

# ACCOUNTABILITY, TRANSPARENCY, LEGITIMACY, SUSTAINABLE DEVELOPMENT AND GOVERNANCE

*Comments on Prof. Rocco Buttiglione's paper\**

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I wish to begin these lines by expressing my acknowledgment and gratitude to Prof. Buttiglione for his work, for the scope of this work, given the diversity of themes covered, and also for his efforts with respect to concluding in a synthesis that provides a meeting point for all these themes. Apart from its rigour, the content of his contribution is characterised by its richness as a suggestive text for reflection, scientific discussion and as a seed for future collaborations to develop the underlying principles and ideas contained within it, which are deserving of further contributions.

The wish to cooperate in this reflection and scientific discussion is, in all humbleness, the reason for these pages: in some cases to emphasise agreement with the text which is the object of these comments, and in other cases, to timidly point out discrepancies that may exist with aspects outlined in the work of Prof. Buttiglione. It is clear that many of these discrepancies have their origin in our personal conception of the theme under discussion and this circumstance in no way detracts from the conception of the author on whom we are commenting and do not invalidate *per se* the results of the study.

Prof. Buttiglione's text opts for a top-to-bottom structure, exploring terms and institutions, and descending to the singular person when analysis of the principle of subsidiarity is introduced, a principle that inevitably co-exists with solidarity in the face of the deprivation of others and the determination to confront such deprivation to the benefit of those in needs.

As I point out, I would have opted for the opposite methodology: a structure where the analysis unfolds from bottom to top. In other words, it

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is the very nature of man which determines that, at all times in history, his vital development has needs which he seeks to satisfy. He does not always have sufficient capacity as an individual and, for this purpose, he is disposed to create and form part of larger groups. Moreover, in these larger groups he finds fulfilment of his true vocation, because, also by nature, he is a social and sociable being: “it is not good that man should be alone” [*Gen.* 2, 18].

These collectives or social groups, more correctly defined as communities, require a certain order to ensure that the objective underlying their constitution is attained. This objective is essential and common to all mankind and to all men, and must be established, by whatever procedure, through an action of government (governance) and a legitimately created authority (government) that acts to achieve the aims of those governed. An objective which, because it is common to all men, prevails over the individual objectives of each man; such individual objectives must be subordinate to the common objective.

In Paradise, man, created with free will, is governed by no more than Natural Law, the law that distinguishes between “good” and “evil”. It is true that man, precisely because of this freedom, can opt for the latter rather than the former, but this is also the case in the 21<sup>st</sup> century, an era replete with government and governance. Nor are the functions of government and the definition of governance clear in very primitive tribes, tribes which are self-sufficient in terms of satisfying their own needs and governed exclusively by the impulses of human nature itself.

It is the broadening of needs, perhaps the simple desire to exchange goods, which might require a decision on the benefits of such exchanges; a rudimentary decision, of economic and social policy, which implies the need to create a common will, which would serve to conform a model of governance and determine the authority – individual or collective – which must strive to achieve the objectives of this common will.

## **I. Governance and government**

This being the case, we already find differences of perspective in defining the terms used in the analysis of Prof. Buttiglione. Thus, we find it particularly difficult to accept that “governance is what government is about”,<sup>1</sup> in the same way that we have always found it impossible to accept the definition of Jacob Viner (1892-1970), “Economics is what economists do”. This definition,

<sup>1</sup> Rocco Buttiglione “Accountability, Transparency, Legitimacy, Sustainable development and Governance”. Paper presented at the Workshop on ‘Governance in a Changing World’. Pontifical Academy of Social Sciences. Vatican City, 26 April 2013, n. 2.

already considered extravagant at the time – the beginning of the first Chicago School – saw Economics as the science concerned with the study of competitive markets, but which would, regardless of this, enshrine as economic science the thinking of any economist, however extravagant it might be.

Economics precedes the economist, in the same way that governance precedes all government. Furthermore, the government must exercise its function through the execution of the principles laid down by governance. The difference between good government and bad government is precisely fidelity to the governance of the community or the lack of such fidelity, where precedence is given to the interests of groups, classes, opportunity or indeed the spurious objectives of the government itself to remain in power. The government must be subject to governance, meaning that governance cannot emanate from the government. Hence the surprise of the question posed by Queen Margaret of Anjou to the Duke of Suffolk as to whether King Henry ought to be a pupil still, under the surly Gloster's governance.<sup>2</sup>

It was in the middle of the 15<sup>th</sup> century (1422-1461), when Henry VI reigned over England and, as would correspond to a situation of absolute monarchy, failed to understand the need to observe the rules of governance; a failing that would lead to his murder and the tragic end to his reign. This was the result of the dissociation of government and governance, a dissociation which cannot occur if governance is simply the result of government action, as expressed in the text of Prof. Buttiglione, for whom “governance is the product or the activity of government”.<sup>3</sup>

The specific scope or precise content of the principles that constitute the rules of governance, to which all governments must be subjected if they are to carry out their mission successfully, cannot be and are not a whimsical matter or a source of indifference. It is opportune to recall the warning which marks the beginning of the Encyclical Letter “*Pacem in terris*”: “Peace on Earth – which man throughout the ages has so longed for and sought after – can never be established, never guaranteed, except by the diligent observance of the divinely established order”.<sup>4</sup>

<sup>2</sup> William Shakespeare “Henry VI”, Part II, Act I, Scene III. Quote: “... shall King Henry be a pupil still Under the surly Gloster's governance?” in *The Complete Works of William Shakespeare*. The Cambridge Edition Text, as edited by William Aldis Wright. Rockwell, Kent. Garden City Publishing Company, Inc. Garden City (NY) 1936.

