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Pacem in Terris and the Principle of Subsidiarity:
Beyond the Misunderstandings

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Abstract

The paper aims at developing a critique of the functional(ist) readings of the principle of subsidiarity, moving from *Pacem in Terris.* The argument is that peace at the international level, as well as at lower levels, does not coincide with an adjustment within and between political and economic powers, but with the enforcement of a civil society able to produce relational goods. Neither a political international super-government nor a regulated market working through utilitarian exchanges can bring about peaceful relations between peoples. Peace is the emergent effect of peoples' capabilities to generate supra-functional relations between them at the social, cultural and economic levels. States and political systems should be conceived as instruments for accomplishing this task. The principle of subsidiarity can be a pillar in the pursue of a peaceful society if it means to devise new civil institutions stemming from a social networking governance. In order to achieve this goal, the traditional divisions of labour between political, economic and cultural institutions — and in particular the traditional allocation of the different *munera* to the State and the Church — are called into question. The principles of attribution (conferral), subsidiarity and proportionality are now interacting in such a way that it becomes possible to build a new societal order at the international as well as national levels. To this end, it becomes crucial to connect the principle of subsidiarity with the processes of constitutionalization of human rights constitutions'), well beyond the political constitutions which have characterised the origin of the modern nation-States and the international political organizations so far.

1. The issue: is the functional(ist) interpretation of the principle correct?

Before writing *Pacem in Terris,* Pope John XXIII addressed the topic of subsidiarity in his encyclical *Mater et Magistra* (promulgated May 15, 1961, n. 117): "State and public ownership of property is very much on the increase today. This is explained by the exigencies of the common good, which demand that public authority broaden its sphere of activity. But here, too, the "principle of subsidiary function" must be observed. The State and

other agencies of public law must not extend their ownership beyond what is clearly required by considerations of the common good properly understood, and even then there must be safeguards. Otherwise private ownership could be reduced beyond measure, or, even worse, completely destroyed".

No doubt that John XXIII is following here the traditional doctrine of the Church started with Leo XIII and developed by Pius XI. The principle of subsidiarity is defined as a `function' to protect civil society against the perils of collectivism (state socialism). But one could ask: is a functional reading of this principle appropriate? Seemingly yes. And more so if one looks at what John XXIII writes two years later, in the encyclical *Pacem in Terris* (promulgated April 11, 1963, n. 74): "The same principle of subsidiarity which governs the relations between public authorities and individuals, families and intermediate societies in a single State, must also apply to the relations between the public authority of the world community and the public authorities of each political community. The special function of this universal authority must be to evaluate and find a solution to economic, social, political and cultural problems which affect the universal common good. These are problems which, because of their extreme gravity, vastness and urgency, must be considered too difficult for the rulers of individual States to solve with any degree of success. But it is no part of the duty of universal authority to limit the sphere of action of the public authority of individual States, or to arrogate any of their functions to itself. On the contrary, its essential purpose is to create world conditions in which the public authorities of each nation, its citizens and intermediate groups, can carry out their tasks, fulfill their duties and claim their rights with greater security".

It is apparent that the functional interpretation of the principle was extended to the international relations worldwide. A problem of interpretation arises, since at that time there was (and still there is) no world-State and therefore no peril of worldwide collectivism or any form of political authority that governs the nation-States in the same (or parallel) way as the nation-State governs what is subject to its legitimate powers. So, pushing the principle of subsidiarity from the level of the nation-State to the international arena, what was - in John XXIII' s mind — the peril to be avoided?

This query is intriguing. And more so if we consider that the topic of `globalization was still quite far from his thoughts. Not to mention the theories of an incoming `world system' put forward by more recent political and social sciences (Niklas Luhmann and other scholars). The ideas of globalization and world system were only in the embryo stage.

Looking back at *Pacem in Terris* today, it may be instructive to ask ourselves what John XIII's meant by evoking the principle of subsidiarity at the international level. Who should *"create the world conditions"* hoped by John XXIII in order to promote subsidiary relations amongst the nation-States? Was John XXIII advocating and international *polity* endowed with a 'global public authority', as some commentators have claimed, also with reference. to the documents by subsequent Popes, in particular Paul VI and Benedict XVI?

This is the issue I wish to address. As a malter of fact, many documents from the holy See talk about the need for some form of international 'public' (`political'?) power able to enforce the subsidiarity principle. The recent document by the Pontifical Council for Justice and Peace, *Towards Reforming the International Financial and Monetary Systems in the Context of Global Public Authority* (2011) indirectly raises this issue when it refers to 'global standards': "Consistent with the spirit of subsidiarity, which is a central principle of Catholic teaching, *global standards* would be *implemented* and *supplemented* by the norms and experience of individual national and local governments and agencies and *shaped by the realities of economic and political* life.(italics mine)"

The issue of global governance has been dealt with by Pope Benedict XVI in his encyclical *Caritas in Veritate* (2009) where he writes: "In order not to produce a dangerous universal power of a tyrannical nature, *the governance of globalization must be marked by subsidiarity,*

articulated into several layers and involving different levels that can work together. Globalization certainly requires authority, insofar as it poses the problem of a global common good that needs to be pursued, This authority, however, must be organized in a subsidiary and stratified way, if it is not to infringe upon freedom and if it is to yield effective results in practice." (n. 57). The text goes on by saying: " *The principle of subsidiarity must remain closely linked to the principle of solidarity and vice versa,* since the former without the latter gives way to social privatism, while the latter without the former gives way to paternalist social assistance that is demeaning to those in need. This general rule must also be taken broadly into consideration when addressing issues concerning *international development aid.* Such aid, whatever the donors' intentions, can sometimes lock people into a state of dependence and even foster situations of localized oppression and exploitation in the receiving country. Economic aid, in order to be true to its purpose, must not pursue secondary objectives. It must be distributed with the involvement not only of the governments of receiving countries, but also local economic agents and the bearers of culture within civil society, including local Churches. Aid program must increasingly acquire the characteristics of participation and completion from the grass roots. Indeed, the most valuable resources in countries receiving development aid are human resources: herein lies the real capital that needs to accumulate in order to guarantee a truly autonomous future for the poorest countries. It should also be remembered that, in the economic sphere, the principal form of assistance needed by developing countries is that of allowing and encouraging the gradual penetration of their products into international markets, thus making it possible for these countries to participate fully in international economic life. Too often in the past, aid has served to create only fringe markets for the products of these donor countries. This was often due to a lack of genuine demand for the products in question: it is therefore necessary to help such countries improve their products and adapt them more effectively to existing demand. Furthermore, there are those who fear the effects of competition through the importation of products — normally agricultural products — from economically poor countries. Nevertheless, it should be remembered that for such countries, the possibility of marketing their products is very often what guarantees their survival in both the short and long term. Just and equitable international trade in agricultural goods can be beneficial to everyone, both to suppliers and to customers. For this reason, not only is commercial orientation needed for production of this kind, but also the establishment of international trade regulations to support it and stronger financing for development in order to increase the productivity of these economies." (n. 58).

To my mind, this statements are perfectly in line with what John XXIII meant by subsidiarity principle. Benedict XVI is simply asserting that every society, including global society, needs of a corresponding authority to insure the common good. But `authority' does not mean a super-State or a global, world political system.

My argument is that any functional(ist) interpretation of the subsidiarity principle would be partial, reductive and ultimately misplaced. I wish to clarify that the principle of subsidiarity should be read and interpreted in a supra-functional way, which to me means in a relational way, well beyond the functional(ist) views. `Suprafiinctional' means, first and foremost, that the principle does not have one or a limited number of functions, but a potentially indefinite number of functions, since it represents the way by which new emergent social effects (common goods as relational goods) can be produced.

