grounded on a democratic mandate and work under democratic control, which is not really the case at world level.

The Catholic approach does not offer a concrete model, but resorts to principles. It does not focus primarily on institutional solutions. As we have said, legitimacy may be considered from two aspects: legal and moral. A norm is legal when established according to the constitutional rules of a nation. A norm is moral when it conforms to the natural law. The social doctrine of the Church deems to legitimize what is in accordance with the latter. We consider that there exists a natural order in which all elements fit together.

If I may sum up the principles of the Catholic approach, I would mention three points:

- Solidarity is at the core of the social teaching of the Church. In the context of the present crisis, there is no improvement in North–South rela-

tions. The crisis has generated several austerity measures, which quite often shorten aid to the poorest persons and countries. The balance between a sound budget and care for the basic needs of human persons is not easy to find.

- Subsidiarity must still be invented, as all decisions that matter in the global sphere are taken by undefined or shadow powers. In the market and behind the market the human tendency towards selfishness and greed, national arrogance and strategies of domination are the true motors of global play.
- Where legitimacy is a challenge, there is something wrong with our institutions. Only legitimate institutions are able to make legitimate decisions. For the time being we have no legitimate world governance. We wish more cooperation among states, financial institutions and corporations and more transparency in their decision-making processes and in elaborating commonly accepted goals.

So Legitimacy appears to be the cross value that sustains both Solidarity and Subsidiarity. As an ethical concept legitimacy not only has to do with institutional coherence, but with fundamental moral principles and values. As such, the issue falls under the competence of the social doctrine of the Church which faces the huge challenge of making its message welcome to all the actors involved.