<sup>3</sup> Rocco Buttiglione “Accountability, Transparency, Legitimacy, Sustainable development and Governance”. Paper presented at the Workshop on ‘Governance in a Changing World’. Pontifical Academy of Social Sciences. Vatican City, 26 April 2013, n. 2.

<sup>4</sup> John XXIII, Encyclical letter «*Pacem in terris*». Rome 11.04.1963, n. 1.

This order established by God is the precise framework in which the governance of a community must be positioned and defined, regardless of the size of the community in terms of number of members or geographic extent; communities that become larger as we move through history. This natural order that God sought is imprinted in human nature itself and marks the true objective of the transcendent humanity of man, both for himself and the community he belongs to: the human family.

It is evident that, in the same way the will of God was contravened in paradise, this order can also be rejected in present-day society, with each person as an individual assuming responsibility for his own conduct. But what cannot be doubted is that this natural order God wished for is the source from which emanates the construction of true coexistence, which is tantamount to correct governance. Therefore, the first obligation of government is to comply with and ensure compliance with those rules of governance desired by God for the good of mankind.

Staying with John XXIII, given the relevant sociability of the human person, it can be stated that “Any well-regulated and productive association of men in society demands the acceptance of one fundamental principle: that each individual man is truly a person. His is a nature, that is, endowed with intelligence and free will. As such he has rights and duties, which together flow as a direct consequence from his nature. These rights and duties are universal and inviolable, and therefore altogether inalienable”.<sup>5</sup>

Therefore, in order to achieve true coexistence, i.e., in order to have a true community far removed from T. Hobbes’ “*homo omni lupus*”,<sup>6</sup> it is essential that the dignity of the human person is unwaveringly acknowledged, defended and protected, regardless of condition, attributes, sex, race, religious or political beliefs. From these principles emanates naturally respect for the

<sup>5</sup> John XXIII, Encyclical letter «Pacem in terris». Rome 11.04.1963, n. 9.

<sup>6</sup> Thomas Hobbes *De Cive. Philosophicall rudiments concerning government and society*. ‘Epistle dedicatory to the Right Honourable, William, Earle of Devonshire my most honoured Lord’. Clarendon. Oxford 1983. Literally: “*To speak impartially, both sayings are very true: that man to man is a kind of God and that man to man is an arrant wolf*”. In an analogous sense “Leviathan or the matter, form, and power of a Common Wealth, Ecclesiastical and Civil”, in *The English Works of Thomas Hobbes of Malmesbury*, Vol. III. Scientia. Aalen 1966. Literally “... it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as if of every man against every man”. Prior to Hobbes, the same idea is to be found in Tito Maccio Plauto (c. 259 a.C. – 184 a.C.) “*Asinaria*”, in *Plauti Comoediae*, vol. 1, Scene Four. Weidmannos. Berolini 1958. Literally, Mercator says: “... *ut tibi credam hoc argentum ignoto, lupus est homo homini...*”.

inalienable rights of each person as an individual and the community taken as a whole, and in turn, the obligations of each and every member of the community, and the constraints that respect for the rights of others imposes on the personal conduct of the individual with regard to what they do and what they do not do. For this reason “... before a society can be considered well-ordered, creative, and consonant with human dignity, it must be based on truth”.<sup>7</sup> And we cannot forget that “Jesus said: I am the Way; I am Truth and Life” [Jn. 14, 6].

We have said that man is an imperfect being, weak, capable of straying from the correct path and succumbing to the temptation of objectives contrary to his own dignity and, therefore, requires an authority (government) to guarantee that the principles governing the coexistence of an ordered community are respected by all, for the benefit of all.

It is, therefore, a case of the action of government aimed at achieving the common good, the expression of the natural order that governs coexistence in the community. In the words of Leo XIII, “... as no society can hold together unless some one be over all, directing all to strive earnestly for the common good, every body politic must have a ruling authority, and this authority, no less than society itself, has its source in nature, and has, consequently, God for its Author”.<sup>8</sup>

Therefore, it is this objective of the common good that legitimises the function of government and constitutes the framework of governance. This is why, “The attainment of the common good is the sole reason for the existence of civil authorities. In working for the common good, therefore, the authorities must obviously respect its nature, and at the same time adjust their legislation to meet the requirements of the given situation”.<sup>9</sup>

Given all this, the scenario for negotiation required by Professor Buttiglione seems complex, when, in light of the broad scenario of legal and economic interrelations between people, countries and continents, all operating in a global world, he does not hesitate to state that “The business of government is no more just to enact acts of sovereign will that will be received by society with respectful obedience but to negotiate with different and often conflicting partners in order to win their support and to make sure that the legislation will not be made void and ineffective through non

<sup>7</sup> John XXIII, Encyclical letter «Pacem in terris». Rome 11.04.1963, n. 35.

<sup>8</sup> Leo XIII, Encyclical letter «Inmortale Dei». Rome 01.11.1885, n. 3.