The extension of the subsidiarity principle from the national to the international level — both in John XXIII's and Benedict's teaching — should not be interpreted by conflating *global governance* with *world government.* The latter connotes a powerful, centralized political structure while the former allows for a subsidiary, open and multitiered approach to coordinating the world geo-political actors/stakeholders. John XXII (like Benedict XVI) endorsed this second approach. The suprafunctional interpretation of the principle is particularly pressing now, when we look at the issues of international conflict resolution and global economic development

(Williams 2010).

As Gunther Teubner (2012) has clearly remarked, what is at stake is the issue of how to get a 'civil constitutional process' beyond the (old, and no more functional) political constitutions set up for/by the modern nation-states. A globalized world needs a globalized `constitutional law' which can legitimate and enforce basic human rights across nations, through transnational civil constitutions, against a number of new scandais: the violations of human rights perpetrated by multinational companies, controversial decisions by the WTO (especially when it endangers the eco-system, public health and other common goods), abuses on internet, and above ail disaster risks on the global financial markets (Mattli, Woods eds. 2009). My argument is that the principle of subsidiarity could and should be a basic pillar, together with the principles of solidarity and the common good, in avoiding ail these evils.

In order to substantiate my thesis, I will argue that the social doctrine of the Church has developed gradually well beyond a narrow functional(ist) view in so far as it has realized that: (i) subsidiarity is a principle which should be referred to social relations, not merely to functions; ii) as such, it can and should be articulated in many different ways (i.e. subsidiary relations can be not only vertical — within hierarchies but also horizontal, lateral and circular within markets and networks); (iii) it aims not only at `defending' the smaller communities from the bigger ones (non interference principle), but also at promoting the constitution of innovative relational networks through which the communities involved can realize the emergence of a new national and international civil society (interference principle).

As a principle, `subsidiarity' has negative as well as positive implications. The aspect of non-interference gives it a negative implication. It requires the state and the other social entities to refrain from anything that would substitute or restrict the existential space of the smaller essential cells of society such as their initiative, imagination, and perseverance to the finality, freedom and responsibility. This negative aspect, the duty of non-interference, cornes from the conviction that each authority in general, and the state in particular, should not interfere in the activities of the individual and the social groups, who are free and able to act and to attain their self-fulfilment.

At first sight, these two aspects of the principle of subsidiarity, non-interference and interference, may be seen as contradictory elements. But in doser observation they reveal themselves as complementary. This is as true as we move from a hierarchical vision of society, having the state as its vertex, to a networking vision of society, both at the national and (especially) at the international level. After all, this is what globalization means. When the respect to the freedom of action is legitimately balanced, we can see no contradiction, but only complementarities and constant equilibrium among the aspects of interference and non-interference. Through non-interference, it rightly respects the autonomy and freedom of intermediary groups. Through interference, it empowers them to perform their responsibilities, and at the same time provides guarantee for the common good. The opponents of the subsidiary concepts are, on one side, the absolute freedom which does not consider common good, and, on the other side, the collectivism of the all powerful state, which does not consider the autonomy of the other social subjects. Therefore, on the one side, autonomy does not mean the complete separation from social ties, and on the other side, the help given to the *lower* or *lateral* units to actualize their rights and responsibilities is not in the form of a 'substitution', but rather in the form of empowerment. In that way, the higher authority promotes the intermediary communities, and the matters which can be performed by their initiatives are handed over to them; however, the higher authority keep themselves vigilant to help these intermediary bodies to accomplish their ends in view of common good. Autonomy and freedom to act do not exclude the intervention and help whenever it is necessary from the part of concerned social institutions. Finality of the individual social subjects which is protected by the state in the subsidiary way is coincided with the interest of a society which is oriented towards common good.

All that prevents us from interpreting the subsidiarity principle in terms of specialized roles within a functional division of labour.

2. **Subsidiarity should be understood in relation to the other basic principles.**

Subsidiarity is a slippery, multifaceted and polysemic concept. As it is well known, the term `subsidiarity' derives from the Latin verb *subsidior.* In the Latin vocabulary the word *subsidium* initially meant something in reserve or, more specifically, reserve troops: troops used in the case of necessity. The expression *subsidium ferre* means to stay behind and be prepared to help those who find themselves in trouble in the front line.

The term implied some form of social solidarity, although it was not equal to the latter. That is why in Latin countries such as Italy, the idea of subsidiarity is still very close to the idea of solidarity, rather than to the idea of liberty or equality.

In principle, it has always maintained the meaning of bringing assistance or aid to other people. But, at the beginning of the modem era, it came to be used as a principle of autonomy in social organization. It was referred to the distribution of power and authority in society, in contrast to the monopoly of the Leviathan State. From the 16th century subsidiarity developed in opposition to sovereignty. In practice, it served as a key word to daim an articulated and plural distribution of powers *vis à vis* the political system.

Starting around the mid-XXth century, it was launched again by the Catholic Church to refer not only to the internal order of a nation-state, but also as a principle for coordinating the powers and competences in interstate relationships. In 1992, it has been adopted by the European Union as a basic criterion of its polity and policies (article 3/B of the Maastricht Treaty). Since then, the definition of the idea of subsidiarity as the legal principle of the EU has proved quite controversial. It is not clear whether this principle is an integrationist or anti-integrationist principle of EU policy. As a matter of fact, the concept of subsidiarity wavers between two meanings: on the one side it means bringing assistance to somebody, on the other side it means preserving and even improving his autonomy. There are evidences that, due to this ambivalence, it can raise conflicts and contradictions.

Such an ambivalence is rooted in the whole modern history of Western world. As I have reminded above, in the old times it meant 'assistance', while in modern times it has corne to mean just the opposite, i.e. "leaving people to act freely as they like and keep the political power off', or, as we say today, "leaving the governance of social initiatives at the lower level" or something alike, as it is intended by most people today, namely in the Anglo-Saxon world, and in the EU Treaties.

The historical reasons for these changes are well known. Most scholars would observe that the latter meaning appeared with Abraham Lincoln [1], and other thinkers such as John Stuart Mill and Jean-Pierre Proudhon, as a fruit of the emerging liberalism of the Nineteenth century, in its many different versions. On the same line, today, the Hubert Haenel's 2007 Report to the European Affairs Committee states that: "Member States and their citizens need to unite to become stronger and more efficient together. They do not need a nanny state supervising every aspect of their lives. As Abraham Lincoln stressed in a declaration to the United States Congress: *«You cannot help men permanently by doing for them what they could do for*

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[1] In commenting upon the American Constitution, Abraham Lincoln defined subsidiarity as a principle of non-interference: "The legitimate object of government is to do for a community of people whatever they need to have done but cannot do for themeselves in their separate and individual capacities. In ail that people can individually do as well for themeselves, government ought not to interfere" (see "Subsidiarity" in Karl Rahner (ed.), *Sacramentum Mundi: An Encyclopedia of Theology,* Herder and Herder, New York, 1970, vol. VI, p. 115).

themselves»"[2].

     In recent years, an abundant literature has clarified the different historical roots of the different definitions of subsidiarity. That has been done especially with reference to the project of a Constitutional Treaty for the European Union [3].