<sup>9</sup> John XXIII, Encyclical letter «Pacem in terris». Rome 11.04.1963, n. 54.

cooperative strategies of social bodies holding a de facto veto right (or veto power) on decisions that concern them”.<sup>10</sup>

It is evident that this negotiating capacity, as an objective, entails a risk that might be described as creating a condition whereby the short term might prevail over a broader project that we would identify as the common good. Either the margin for negotiation is reduced to minor issues of instrumentation, safeguarding the ultimate objective of the function of governing, or this is stripped of its very *raison d’être* as was unequivocally outlined by John XXIII.

In fact it is easy to reach conclusions based on results in many countries in recent years, where this objective of *consensus* has been sought. An objective which, because from the outset it demands a disposition to detachment and rejection of actions based on principles and convictions that are well known and desired by, at least, part of society, sows the seeds of confusion and disorientation. Such principles and convictions become subordinate to the *consensus* objective and rules and goals far removed from the demands of the common good may be incorporated into governance and ultimately into the action of governing.

## II. Legitimacy and representation

I would like to submit for consideration an initial distinction, solely applicable to democratic countries – the problem is not even considered in non-democratic countries – to differentiate between what I would call formal legitimacy and substantive legitimacy. In any electoral system of a democratic type, formal legitimacy for the exercising of the public function of government, or for participation in government tasks, in the broader sense, is determined by the will of the voters as expressed in elections.

And it must be pointed out that this legitimacy – which is simply a formal legitimacy – will exist as long as the electoral programme for which the vote has been cast is scrupulously respected in the public exercising of the entrusted function of government subsequent to the electoral process. Otherwise, the distancing of those elected from those principles which have attracted the votes of electors would, far from being an instrument of legitimacy, become an act of fraud and a betrayal of the confidence of the electorate. This situation can quite easily arise when the itinerary of *consensus* is initiated, as we have mentioned previously.

<sup>10</sup> Rocco Buttiglione “Accountability, Transparency, Legitimacy, Sustainable development and Governance”. Paper presented at the Workshop on ‘Governance in a Changing World’. Pontifical Academy of Social Sciences. Vatican City, 26 April 2013, n. 2.

Consensus is the pennant of the pragmatism that would argue that a bad decision reached by consensus is preferable to disparity in underlying criteria that may lead to the collapse of any decision taken in a given area. This fails to take into consideration that the comfortable option of a decision taken by consensus may prevent satisfactory agreement on a correct decision being reached by means of dialogue. Practicality should never forget the principles which must govern it. In the words of the Angelic Doctor, “Just as nothing stands firm with regard to the speculative reason except that which is traced back to the first indemonstrable principles, so nothing stands firm with regard to the practical reason, unless it be directed to the last end which is the common good”.<sup>11</sup>

The evil approached via the route of consensus, which contradicts the principles for which the person is elected, is unredeemable. Political action enters a scenario with no differentiation in principles and attitudes, criteria and objectives. This situation is represented by expressions such as “they are all the same”, in reference to the results of governments of different or even opposing, ideologies, or “promises made during electoral campaigns are not to be trusted”, meaning that when power is attained, matters are resolved through the application of quite different principles.

But let us continue with the point we were making on formal legitimacy. This basically derives from an election in which the electorate has demonstrated its preference for the electoral programme of the representative elected. Subsequent to the election, we suppose this person will honour the confidence the electorate has shown in him, in terms of the objectives proposed and measures to be taken to achieve them, outlined in the speeches, messages and debates held during the electoral campaign.

Does this mean that any objective or measure that receives the support of the electorate can confer legitimacy on the action taken to achieve it? Substantive legitimacy, to which we will now refer, can only be obtained when the objectives of government and the measures taken to achieve them are within the framework of the essential good of man and the community; which ultimately means the common good of the human family.

For this reason, a government can consider itself legitimised, not merely by the manner in which it has attained power, but also, when in possession of this power and in the exercising of it, its actions and the framework of

<sup>11</sup> St. Thomas Aquinas *Summa Theologica*, 1-2, q. 90, a. 2. Second and Revised Edition, 1920. Literally translated by Fathers of the English Dominican Province. Online Edition 2008 by Kevin Knight. ([www.newadvent.org](http://www.newadvent.org)).

the governance, insofar as these emanate from rules and regulations implemented, tend firmly towards the achievement of the common good. Failure to comply with this requisite will reduce the legitimacy of the government to a mere formalism – although it has been democratically elected and even acts in the interests of the electorate, interests which may be perverse – and to the representative dependency on those who see themselves as creditors in exchange for the votes they have cast.

When this substantive legitimacy is forgotten, the greatest atrocities of humanity find justification in the formal legitimacy of the vote. Was the Nazi regime in Germany, which would subsequently ratify the holocaust and the extermination of millions of Jews, not legitimised by a vote? How many absurdities have been committed in the current economic and financial crisis from a position of formal legitimacy reinforced by a policy of consensus among political groups? What can be said of the legitimacy of European Union authorities in the game of party interests, or partisan interests, when implementing measures that affect all the countries of the Union, and certain countries in particular?

Only the road to the common good and efforts to achieve it, which let us not forget “... it is a requirement of justice and charity”,<sup>12</sup> can endorse and legitimise the action of government and with it the action of the governor. A governor, who in addition to responding closely to the electors that have placed their confidence in him as their representative, will also, and above all else, answer to God, who, as a creature, entrusted him with the responsibility of tending to the garden to provide the essential service to all men of all generations. A service that does not only include material aspects, but also spiritual aspects.

### **III. The public budget as an action of government**

The valuable contribution of Prof. Buttiglione specifically tackles, amongst other concrete issues, decisions on State public spending and tax revenues, which also analogously corresponds to the public spending and tax revenues of other public administrations, both in qualitative and quantitative terms. As it is not dealt with in his text, we shall dispense with consideration of the Public Sector budget as an instrument of economic policy and limit ourselves to considerations on public revenue and expenditure, without relating them to their macroeconomic objectives.

Public revenues and expenditures are the two sides that must be considered in a problem of such transcendence as the size of the Public Sector

<sup>12</sup> Benedict XVI, Encyclical letter «Caritas in veritate». Rome 29.06.2009, n. 7.

and the functions it should carry out. We should not forget that resources are scarce and that what is in the hands of the Public Sector cannot be in the hands of the private sector. More than a few of us, who work in the field of Public Finances, believe that prior to speaking of public revenues, it is necessary to define the volume of spending based on the objectives sought and the utility arising from such spending for the community, with aim to not creating an oversized Public Sector, which is clearly detrimental to the private sector, whilst not reducing the size of the public sector as this would analogously be detrimental to the private one.

The historic tendency towards the growth of the Public Sector has been presented as natural, sometimes for political, social and economic reasons that might justify such growth and at other times for reasons of inertia, which would explain why, when the reason behind the growth no longer exists, the corresponding contraction in spending fails to occur. A doctrine which lucidly explains all this is to be found in Adolph Wagner,<sup>13</sup> and in Alan T. Peacock and Jack Wiseman;<sup>14</sup> but this is not the appropriate time for further analysis of their findings.

Neither, though as in previous cases not due to lack of interest, can we enter into analysis of the reasons behind the growth of the Public Sector, as set out by the School of Social Choice; reasons which, in this case, are based on the generalised hunger for power of the bureaucratic apparatuses of public administration, the most expressive indicator of which is the volume of resources administered and the number of public employees over whom authority is exercised.<sup>15</sup>

What is true is that the size of the Public Sector is not a whimsical issue deserving of merely anecdotal consideration. The wellbeing of the community is at stake and the optimisation of this wellbeing is one of the responsibilities of a government, within the framework of harmonious governance that seeks to achieve the priority objectives of society, based on the objectives of singular persons. Let us not forget that these singular persons are the only ones capable of experiencing wellbeing or sacrifice. Therefore, in the same way that – following the thesis of individualism – there can be no individual without society, neither is it possible – under the principles of collectivism – to have a society without singular persons.

<sup>13</sup> *Vide*, Adolph Wagner *Finanzwissenschaft*. 3<sup>rd</sup> ed. Leipzig 1890.

<sup>14</sup> *Vide*, Alan T. Peacock and Jack Wiseman *The Growth of Public Expenditure in the United Kingdom*. Princeton University Press. Princeton, N.J. 1961.

<sup>15</sup> *Vide inter alia*, James M. Buchanan and Gordon Tullock *The calculus of consent: logical foundations of constitutional democracy*. University of Michigan Press. Ann Arbor, MI. 1965.

In accordance with the traditional analysis of marginal utility,<sup>16</sup> the optimum size of the Public Sector would be determined by equality between the social marginal utility of the last monetary unit spent by the Public Sector on public goods and services, assigned to the population, and the social marginal disutility experienced by the private sector from the last monetary unit paid in taxes to finance such public goods, arising from the inability to consume private goods. A smaller Public Sector size would see the community losing in terms of overall utility and a greater Public Sector size would also result in a loss of utility.

Let us bear in mind that the goods which produce utility are those which contribute to the good of persons, both in their material and immaterial dimension, and even in their spiritual dimension. In other words, those goods for which the taxpayer is willing to make a sacrifice – in taxation terms – can be financed. It is the financing of superfluous spending, or that which fulfils objectives outside the preferences of the group, which encounters rejection on the part of taxpayers. The perception of citizens with respect to their obligation to pay social contributions depends on the reason for the contributions and it is in this area that the imperious power of the State is most disputed.

Can it be claimed that current tax systems seek to obtain from taxpayers the resources necessary, and only those necessary, for the attainment of the common good? Is it possible to expect tax awareness based on wastefulness, on superfluous spending or on the extension of functions which could be carried out more effectively by singular persons? On examining *An Inquiry into the Nature and Causes of the Wealth of Nations*,<sup>17</sup> one wonders whether the size of the Public Sector in most countries fulfils the proclaimed imperative of the principle of subsidiarity.

A principle of subsidiarity, magnificently defined by H.H. Pius XI, according to whom: "... as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help to the members of the body social, and never destroy and absorb them".<sup>18</sup>

<sup>16</sup> *Vide*, A. C. Pigou *A Study in Public Finance*. Macmillan & Co. London 1928; especially ch. 7 of part 1.

<sup>17</sup> *Vide*, Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*. Liberty Classics. Indianapolis 1981. Vol. II, Book V, Chap. I.

<sup>18</sup> Pius XI, Encyclical letter «Quadragesimo anno». Rome 15.05. 1931, n. 79.