     In the EU, the principle of subsidiarity regulates the exercise of authority within a political order, placing the burden of argument with attempts to centralize authority. It has corne to recent political prominence through its inclusion in the Maastricht treaty on European Union, intended to quell fears of centralization. However, the principle increases and shapes such tensions due to disagreement about formulations and possible institutional roles. Andreas Føllesdal[4] rightly pinpoirits that alternative accounts have strikingly different institutional implications regarding the objectives of the polity, the domain and role of sub-units, and the allocation of authority to apply the principle of subsidiarity itself. He presents and assesses five alternative normative justifications of conceptions of subsidiarity illustrated by reference to the European Union. According to him, few of the arguments constitute full theories addressing all issues of interpretation and application. Two arguments from liberty - Althusius and Confederalism - are addressed, one argument from efficiency (fiscal or economic federalism), and two arguments from justice: a Catholic argument based on Personalism and liberal contractualism. The order of analysis used by Fr llesdal roughly reflects the decreasing autonomy of sub-units granted by each argument.

     This paper is not intended to intervene in this historical and political debate. I do not wish either to enter into the history of the concept (although I will refer, of course, to historical deeds) or to elaborate a taxonomy from the political science viewpoint. What I wish to do is to discuss the semantics of the concept of subsidiarity from the viewpoint of its socio-anthropological implications, which should be the backdrop of its implementation in international as well as national relations. The rationale for this purpose is the following. The evidences of contrasting - and even contradictory — meanings of the word `subsidiarity' remind us that, in order to understand this principle, we must, first of all, clarify the socio-anthropological foundations which support the different semantics of the terra. This is a task to be accomplished as a premise for the justification of the way we use this principle in our theory and practice, and why we resort to that semantics instead of another.

     The basic issue is, therefore, to explain why and how the concept of subsidiarity can be distinguished from, and the same time integrated with, similar — but not identical concepts like freedom, autonomy, devolution, social pluralism, solidarity, grassroots, and so and so forth. I will deal with this issue by referring primarily to the Catholic social teaching, and then comparing this teaching to the other doctrines.

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[2] Cf. Hubert Haenel, *Dialogue with the European Commission on subsidiarity,* Report n° 88 (2007-2008), European Affairs Committee, November 2007.

[3] The text of the Treaty Establishing a Constitution for Europe (2005), which has been abandoned after France and the Netherlands did not approve of it, defined subsidiarity as follows: "The Union is established reflecting the will of the citizens and States of Europe to build a common future. For this purpose the Member States confer competences on the European Union. The Union shah coordinate the common policy." (Title I. Article 1.1) "The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principle of subsidiarity and proportionality." (Title III. Article 9.1) "Under the principle of subsidiarity, in areas which do not fall within its exclusive competence the Union shall act only if and insofar as the objectives of the intended action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level." (Title III Article 9.3) "The Union's institutions shall apply the principle of subsidiarity as laid down in the Protocol. The Protocol emphasised the necessity of the cooperation between the Commission and the national Parliaments. The Parliaments of the Member States could decide the compliance of the Commission's decision with the principle of subsidiarity."

[4] Cf. Andreas Føllesdal, *Subsidiarity* (paper on-line: folk.uio.no/andreasf/ms/subsid.rtf).

Summing up the whole social doctrine, we read in the *Compendium* (CDS 2004) that the Catholic social teaching is based upon four key-principles: *the dignity of the human perron, the common good, subsidiarity* and *solidarity.* These are principles of a general and fundamental character, since they concern the reality of society in its entirety: from close and immediate relationships to those mediated by politics, economics and law; from relationships among communities and groups to relations between peoples and nations. Because of their permanence in time and their universality of meaning, the Church presents them as the primary and fundamental parameters of reference for interpreting and evaluating social phenomena, which is the necessary source for working out the criteria for the discernment and orientation of social interactions in every area[5].

As we observe real social phenomena in contemporary societies, we see that these principles are largely unapplied and even mistinderstood. Quite often they are interpreted in ways which are very far from the meaning and intentions proper to the social doctrine of the Catholic Church. As a matter of fact, reductionist and biased interpretations prevail almost everywhere. For instance: the common good is identified with mere material goods, like water, a healthy environment, or similar things; solidarity is identified with feelings of love, or philanthropy, or public charity; subsidiarity is defined as leaving decisions to the lower levels of the political system (see art. *3fB* of the EU Maastricht Treaty).

These interpretations lead to serious consequences. Take, for example, the case of the family: the common good of the family is identified with its assets, family *solidarity* with sentiments of love, *subsidiarity* with leaving each actor to define the family as he/she likes. At the macro level of the national state, *solidarity* is defined in terms of political control over resources, or the pursuit of equal opportunities, or redistribution via the welfare state (labour or *lab* side); and *subsidiarity* is identified with devolution or privatization (liberal or *lib* side). These examples are only a few of the general misunderstandings surrounding the key-concepts of common good, solidarity and subsidiarity in respect to the Catholic social teaching.

That is why we must ask ourselves whether the Catholic understanding of subsidiarity has any real sense and any real chance to be meaningful for our times beyond its functional(ist) interpretation. In order to cope with this task, we have to pass through three main

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[5] The Compendium goes on by clarifying that: *"The principles of the Church's social doctrine must be appreciated in their unity, interrelatedness and articulation.* This requirement is rooted in the meaning that the Church herself attributes to her social doctrine, as a unified doctrinal corpus that interprets modem social realities in a systematic marner. Examining each of these principles individually must rot lead to using them only in part or in an erroneous manner, which would be the case if they were to be invoked in a disjointed and unconnected way with respect to each of the others. A deep theoretical understanding and the actual application of even just one of these social principles clearly shows the reciprocity, complementarities and interconnectedness that is part of their structure. These fundamental principles of the Church's social doctrine, moreover, represent much more than a permanent legacy of reflection, which is also an essential part of the Christian message, since they indicate the paths possible for building a good, authentic and renewed social life. *The principles of the social doctrine, in their entirety, constitute that primat), articulation of the truth of society by which every conscience is challenged and invited to interact with every other conscience in truth, in responsibility shared fully with all people and also regarding all people.* In fact, man cannot avoid the *question of freedom and of the meaning of life in society,* since society is a reality that is neither externat nor foreign to his being. *These principles have a profoundly moral significance because they refer to the ultimate and organizational foundations of life in society.* To understand them completely it is necessary to act in accordance with them, following the path of development that they indicate for a life worthy of man. The ethical requirement inherent in these pre-eminent social principles concerns both the personal behaviour of individuals — in that they are the first and indispensable responsible subjects of social life at every level — and at the same time institutions represented by laws, customary norms and civil constructs, because of their capacity to influence and condition the choices of many people over a long period of time. In fact, these principles remind us that the origins of a society existing in history are found in the interconnectedness of the freedoms of all the persons who interact within it, contributing by means of their choices either to build it up or to impoverish it" (CDS §. 162-163).

steps:

(i) first, it is necessary to examine in depth the current uses of these concepts in order to clarify their correct meaning; such a clarification should be undertaken with reference both to the historical aspects of the concepts and to the way they are put into practice today;

(ii) second, it is particularly important to try to look at social reality and see if there are both theoretical developments and practical exemplars of the correct use of these principles, showing how subsidiarity and solidarity can work together in order to produce the common good in an effective way;

(iii) third, if the two above aims are achieved, we can expect that new ideas and practical orientations will be put at our disposal in order to think of a new configuration of society, one that leaves behind the Hobbesian and Hegelian heritages which still impinge upon contemporary societies and impede an overcoming of their socio-anthropological visions of society.