When, in order to justify the action of the Public Sector, there is so much talk of *market* failures, with the Public Sector feeling itself obliged to act on such failures, it becomes necessary, *pari passu*, to engage in the search for an answer to the no less serious *deficiencies* of the Public Sector,<sup>19</sup> a Public Sector which, due to its size and lack of liberty to resolve such deficiencies, affects the wellbeing of society as a whole. This is even truer if we consider that, in most instances, so-called *market failures* are not really failures as such and the failing in fact lies with those who consider the market to be capable of achieving objectives such as the elimination of poverty, marginalisation, misery, etc., when the market is completely bereft of the instruments required to do so.

From all this it is possible to deduce that if it is true that economic needs are unlimited, and more so those needs which are not satisfied in the market through the immediate payment of a price, and that there is a natural tendency – as is deduced from the facts – for the Public sector to grow, it is complex and sterile to speak of the taxes that must be collected, because it is first necessary to subject to analysis the expenditure that needs to be financed.

Moreover, the current crisis clearly reminds us of an old principle that was always defended by liberal thinking: the great elasticity of public spending in terms of growth and its great rigidity in terms of reduction. If the economic bonanza from 2000 to 2007 considerably increased public spending in absolute terms, it has proven extremely difficult to reduce that level of spending since the onset of the economic and financial crisis in the year 2007. The countries affected are encountering natural difficulties in dismantling structures whose creation was justified only by the ephemeral availability of financial resources at the time at which they were put in place.

#### **IV. Transparency and responsibility**

Both are elements that must be strictly demanded of public action. Opacity and secrecy frequently lead to the irresponsibility of those who, inclined towards weakness, feel protected by the lack of knowledge of those who should demand responsible and just action in the management of the *res publica*; regardless of the area in which such management is exercised.

We are in full agreement with Prof. Buttiglione in that “The principle of transparency demands that all actions of a public power be subject to an

<sup>19</sup> *Vide*, Horst Hanusch (ed.) *Anatomy of Government Deficiencies*. Proceedings of a Conference held at Diessen, Germany (July 22-25, 1980). Springer-Verlag, Berlin, Heidelberg 1983.

open scrutiny and no relevant information be withheld by the public authorities”.<sup>20</sup> It is our belief that the concealing of information by public servants is often motivated by a desire to acquire more power, through the possession of better information – a motivation also clearly demonstrated in terms of their contribution – or to hide illicit behaviour or behaviour that is, at least, not in accordance with what is to be demanded of a good administration of public affairs. In very exceptional cases, lack of transparency is justified in order to maintain a State secret, the unveiling of which might jeopardise national or international security or indeed the security of society.

It is for this reason that we must be very cautious when renouncing transparency in favour of opacity, because information and reliable information is a right of the community which, through its votes, has put the management and custody of public affairs into the hands of political representatives: Legislative Chambers or members of the government. Perhaps deserving of special consideration are members of the Judiciary, to the extent that general knowledge of the facts of a case, particularly prior awareness, may hinder the right administration of justice.

That being said, it is necessary to examine a more far-reaching problem: the decision concerning when information is relevant to society and when, despite being of potential importance, information should be concealed due to a principle of greater weight which calls for opacity. The treatment of this issue is complex, because we do not live in political systems administered by angels, but rather by imperfect human persons who may have private interests which they put before the general interests of the community.

Therefore, even in the case referred to in the paper we are commenting on regarding information in the possession of the “secret services”, there are instances where doubt is sown as to the action of such services and the protection of their opacity. In some of these services, scandals have been uncovered related to the action of their members on the request of an interested party, outside the public sphere, in some cases, even involving payment for the information services provided.

Therefore, we have some difficulty in openly accepting the principle that the Government and Parliament exercise control over information and that “They will decide what is the relevant information to be given to the

<sup>20</sup> Rocco Buttiglione “Accountability, Transparency, Legitimacy, Sustainable development and Governance”. Paper presented at the Workshop on ‘Governance in a Changing World’. Pontifical Academy of Social Sciences. Vatican City, 26 April 2013, n. 3.2.

general public and they will exercise the needed controls in the name and on behalf of the general public”.<sup>21</sup> There would only be guarantees in this respect if we could be certain that Governments and Parliaments are driven in their function by the general interest and the good of the community.

However, there are eloquent examples in contemporary democracies where doubts surrounding government action are more than well founded. Frequent cases of corruption, and lack of knowledge as to the extent of such corruption in more than a few cases, leads us to believe that the democratic management of public interests is affected by great weaknesses. On occasion, its opacity leads us to a *facio ut facias* type agreement between political groups; once group conceals so that its actions can in turn be concealed. On occasions, there has been opacity with respect to terrorist crimes, with visible political yields, when, in one such instance 191 people were murdered and 1,858 injured. A shocked society continues to request information as to what happened in the face of the opacity of the Government, Parliament and the Judiciary.

A democracy with doubtful division of powers, a closed-list electoral system and voting discipline imposed on members of Parliament by their parties leads to spontaneous outbreaks of doubts as to the democratic function itself. It is true that subsequent elections provide an opportunity to change ones vote in order to express lack of conformity but the demoralisation produced by such a generalised malady of the political scenario cannot be denied. Evil generates lack of confidence and, in addition, opacity of information arouses further suspicions which in no way contribute to a positive social and political climate and hinder the path to the common good, which becomes but an extravagant pretension. Is it possible to effect a smooth exit from a situation such as the one described?

The press, which holds a great deal of power in theory, is also confronted by opacity, which on only very few occasions it is capable of overcoming. Moreover, to add to the deficiencies of official information, it is not unusual to find cases where a media enterprise has its own political and economic interests, which lead it to adopt a biased position against or in favour of official information for the purposes of protecting its objectives. Hence, the difficulty of opposing political power, when the enterprise to which the media com-

<sup>21</sup> Rocco Buttiglione “Accountability, Transparency, Legitimacy, Sustainable development and Governance”. Paper presented at the Workshop on ‘Governance in a Changing World’. Pontifical Academy of Social Sciences. Vatican City, 26 April 2013, n. 3.2.

pany belongs, depends on financial aid required to make the publication itself and the sustainability of the company economically viable.

Regardless of the comments on aspects of transparency and responsibility, which might be interpreted as dissenting with the thesis of Prof. Buttiglione, I could not agree more with the conclusion to which he arrives in his paper: “The just demand for transparency and accountability becomes neurotic when all bonds of reciprocal confidence have been dissolved. When the moral relationships that united a community are severed then a representation becomes impossible. If each individual carries an interest of his own that is irremediably opposed to that of each other than there is no community and no representation”.<sup>22</sup>

## **V. Sustainable development**

An issue that is discussed on a daily basis in forums and seminars, and one which presents the following characteristics: technically controversial, impregnated with political ideology, and with great economic difficulties for its full implementation in the diverse areas it encompasses. It is very true, and only the selfishness of people could lead to an attempt to evade this responsibility, that since the Creation, the environment in which man has developed, develops and will develop his existence is entrusted to mankind at all times so that he cares for it, conserves it, and extracts fruits from it, and the extraction of such fruits has the objective of meeting the needs of all humanity, those of the present generation and those of future generations. With respect to the means employed, to what extent these are effective and the degree to which information provided on the environment represents the truth of the problem, we prefer not to offer an opinion; particularly given that there is no single unanimous scientific position.

It is very true, as Prof. Buttiglione states, that in recent eras the impression has been created that, given the technical and scientific breakthroughs of the last century, humanity has set out on a path of development without limits, consuming as it has never done before, with the danger of depleting non-renewable resources and, even in the case of renewable resources, polluting the environment to the point where it might be imagined that, in perhaps the not too distant future, the garden given to us by the Creator so that it might be cared for and used in an ordered manner, could become an

<sup>22</sup> Rocco Buttiglione “Accountability, Transparency, Legitimacy, Sustainable development and Governance”. Paper presented at the Workshop on ‘Governance in a Changing World’. Pontifical Academy of Social Sciences. Vatican City, April 26<sup>th</sup> 2013, n. 3.3.

uninhabitable space for human beings. Sufficient reason for environmental concern and for giving the environment a privileged place in terms of the scientific research carried out in the world at present.

This concern, already manifested in an initial proposition that might be defined as the substitution of development without limits, alleged to be a consequence of abundance in the final quarter of the 20<sup>th</sup> century, for the idea of *sustainable development*, which would accept the policy of development but only as long as this did not adversely affect the potential for development of future generations.

The definition of sustainable development brought to us by Brundtland is expressive in that it captures the true essence of concern for the environment, which is none other than that of the environment at the service of man; of all men and of all mankind, as opposed to the idolised concept of the environment for the sake of the environment, or, what amounts to the same thing, the environment in itself, detached from its function to serve humanity. For Brundtland, sustainable development is simply “Development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.<sup>23</sup>

Concern for the man/environment relationship is not new and is certainly not about to disappear in the near future. However, it is true that perhaps the variables have changed: if we recall initial considerations of the problem, which began well into the second half of the 20<sup>th</sup> century, the debate focused on the scarcity of resources to meet the needs of a fast-growing population, when at the beginning of the 21<sup>st</sup> century, the problem is placed on the damage to the environment due to the man’s activity.

Let us consider, for instance, the work of Jay W. Forrester<sup>24</sup> in 1971 or the 1972 Report for the Club of Rome, compiled under the leadership of Donella H. Meadows.<sup>25</sup> Also the critique to the latter report, with its expressive title, published in 1973 as a result of the work of H.S.D. Cole and others.<sup>26</sup> However, the most apocalyptic of these works is undoubtedly that

<sup>23</sup> Vide Gro Harlem Brundtland *Our Common Future: Report of the World Commission on Environment and Development*. Oxford University Press. Oxford 1987.

<sup>24</sup> Vide Jay W. Forrester *World Dynamics*. Wright-Allen Press. Cambridge, Massachusetts, 1971.

<sup>25</sup> Vide Donella H. Meadows [et al.] *The Limits to Growth: a Report for the Club of Rome’s Project on the Predicament of Mankind*. Universe Books. New York 1972.

<sup>26</sup> Vide H.S.D. Cole, Christopher Freeman, Marie Jahoda y K.L.R. Pavitt (Eds.) *Thinking about the Future. A Critique of The Limits to Growth*. Chatto & Windus for Sussex University Press, 1973.

of Mesarovic and Pestel,<sup>27</sup> which constitutes the second Report for the Club of Rome. So much so that, two years later, Jan Tinbergen<sup>28</sup> coordinated a study that would position the problem in quite a different scenario: the need to establish a new international order in a world of discordant growth and great inequality.