In seeking to accomplish these aims, special attention will be given to the issue of the interdependence between the principle of subsidiarity and the other basic principles of solidarity, common good and human dignity, to which it should be linked if we want to understand it adequately. We must examine how these principles can and should work together. As a matter of fact, *solidarity* and *subsidiarity* are mutually reinforcing and necessary to realising the *common good.* Ideally, this is the case. Indeed, it being the case is what makes for a robust civil society — one serving the common good and respecting the dignity of each and every person. However, the relationship between *solidarity* and *subsidiarity* is far from clear and easily understandable. Social circumstances have changed so radically that by the third millennium the desired relationship between *solidarity* and *subsidiarity* is badly out of alignment. Therefore, what we have to examine in this conference are the possibilities for aligning these two features of society in a newly transformed social context in which the common good has become more and more problematic.

(a) Firstly, it is necessary to acknowledge that the relationship between *solidarity* and *subsidiarity* can never be taken for granted because their relations are not symmetrical. It is possible for *solidarity* to be high and for *subsidiarity* to be low. This was the case during early Modernity. Throughout Europe the *solidarity* of the Working Class *community* was at its peak. Yet, early capitalism was precisely where Market control was at its (unrestrained) highest and commodification reduced the value of working people to the wage form. Certainly, a thrust towards *subsidiarity* developed in the attempt to found Trade Unions, but it was deflected into wage bargaining and away from control over the work process, working conditions, and work relations, let alone production and productivity. In short, Unions were incorporated into market relations and into the government of the liberal state.

(b) Equally, *subsidiarity* cannot work without *solidarity.* If such a combination is tried, then the organs of *subsidiarity* distance themselves still further from *solidarity.* These agencies are either commandeered from below, by parties claiming to speak for their `community', and/or they are invaded from above, by the commanding powers of the state bureaucracy. For example, the relative autonomy of the Academy in Europe has seen both autonomy and collegiality reduced by the imposition of government performance indicators and accountability. Subsidiarity has been forfeited largely because there has been insufficient solidarity between academics to defend it.

(c) The conjunction between these two social forms — *solidarity* and *subsidiarity* — and thus their contribution to achieving the common good is therefore contingent and not axiomatic. This is the case despite their mutual reinforcement *when* they do happen to co-exist. Moreover, it also seems indubitable that much contemporary social change militates against their co-existence. Specifically, what has changed that makes the conjunction between *solidarity* and *subsidiarity* ever more problematic?

(d) There is a diminishing supply of community-based *solidarity,* of shared values and, thus, of social cerment. Everywhere, a variety of changes undermine the stable, geo-local and face-to-face community. Certainly, *elective* communities (and virtual communities and imagined communities) are on the increase, but without making any significant contribution to the overall *social solidarity* necessary to sustain *subsidiarity,* since, at best, it remains extremely restricted in kind (e.g. football and FIFA).

(e) Conversely, the invasion of everyday life by market forces (advertising, commodification of welfare, and money as the sole currency) and by bureaucratic regulations (national and trans-national) have jointly accentuate increased materialism within an enlarged iron cage of bureaucracy.

Can this infelicitous cycle be broken? Here we have to consider the role of reciprocity as the social norm which contains and links together subsidiarity and solidarity. Reciprocity is here understood as the generalized medium of interchange proper to the social networks of civil society (non profit organizations of many different kinds), not as an utilitarian principle *(do ut des).*

3. Subsidiarity and the pursuit of relational goods.

In ordinary language, as well as in most empirical sciences, the common good generally refers to a "something", an entity belonging to everyone by virtue of their being part of a community. The community can be big or small, from a family, a local or national community, to the whole of humankind. In any case, the common good is seen and treated as an *asset* or an opportunity to be preserved and enhanced, if possible, for the benefit of the individuals involved.

That "something", which the common good consists of, generally refers to a tangible reality, but it may also be an intangible good. Tangible goods are, for instance, the natural resources that must be at everyone's disposal (such as air and water), spaces usable by everyone (such as streets and squares, though today we would include the web and internet as well), and artistic monuments that must be maintained without being commercialized. Examples of intangible goods include peace, social cohesion, international solidarity along with the appropriate institutions for safeguarding and promoting them.

Modem thought has increasingly identified the common good with a collective, materialistic and utilitarian good, which must be available to all members of the community. The notions of affluence, development and progress conform to the above when they are considered "common goods". Thus, modem thought is always in danger of reducing the sense and value of the common good to a possession (literally, a property), whose holders are conceived of as shareholders or stakeholders.

Hence, the supremacy and prevalence today of economic and/or political conceptions, which reduce the common good to a sum of individual goods. This is true also at the international level, where the `individuals' are nation-States.

Most current economic theories define the common good as *"the greatest possible good for the greatest possible number of individuals".* This definition of the common good presents it as an entity that is convertible or reducible, to the sum total of all the private (particular) interests of the individual members of a given society (including the world society) and interchangeable with them.

In the prevailing definitions given by the social, economic and political sciences, the common good is *an allocation of resources such that everyone derives advantage from it.* Of course, that means that such an allocation can be also unequal and even unfair. Hence, the common good is cut off from justice. Instead, what is relevant is that everyone may derive some benefit from the allocation of the resources.

Difficulties are not considered to relate so much to the definition of common good as

to the rules for its implementation. Such implementation may take place on the basis of one of four criteria, ranging from the consent to the use of force: a) the first criterion is "familiarity" (within the family, the allocation of resources consists in giving something to each member and the distribution is accepted by *consent);* b) the second is *merit* or *credit,* as dictated by individual moral conscience (each accepts the allocation received because he/she believes himself or herself to deserve it; c) the third is mutual benefit (the allocation is accepted because it is based on the expectation of *cooperation that leaves everyone better off;* if some do not cooperate in creating a common good, they will be punished by exclusion from future cooperation because the principle of reciprocity is invoked); d) in case any of the former criteria do not work, the common good is produced by a fourth criterion, namely *enforcement* (the use of force by a third party, generally the State). Economists hold that the common good is produced only if there are sanctions against those who shirk their responsibilities. Such sanctions are different in the above four cases: a) the family takes one's consent for granted; b) individuals who did not deserve the benefits they received from the common good will experience inner guilt; c) in the third case, the possibility of future cooperation is forfeited (someone can no longer draw upon common goods); d) in the fourth case, sanctions take the form of external penalties (fines, sanctions of different kind, as in the case of tax evasion).

From the point of view of political studies, the common good is defined as the central and essential aim of the State. Beyond the latter, the notion of the common good becomes vague if we apply the political symbolic code to it. The general idea is that the common good consists in granting fundamental rights to those entering society, especially the rights of all to have the opportunity to freely shape their own lives through acting responsibly and in accordance with the moral law. In that case, the common good is defined as the sum total of the conditions of social life that enable people and social actors more easily and readily to act in this manner. The object of State sovereignty is to provide the means for creating these conditions. Others, in particular John Rawls, make the distinction between the Good, which actively creates a better world (however that may be defined) and the Just, which creates a fair, liberal social infrastructure - one that allows the pursuit of virtue, without prescribing what the common good actually is.

Such ideas of the common good are institutionalized in contemporary *lib-lab* political structures, i.e. in those social, economic and political systems based on two complementary principles: on the one hand, the individuals' freedom in the market (the *lib* side), on the other hand, the equality of individual opportunities brought about by the political power (the *lab* side).

Such structures appear to be limited and misleading as regards a deeper and more inclusive notion of the common good because, from the moral point of view, they obscure both the social conditions transforming an object into something common and also into a good. If the good is a *common* object, it is because the individuals who share it also have certain relations among them. If it is a *good* (in a moral sense), this is because people relate *in a certain way* to such an object and also to one another.

In short: a good is a common good because *only together* can it be recognized and acted upon (generated and regenerated) as such, by all those who have a *concern* about it. At the same time, it must be produced and enjoyed together by all those who have a stake in it. For this reason, *the good resides within the relations that connect the subjects.* Ultimately, it is from such relations that the common good is generated (Donati and Solci 2011). The single fruits that every single subject may obtain derive from each being in such a relationship.

The relational definition of the common good highlights those fundamental qualities that are obscured by proprietary definitions, previously mentioned .

To understand such qualities, let us start from a basic consideration. If we state that the common good is an asset belonging to the whole community, we must also admit that the good we are talking about is such because those belonging to that community recognize it as something both preceding and outlasting them. It is a good of which they cannot freely dispose.

They can and must use it, but only under particular conditions, ones excluding its divisibility and commodification. Should they divide or alienate it, they themselves would not be able to enjoy its fruits.

What makes the common good indivisible and non-commodificable? Is it perhaps an inner quality or power of that object (be it tangible as is water or intangible as are social cohesion and peace)?

In general, the answer is negative. The object in itself is always *potentially* divisible and marketable. For instance, both water and social peace, although common goods, are susceptible of being divided and marketed.[6] The reason why the common good cannot and must not be divided and marketed lies in the fact that, if it is divided or commodified, the relations among the members of that community would become estranged or even broken. The common good is, before and above anything else, the guarantee of their social link.

The quality making an entity a common good lies neither in that thing as an indivisible and inalienable "whole" in itself, nor in the will of the members of a community. It does not depend on their opinions, tastes, preferences, individual and aggregate choices. People generate and regenerate it, but the good has its own (emergent) reality that does not depend on people desiring or benefitting from it. They contribute towards generating it, but they do not create it by themselves. Rather, they can destroy it by themselves. If they do so, they break the social links connecting them to the other people in question.

We realize that the common good has its own inalienable nature, resting upon the relations existing among those sharing it, because it preserves the foundations of the social bond. But the *sharing* must be, and is, indeed, voluntary. It has not, and cannot have, a character reliant upon force. Precisely because the common good has a relational character, it resides in the mutual actions of those who contribute to generating and regenerating it.

Should the social link break, there would be a collapse of the qualities of the people sharing it, since human qualities depend on the link itself. Only if we see the common good as a relational good, can we understand its inner connection with the human person[7].

As a matter of fact, a socio-anthropological foundation of the principle of subsidiarity needs to refer to a concept of the common good that is quite different from the pure economic and political versions of it. A vision of the common good is outlined, according to which:

(a) the common good is the social link joining people together, on which both the material and non-material goods of individuals depend. *The human person cannot find fulfilment in himself, that is, apart from the fact that he exists "with "others and "for" others.* This truth does not simply require that he live with others at various levels of social life, but that he seek unceasingly — in actual practice and not merely at the level of ideas — the good, that is, the meaning and truth, found in existing forms of social life. No expression of social life — from the family to intermediate social groups, associations, enterprises of an economic nature, cities, regions, States, up to the community of peoples and nations — can escape the issue of its own common good, in that this is a constitutive element of its significance and the authentic reason for its vert' existence;

(b) the common good does not consist either in a state of things, or in a sum of single goods, or in a prearranged reality, but it is «the whole *conditions* of social life that allow groups, as well as the single members, to completely and quickly reach their own perfection » *(Gaudium et Spes,* 26); in particular, it consists in the conditions and exercise of natural liberties, which are essential for the full development of the human potential of people (e.g. the right

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[6] It may seem strange to think of 'marketing peace', but this is precisely what occurs when `good industrial relations' are advanced as a reason for the location of a factory or a `safe and secure environment' is given as the reason for higher house prices.

[7] On the topic of `relational goods', their definition and measurement: see Donati and Solci (2011).

to act according to the promptings of one's conscience, the right to the freedom of religion, etc.);

(c) in brief: the common good represents the social and community dimension of the moral good; the common good is the moral good of any social or community relations. The common good does not consist in the simple sum of the particular goods of each subject of a social entity. Belonging to everyone and to each person, it is and remains "common", because it is indivisible and because only together is it possible to attain it, increase it and safeguard its effectiveness, with regard to the future. Just as the moral actions of an individual are accomplished in doing what is good, so too the actions of a society attain their full stature when they bring about the common good. The common good, in fact, can be understood as the social and community dimension of the moral good.

Therefore, a socio-anthropological vision must be necessarily critical towards any materialist, positivist, utilitarian and ultimately functionalist objectifications (reifications) of the common good. A humanistic picture of the common good must oppose any `proprietary and utilitarian' conception of it. It should appeal to reasons based on the fundamental sociability of human beings and there rights.

From this sociability, it draws conclusions that mean the common good cannot be confused with concepts whose similarity is only apparent, such as concepts of the *collective* good, of *aggregate* good, the good of the totality, vested interests, *general interest* and so forth. Only such a vision can preserve a potential for critique and for the advancement of human emancipation that modern and postmodern thought seem to have lost or relegated to the fringe of society.

Nonetheless, the concrete application of this humanistic perspective does not appear yet to be living up to its potential.

In fact, the concept of the common good — rather than being developed in a relational way — is often, in practice, traced back to an organic and vertically stratified picture of the society. This image is based on two mainstays: (a) the assertion of the primacy of politics as `synthesis' of the common good («Each human community possesses a common good which permits it to be recognized as such; it is in the *political community* that its most complete realization is found.» CCC 2005, n. 1910), and (b) the consequent granting to the State of the privileged role of being the apex of society, which protects, rules and creates its civil society («It is the role of the state to defend and promote the common good of civil society, its citizens and intermediate bodies.»: CCC 2005, n. 1910). It would be a misleading to think of the 'global public authority' in these terms.

In presenting this paper, I wish to argue that the social doctrine under discussion can and must enlarge its horizons on the common good through an adequate *widening of its relational vision.* That is, it can develop its potential for illuminating and supporting new politics and social practices, only in so far as it widens and deepens the relational basis of the common good and derives the necessary consequences from it in terms of applications and operative principles in the new context of globalization.

In fact, this context underlines certain problems that can no longer be bound by the political configuration to which the social doctrine still refers when it claims: *«The responsibility for attaining the common good, besides falling to individual persons, belongs also to the State, since the common good is the reason that political authority exists. The State, in fact, must* guarantee the coherency, unity and organization of the civil society of which it is its expression, in order that the common good may be attained with the contribution of every citizen. The individual person, the family or intermediate groups are not able to achieve their full development by themselves for living a truly human life. Hence the necessity of political institutions, the purpose of which is to make available to persons the necessary material, cultural, moral and spiritual goods.» (CDS §. 168). Certainly, this is true, but the State is not the exclusive bearer of such a task. The task of ensuring participation, social inclusion, security and justice is certainly what justifies the existence and the action of the State, but the State must

accomplish those tasks in a subsidiary way as regards the civil society, local, national and international, and in any case it is not the one and only and supremely responsible body involved. This is what I mean when I say that we need to go beyond a functionalist reading of the subsidiarity principle.

A development of the social doctrine is required that takes into account globalized society's great differentiation into spheres, which are more and more distinct and articulated among themselves, both at an infra-state and at a supra-state level. The common good becomes a responsibility not only of individuals and of the State, but also — in a completely new way — of the intermediate social bodies (which I prefer to call *'civil societarian* networks')[8] now playing a fundamental role in mediating the processes by which the common good is created. These are no longer solely *bottomup* (realization of the common good though movements that corne from below) and *topdown* (the creation of the common good by the State and then spreading downwards to the grassroots), but are also horizontal and lateral processes that depend neither upon the State nor upon the Market.