It is obvious that in the economic sphere, these are not the first references to be considered in considering the problem that might arise from a potential conflict between man and the environment. Neither are current experimental science researchers responsible for initiating ecological concern with respect to this relationship between man and the environment; it is sufficient to remember that in 1661, editorialist John Evelyn wrote an article, which he submitted to Charles II (of England), with reasoned arguments on the problem of air pollution, which was becoming a *casus belli*. The article is of the greatest interest, due to the exactitude of the analysis, the recommendations made to the king, and the sophistication of the measures proposed to combat the pollution that had jeopardised healthy living conditions in the city of London.

What must be highlighted is the prudence of those who came before us, as opposed to the arrogance of modern studies. Compared to the chaotic view of the world presented in the second Report for the Club of Rome, practically heralding the end of humanity due to lack of resources in the face of an ever-growing population and consumerism as a result of developmentalism, predictions that have now been proved totally incorrect, we contrast the prudence of T.R. Malthus, whose formulations are subjected to a condition by the author himself in order to lend substance to their results.

Thus, subsequent to affirming that when limits are not placed on population growth – let us not forget that there are already natural limits, such as wars, epidemics, etc., that curtail population growth, as well as voluntary limits arising from economic variables that result in late marriages, moral restrictions on procreation due to economic difficulties, etc. – the population doubles every twenty-five years, Malthus examines this situation with the point of view of the capacity of the earth to feed this population.

His conclusion is expressed as follows: “It may be fairly pronounced, therefore, that, considering the present average state of the earth, the means

<sup>27</sup> *Vide* Mihajlo Mesarovic and Eduard Pestel *Mankind at the Turning Point*. Hutchinson & Co. (Publishers) Ltd. London 1975, first edition published in 1974.

<sup>28</sup> *Vide* Jan Tinbergen (Coord), Anthony J. Dolman (Ed.) and Jan van Ettinger (Director) *Reshaping the International Order*. Hutchinson & Co (Publishers) Ltd. London 1977, first edition published by B.V. Uitgeversmaatschappij Aagon Elsevier, 1976.

of subsistence, under circumstances the most favourable for human industry, could not be possibly be made to increase faster than in an arithmetical ratio”.<sup>29</sup> Citing the *current state of the earth* as a constraining parameter for the study means that the affirmation of Malthus is still fully valid today, because he leaves a margin for the improvements that man is capable of achieving through his knowledge and initiative, whereas the conclusions of Mesarovic and Pestel are of no significance whatsoever today.

Regardless of the doctrinal positions, of the mistakes made in some cases, cloaked in a mantle of arrogance, and the prudence demonstrated in others, what is beyond doubt is that the environment and its relationship with the development of humanity is of concern to mankind and all men. Therefore, finding the balance that satisfies human needs on the one hand and the preservation of the environment with respect to its capacity to give satisfaction to future generations, on the other, is a responsibility of all humanity.

We are speaking, therefore, of a good – the natural environment – of the type that Public Finance describes as global commons. These are above and beyond the limits of a political jurisdiction or the concept of a national sovereignty, precisely because their effects influence the entire inhabited world: states, regions and continents. Hence the first difficulty in terms of its regulation is the non-coincidence of the political sovereignty, from which emanate the laws designed to regulate human activity, and the humanity affected by the damage to the global public good we call the environment.

This leads us to consider the need for an authority superior to that of a sovereign State to set out and enforce regulations that would guarantee the conservation of the environment and ensure that it is at the disposal of the men and women it was designed to serve from the outset. An authority whose remit would exclusively cover the area to be regulated – the ordered use of the environment – and this area only, but an authority which would spatially assume sovereignty over all countries in matters related to it.

A mere Treaty which would only become mandatory when signed and ratified by the States, but which no State, because of its sovereign status, is obliged to do it, is not sufficient. Politically speaking, it would involve a concession of partial sovereignty, as broad as deemed necessary, to a supranational body, a concession which would in fact become the expression of an act of

<sup>29</sup> Thomas R. Malthus *An Essay on the Principle of Population*. L.M. Dent & Sons Ltd, London 1973, pp. 10. *The first edition of Malthus's work 'An Essay on the Principle of Population as it Affects the Future Improvement of Society' appeared in 1798. He subsequently revised and expanded the text to such an extent that the second edition (1803) 'An Essay on the Principle of Population' become in content almost a new book.*

sovereignty of each State, with the goal of accomplishing a common objective which no State, in its isolated dimension, can guarantee. It is quite true that, when the exercise of sovereignty does not coincide with the jurisdiction over which it is exercised, there may be problems in terms of effectiveness; a perverse consequence of the archaic concept of the absolute sovereignty of every State.

An eloquent example of what we are saying is provided by the situation posed to members of the European Monetary Union by the single currency. The concession of monetary sovereignty by each State belonging to the Union, in favour of the latter, has proven ineffective, due to the insufficiency of the authority transferred in order to regulate all economic aspects that translate into monetary magnitudes; in other words, the lack of a monetary authority with the full functions required to regulate, inspect and sanction at Union level to a degree much greater than the European Central Bank does today. Regulation and control of public and private finances, and ultimately, the entire monetary market, should be the aim of this transferred sovereignty, if efficiency, in the areas segregated from the sovereignty of each State, is to be achieved.

We acknowledge that the institutional aspect adds complexity to the issue outlined. After all, the institutions, including those which assume or would assume the areas of responsibility arising from the sovereignty transferred by each sovereign State, are simply instruments – supranational government bodies – administered by people with the same behavioural imperfections as those affecting national governments and authorities.