Since the common good is not the result or the sum of the individuals' actions, we need a conceptual framework in order to understand properly the very fact that it is a reality exceeding individuals and their products. On the other hand, it is not an "already given whole", possessing inner properties and powers, making it indivisible and not commodifiable. It has an ontological status by virtue of its fruits because, without the common good, those fruits could not exist. But people can always make it divisible and commodifiable. When they do so, they destroy the common good and consequently the community ceases to exist.

The common good belongs to that reality which is relational in character: «life in its true sense…is a relationship»[9].

Social dynamics continuously both create and destroy common goods. Within modernity, those processes which have become detached from social relations have made the destructive forces more powerful than the creative ones. But, at the end of Western modernity, in what I call an after-modern society or `relational society'[10] (which is a critical view of what some scholars call `reflexive modernization'[11], and is synergic to what Archer calls `morphogenetic society'[12]), the opposite may occur: society can make inalienable what was

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[8] I must point out that a social body or a social network, *per se,* is not necessarily civil and relational. In the relational approach (see Donati 2011), networks are always intended to be networks of relations (and not networks of material objects or simply `nodes') and, therefore, since a social relation implies a reciprocal action, what I call networks are to be understood as `relational networks' (for instance, from the sociological point of view, 'a gift' must be understood not as 'a (material or non-material) thing' freely given to somebody which links two or more persons, but as a social relation inscribed within a network of free giving-receiving-reciprocating actions which relate a complex chain of actors to each other). That's what distinguishes my critical (and relational) realism from others (viz. Dave Elder-Vass 2007), to whom social relations are understood as `real' structures (as in the relation between two atoms of hydrogen and one of oxygen in a molecule of water). Social reality is ontologically different from material (physical, chemical, biological) reality. And therefore relations are made up of a different stuff (which implies a different concept of `structure'). The terni "civil societarian" can be explained in the following way. A *Civil Societarian* strongly supports the institutions of civil society. These include families, corporations, religious groups, private schools, charities, trade associations, and the other peaceful, voluntary collective organizations that promote our individual and collective well-being in so far as they are relational networks. These are the civil societarian networks to which I am referring. The stereotypical libertarian might cite Ayn Rand and exalt the independent individual. Instead, a civil societarian would cite Alexis de Tocqueville, and his observation that democracy is based upon people who, whatever their age, social conditions, and persona] beliefs, constantly forrn associations. These voluntary associations are what a civil societarian sees as the key to civilization. Government may contribute to civil society, but it also intrudes on it. The means of avoiding colonization is precisely to appeal to the principle of subsidiarity. Jean-Jacques Rousseau's theory of the General Will serves as a good contrast to the civil societarian's view.

[9] Cf. Benedict XVI, Encyclical *Spe Salvi,* n. 27.

[10] I introduced the terni `relational society' since 1986 (Donati 1986).

[11] See U. Beck, A. Giddens, S. Lash (1994).

[12] See M.S. Archer (1995, 2012).

actually divisible and marketable, namely it can generate a new and novel common good.

Empirical processes are always reversible, at least in principle if not as a matter of fact (this is what sociology means when it says that society is becoming more and more complex along with higher-order cybernetic processes). In any case and in concrete terms (i.e. ones not restricted to a metaphysical notion of common good), it can be seen that in human society there are a variety of common goods: there are nonnegotiable common goods and others that, under some circumstances, may be subject to considerations of utility or convenience.

How is it possible to trace these distinctions?

To trace the distinction between the common goods which can be made negotiable (e.g. some natural resources) and those which are not negotiable in any way (e.g. human dignity and peace) is the task of a relational vision of the common good.

Let us make this claim clearer by introducing a basic argument. The first common good is the dignity of the human person, which is — at the same time - also the basis of any further common good. In this apparent circularity lies the solution of self-paradoxes of the postmodern thought (for instance, J. Derrida, N. Luhmann)[13], according to which the common good is a paradox basing on unsolvable paradoxes. It is a fact that the human dignity of a single person cannot be violated without all the surrounding community suffering because of this. To violate human dignity means to wound the possibility of pursuing the common good from the start.

But what is human dignity? What can be or cannot be negotiated within it?

Human dignity is not a quality that individuals may individually own and upon which they can individually decide. On the other hand, neither is it the sum (the aggregate) of a quality pertaining to all members of a community. It is something coming before them and going beyond them. It is something that they enjoy without being able either to divide or to alienate it.

The dignity of the human person, if considered as a common good, shows us that such a quality is not an individual one, but it is connected and inherent in the relations of the person with the whole creation.

Prior to all else, the good is common thanks to its dignity. And dignity is a quality that cannot be circumscribed and limited to a single individual (qua isolated monad), but spreads to the relations in which the individual expresses him/herself, where it is preserved and where it flourishes. The family, for instance, is a common good if and because it is seen as a specific relation realizing the dignity of the human person.

So we corne to see the moral dimensions of the common good, ones which trespass beyond its concretely expressible dimensions (material and non-material).

The moral dimensions signal that the common good is a relational good, which is legitimated by the foundational criterion of human dignity.

In brief: the common good is neither a 'collective heritage' that may be expressed concretely in an entity separate from the human person, nor an aggregate of individual goods (in that case, we call it the collective good or the good of the totality).
It is something that belongs, at the same time, *to all the members of a community and to each of them, as it resides in the quality of relations amongst them.*

This is the basic principle upon which new 'civil constitutions' can be built up at both the national and supranational level, according to the networking and polycontextural character of a globalized society[14].

As regards the social sciences, it is here that the principles of subsidiarity and solidarity corne into their own. In fact, only a relational theory can represent the common good as an

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[13] See G. Teubner (2001).
[14] See Teubner (2005).

emergent consequence of the combined actions of subsidiarity and solidarity. By working together, they can lead to the recognition and enfoncement of the human rights which are to be constitutionalized in the civil constitutions. From such a relational vision it is possible to differentiate the negotiable from the non-negotiable common goods. The task of discovering and understanding the relational character of the common good has just started and must be further and more thoroughly analyzed in the future.

4. A relational definition of subsidiarity and solidarity.

In current debates, a variety of definitions of subsidiarity, as well as of solidarity, is used. The list is very long and there is no need to itemise it fully now.

For example, subsidiarity has been defined as follows: as entailing proximity to the subjects concerned or, according to the organizational dimension, as devolution, privatization, articulation of citizenship rights, multilevel governance, and so forth. Many different types of subsidiarity have also been delineated: vertical and horizontal, defensive and promotional, relational and reflexive subsidiarity, circular and strengthened subsidiarity, and so on. Solidarity, in its turn, has been conceived of as: redistribution, beneficence, charity, social welfare benefit, social interdependency, etc.

What I want to point out here is that to conceptualize these two terras (subsidiarity and solidarity) properly, we need not only to employ them together, but also to *define them in relation to one another.* That is exactly what the relational approach does. It claims that, considered in their social phenomenology, *common goods are the products of those action systems that have human dignity as their value model* (referring not only to the individual as such, but also to his or her social relations) *and which operate through social forms that are both solidary and subsidiary among the subjects concerned.*

The relational definition of the common good leads to a relational vision of the principles of subsidiarity and solidarity, meaning that subsidiarity and solidarity are seen as two ways of relating to others, both of which acknowledge the dignity of the Other.

Solidarity is a relation of Ego with Alter, in which both do what they can in relation to the responsibility that everyone has towards the common good. Solidarity means that all play their own part, according to their capabilities. Subsidiarity means to relate to the Other in a marner that assists the Other to do what he or she should, according to a relational guidance system of action[15]

These two principles should generally operate *together* (co-operate) because, if they do not, no common good will be generated. At the same time, it is clear how one is defined in terras of its relationship with the other. If Ego wants to help Alter without oppressing him or her, then *subsidiary and solidary* must co-exist between them. Subsidiarity (the very fact that Ego wishes to help Alter to do what Alter has to do) requires an act of solidarity. In this case, solidarity is neither (unilateral) beneficence nor charity, but the assumption and practice of the joint responsibility that both Ego and Alter must have towards the common good (this is also the meaning of solidarity as interdependence, which is still valid when one party cannot give anything material to the other party).

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[15] A relational guidance system of action is needed in order to avoid the fallacy that subsidiarity presupposes a "normative approach" governing the giving of assistance. When I say that subsidiarity means that Ego helps the Other to do what s/he has to (or must) do as a *suum munus,* I do not imply that Ego dictates the norms of conduct to Alter, by providing him or her with a sort of Decalogue. In that case Alter's internat and external reflexivity would be impeded (Donati 2011, ch. 6). On the contrary, relational guidance means that Ego acts as a stimulus to the internai and external reflexivity of the Alter, since all the needs, desires, and projects of Alter should be met by supporting him or her to develop their own capabilities, aspirations, concerns, etc. through an evolving relational setting in which Ego is charged with the task of ensuring that the goals selected are ethically good and that the means chosen are adequate to the pursuit of these goals.

The common good is therefore the fruit (the emergent effect) of *reciprocity between solidarity and subsidiarity,* as implemented by Ego and Alter in their mutual interaction.

At this point, one can now appreciate the importance of the claim that the common good is the fruit of reciprocity understood as the rule of action, which stems from the spirit of free giving. Reciprocity exists in society as an irreducible phenomenon, since it is neither a sharing of utilities *(do ut des:* such a form is appropriate to contracts and the sharing of equivalents, as Alvin Gouldner has claimed[16]), nor an exchange of gifts to end up a circle of vendettas (as Mark Anspach argues[17]), in a mimetic and sacrificial way, ultimately serving to underline the sense of belonging to a common tribal entity. *Instead, reciprocity is a mutual helping, performed in a certain way. In other words, reciprocity is help concretely given by Ego to Alter in a context of solidarity (that is, one of shared responsibility and recognized interdependency), i.e. such that Ego is aware (recognizes) that Alter would do the same when required (namely, Alter would assume his/her responsibility within the limits he or she can afford) when Ego needs it.*

Reciprocity is upheld and is effective as long as it is firmly grounded upon a recognition of the dignity of the Other. The common good takes root in the human person precisely because it exists and derives its meaning from serving the other person in his/her dignity.

Upon these premises, we can understand the specific configuration of the action system generating a common good. The relation between the human person and the common good is the referential axis, which is needed to link that which has an inalienable dignity in itself with the situated (i.e. particular) relational good in a given context. To become operative, an action system oriented towards the common good also needs means and rules, which must complement the value of human dignity. Only such an action system can avoid both holism and individualism What enables the action system for the *situated* common good (namely a concrete common good that must be produced here and now, context after context, situation after situation) to work in this way are the two principles of subsidiarity and solidarity. They have the task of specifying the means and rules of the acting 'system'. Without them, the common good could not actually be generated.

Thus, it may be stated that *the common good is the emergent effect of an action system operating under the "combined provisions" of subsidiarity and solidarity to increase the value of the dignity of the human person.*

The principle of subsidiarity is an operating instrument. It is not to be confused with the principle of competence attribution (the distribution of *munera).* The distribution of tasks lies on the axis that connects the dignity of the human person to the common good.

Subsidiarity is a way to supply the means, it is a way to move resources to support and help the Other without making him/her passive. Subsidiarity allows the Other to accomplish his/her tasks, namely to do what he/she should do, what is up to him/her and not to others *(munus proprium).* Instead, solidarity is a sharing of responsibility, operating according to the rule of reciprocity.

In fact, providing means, resources, aid and benefits to Alter could have the consequence of making him dependent on Ego, or of exploiting him for some other purpose. That is why subsidiarity cannot work without the principle of solidarity. Through it, Ego recognizes that, when helping Alter, there is a responsibility (shared with Alter), that is, Ego and Alter are linked by their interdependence on one another —and interdependency is viewed as a moral category according to the encyclical *Centesimus Annus.*

The above framework serves to explain why the common good does not coincide with justice.

Certainly, the common good is a luse good. Justice is a means to reach the common good (being its aim). However, by itself, justice runs the risk of being purely legal. What makes

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[16] See Gouldner (1960).
[17] See Anspach (2002).

it "substantial" (or rather "fully adequate") is that its constitutive criterion *(suum cuique tribuere)* works through the connection between subsidiarity and solidarity. For instance, the person committing a crime must be sanctioned because he/she has violated the common responsibility (solidarity), but the sanction must not have a merely punitive or revengeful aim. Its objective should be to assist the guilty person to do what he/she has to, namely, to re-establish the circuit of reciprocity.

If an act of solidarity towards those who commit a crime is not subsidiary to them (in order to have them re-enter the circuits of social reciprocity) it would not be a right action. Solidarity by itself does not produce the common good: quite often, it becomes pure charity or the kind of egalitarianism that does not take real differences and diversities into account, not to speak of cases where solidarity can lead to real `bads' or evils.

On the other hand, neither does subsidiarity alone produce the common good. In itself, subsidiarity may easily be interpreted in a reductive way as *devolution,* as a system of balancing powers *(check-power-check)* or, at worst, as *laissez-faire.*

Justice generates the common good only if it works through an active complementarity between solidarity and subsidiarity. We must remember that, in keeping with the social nature of man, the good of each individual is necessarily related to the common good, which in turn can be defined only in reference to the human person. This is the reflexive imperative inherent to human life: "Do not live entirely isolated, having retreated into yourselves, as if you were already justified, but gather instead to seek the common good together" (Epistle of Barnabus).

In short: the common good is that relational good stemming from the fact that Ego freely recognizes the dignity of what is human in Alter and he/she moves through actions which jointly invoke solidarity and subsidiarity towards Alter. The common good of a plurality of subjects is generated on the assumption of the equal moral dignity of persons as an emergent effect of actions combining reciprocity (incident to the principle of solidarity) with the empowerment of the Other (incident to the principle of subsidiarity).

Important consequences follow from all that for the configuration of society.

5. Implications for the relationships between world public authorities and an international civil society.

The relational understanding of common good leads to various implications for society's organization, beyond the *lib-lab* configuration typical of the 20th century.

(I) Firstly we see that *the common good coincides neither with the modern nation-State,* nor with the State-Market compromise, but it is the product of a system of social action, involving a plurality of subjects orientating themselves one another on the basis of reciprocal solidarity and subsidiarity. This plurality includes international actors outside the State (world public authorities like UNO, NGOs, etc.) and civil organizations inside it. It is precisely this new network structure of the nation-State that changes its modern constitution and makes the identification of the common good with the State different from the past.

(II) Secondly we see that *subsidiarity does not concern only the vertical relations* existing in a society, conceived of as a pyramid sloping downwards from the supranational (world public authorities, supranational communities linking in many different ways a set of nation-States such as the EU or Mercosur) to the national level (State, regions, municipalities), to the family and to the human person. Such a version
of subsidiarity is quite limited and is fit only for the hierarchic relations of the political, administrative system (that is why it is called *"vertical* subsidiarity").