The creation of a supranational authority, which does not imply the creation of a supranational State, poses a problem of lack of jurisdictional coincidence, which highlights new problems of public efficiency that do not arise in the case of a national, sovereign State. However, there is no doubt that, on occasions, certain States have found solutions to problems in their own internal order by adhering to supranational regulations, when they have been too weak or incapable of solving such problems alone.

It is very true that the assessment of an organisation differs depending on who is judging it. It is, therefore, not unusual that our opinion does not coincide with that of Prof. Buttiglione with respect to the WTO, the G-8 and the G-20, as supranational organisations charged with supervising, and sometimes regulating, matters such as international trade, or economic stability and growth at worldwide level. In the case of the WTO, it is only necessary to read the content of press releases after every meeting to see, year after year, the recurring dissatisfaction at the fact that it has not been able to eliminate protectionist restrictions on the free trade of merchandise, goods and services worldwide.

With respect to the G-20 and what was then the G-7, it is sufficient to recall the respective meetings in Washington (15.11.2008) and Rome (13.12.2009) advocating measures to emerge from the crisis. In both cases emphasis was placed on the need for free markets and outright rejection of protectionism (measures with which we would broadly concur), but these aspirations disappeared before the very eyes of humanity when, on returning to their respective countries, leaders in the United States were quick to proclaim “*buy American*”, leaders in the United Kingdom called for “*British jobs for British workers*” and, in France, (protectionist) subsidies were immediately ratified for the automobile industry. Responses of this nature leave little room for confidence in other measures related to greater transparency and responsibility, the reinforcing of investor and consumer protection, and improvement of the regulation and supervision of the financial system. The latter was completely sterile in the case of the financial system in the Republic of Cyprus, as recent events have clearly shown.

Despite all the shortcomings, it would appear to be very true that a global world, unless we accept its asymmetry, needs a global authority – perhaps not a government – but an authority that goes beyond a meeting of Heads of State or Government. Such meetings often reflect a “club” policy rather than addressing the necessity for governing decisions that take account of the needs of all who form part of the global conglomerate.

Quite possibly the most fundamental obstacle to the model of a supra-national authority is not so much the theoretical, and deep-rooted, concept of national sovereignty, as the lack of fraternity amongst men and amongst nations; i.e., the germ of selfishness cloaked in anxiety for power and dominance, through which governors and countries aspire to ensure that their interests prevail over the interests of others. A selfishness that leads to the conflict between the exclusive “*I*” and the “*WE*” that is so essential to co-existence. This selfishness dissects the community and impedes relationality amongst its members.

Therefore, if the aim is to progress along the path of unity rather than confrontation, the conclusion can be none other than the need to construct, regardless of the scope of authority conceded to the supranational body, a sphere of authority that makes possible the true materialisation of the principal of the *family of nations*, just as H.H. Benedict XVI urged.

A family of nations in which, as also occurs in families related by blood, all members are equal in terms of rights and responsibilities, all are called to show solidarity with those who are weak or in need, and nobody is considered superior or enjoys any privilege with respect to others. An authority which “... would need to be regulated by law, to observe consistently the

principles of subsidiarity and solidarity, to seek to establish the common good, and *to make a commitment to securing authentic integral human development inspired by the values of charity in truth*. Furthermore, such an authority would need to be universally recognized and to be vested with the effective power to ensure security for all, regard for justice, and respect for rights. Obviously it would have to have the authority to ensure compliance with its decisions from all parties...”.<sup>30</sup>

We must acknowledge that all bodies currently holding some form of supranational authority are based on a very different model. In the United Nations Organisation, some members have a right – the right to veto – which the others do not enjoy. Moreover, States that believe themselves to be sufficiently powerful, far from seeking to abolish the privileged right of veto, strive to acquire this right for themselves also. A segmentation which, far from being capable of building a family of nations, creates several antagonistic families that struggle with each other so that their objectives might prevail in the world of today.

Similar observations could be made with respect to the International Monetary Fund, the World Bank, the supranational regional banks, the World Trade Organisation, where the Lazaruses wait at the door in the hope of receiving the leftovers from the banquet of the eight or twenty members admitted to the G-8 and G-20 clubs, etc. With selfishness and privileges, there will never be a world authority that enjoys *auctoritas* and is accepted by all. At most there will be a body invested with *potestas* that exercises power and coercion over the rest, and protects, not the common good of the entire human family, but rather the interests of the privileged members.

We conclude with Paul VI, who stated that “Human society is sorely ill. The cause is not so much the depletion of natural resources, nor their monopolistic control by a privileged few; it is rather the weakening of brotherly ties between individuals and nations”.<sup>31</sup> Therefore, a change in attitude is needed amongst men, which would lead to a change in the decisions of organisations and institutions. “... a change of behaviour or mentality or mode of existence is called «conversion», to use the language of the Rihle”.<sup>32</sup>

<sup>30</sup> Benedict XVI, Encyclical letter «Caritas in veritate». Rome 29.06.2009, n. 67.

<sup>31</sup> Paul VI, Encyclical letter «Populorum progressio». Rome 26.03.1969, n. 66.

<sup>32</sup> John Paul II, Encyclical letter «Sollicitudo rei socialis». Rome 30.12.1987, n. 38.