When we affirm that subsidiarity means that responsibility is taken Gloser to the citizens *(subsidiarity means having responsibility at the actual level of actions),* generally we refer to that kind of (strict, defensive, vertical) subsidiarity defined by Pius XI in *Quadragesimo*

Anno n. 80. All instances are not of this kind because the idea of closeness to citizens implies other ways in which subsidiarity may operate:

(a) there is a principle of subsidiarity between State and organizations of civil society (for instance municipalities and voluntary organizations) termed *"horizontal* subsidiarity", since public authorities and third sector organizations must cooperate on a symmetrical basis; and

(b) there is a principle of subsidiarity among the subjects of civil society (for instance, family and school; between an enterprise and the employees' and clients' families, etc.) which may be called *"lateral* subsidiarity", since it is implemented only by civil entities.

Only by having a generalized idea of subsidiarity is it possible to differentiate its different modalities (vertical, horizontal and lateral). This general concept is that of *relational* subsidiarity, which consists in helping the Other to do what he/she should. Such a generalized concept is then developed vertically, horizontally and laterally, according to the nature of problems and subjects at issue.

(III) Thirdly, as was the case with subsidiarity, solidarity too can take various shapes. There is solidarity that is generated through redistribution, but also through free giving, through solidarity contracts or through reciprocity. Solidarity as a sharing of responsibility within interdependency is its more generalized meaning, namely, one always effective as a value model, but defined in different ways according to subjects and circumstances.

In brief, the relational approach leads to an understanding of what is meant by saying that global society can and must *extend* and *enlarge* the concepts of subsidiarity and solidarity, making them work relationally.

To extend those two principles of social action means to be able to generalize and differentiate them at the same time, though always treating them in combination.

Hence, for instance, to extend subsidiarity means having a generalized concept (relational subsidiarity) structured in its different modalities (vertical, horizontal and lateral) and applied at different times and places, according to the performative exigencies of the various social spheres involved and of their actors. Exactly the same goes for solidarity. Thus, we can conceptualize a generalized system for the creation of common good through the extension of the solidary-subsidiary relationship.[18]

The norm of reciprocity nourishes recourse to the subsidiary-solidary relation (complementarity between subsidiarity and solidarity) among distinct, varied and differentiated spheres, such as: (i) at the international level, the networks among nation-States, NGOs, LINO; (ii) at the national level, enterprises and trade unions, local political-administrative institutions, volunteers' organizations and other third sector organizations.

Nonetheless, reciprocity needs a reason to be activated (who gives first?). In fact, the "structural coupling" of the various spheres being distant and different from one another, and probably scarcely disposed to create subsidiary-solidary relations with each other (i.e. a local government and an organization for mutual aid, an enterprise and the employees' families, etc.), means that there is a need for a free act of recognition (a "gift") to kick-start the mobilization of solidarity and to direct it towards subsidiarity. A symbolic, though rare, case is that of an enterprise not only activating *family friendly* services for employees, but conceiving more widely of professional work as being subsidiary to the family rather than the contrary (it is called `corporate family responsibility').

An international society that, because of its organization, is inspired by the common good must extend its subsidiary-solidary relations throughout all spheres of life — inside them and between them.

It is clear how such a configuration differs from all those theorized in the modern

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[18] The four dimensions of subsidiarity (situated goals, means, norms, values) must, and in fact do interact and work together if we want to get out of the Modern System which is now producing a deficit, instead of an increase, of common goods (as relational goods) in education (for an empirical investigation see: P. Donati, I. Colozzi (eds.) (2006), health care and many kinds of social services, particularly family services (Donati, Prandini eds. 2006).

age, starting from T. Hobbes to F. Hegel, K. Marx and the great theorists of the welfare state of the twentieth-century, to the current *liblab* structures. The *liblab* welfare systems do not take their inspiration from the model of systems oriented towards the production of common good through the principle of subsidiarity combined with that of solidarity. Instead, they are based on the compromise between Market and State (profit & political power), i.e. they stand on two legs: the one, individual liberties to compete in the market, the other, state interventions to ensure equality of opportunities for all. This applies to the national as well as international scale.

It should be underlined that the relational model of common good is necessary today not only to solve the failures of the combination 'State + Market'. It is not a model simply understandable in terms of better evolutionary adaptation. It stems from a new "relational anthropology of civil society", that is from a new way to practise human reflexivity in civil relations (those which are not "political" because they *do not* refer to the political-administrative system, though not excluding it, but even less are they reacting against it).

After these considerations, we may be in a better position to point out the implications of the relational theory of the common good for configuring the relations between public authorities and civil society in a new way at the national as well as international level.

The discontinuity with the past does not imply any need to revise the keyconcepts (person, subsidiarity, solidarity, and the common good). Instead, the discontinuity affects the interpretation and implementation of such concepts, which is *no longer functionalist in kind.*

In the context of the functionalist approach, the common good is a state of affairs that, other things being equal, improves the position of at least one participant. It does not require solidarity, not to mention reciprocity. It says nothing about human dignity. Subsidiarity is used to refer to a kind of *smooth functioning.* Solidarity is understood as resulting from social compensation (redistribution, charity), necessary in order to make the system work.

In the context of the relational interpretation, the common good is *a quality of relations* on which the concrete *goods* (in the plural) of the participants in a given situation depend, that is, the goods of everyone and of all those belonging to a community, according to their different needs.

In short: the political system, from the supranational to the local one, has four ways to relate to the civil society:

- a vertical modality, maintaining solidarity through re-distributional measures;
- an horizontal modality, supporting the organizations of civil society through a type of relational contract, called "contracta of social solidarity", not dependent upon political command and not oriented to mere profit, but operating on the basis of mutual subsidiarity;
- a lateral modality, generating subsidiarity among subjects of civil society, without any intervention (or only a residual one) by the state, so that the basic social norm followed by actors is reciprocity (reciprocal subsidiarity) instead of (political, legal) command or monetary equivalence (for profit);
- a generalized relational modality simply recognizing the dignity of the Other and giving him/her the gift of such recognition, thus establishing the free credit that sets reciprocity in motion.

Such a configuration seems to be able to produce common goods far beyond that of current configurations, where public authorities relate to civil society as an absolute power (Hobbes' Leviathan), or as an ethical State (F. Hegel), or as an expression of the hegemonic forces of civil society (A. Gramsci), or as the political representation of the Market (R. Dahl).

In such a `relational' configuration, the Third sector (non profit organizations) and the Fourth sector (constituted by informal primary networks and families, let us think for example of international adoption of children) play a central role, precisely because they are moved by free giving and reciprocity. These two sectors are put in a position from which to express their potentialities (namely to develop their own *munera)* precisely because they are not treated as residual subjects, as if they needed only aid, rules and control by the complex of the State + Market.

Third sector organizations and voluntary associations become social actors with their own powers, independent from State and Market. Concrete instances are: the international federation of the *community foundations* widespread in many Countries, the COFACE at the EU level, many international NGOs and cooperative networks.

6. A new subsidiary order suited to a globalized society.

Is it possible that these new actors, generating common good through the conjoint work of subsidiarity and solidarity, can indicate a generalized model of action for the governance of globalizing society?

On the whole, this seems to be the case. In fact, in the 21st century, society is no longer pyramidal or hierarchical, but reticular and self-poietic in its structures and in its morphogenetic processes. Given such structures and processes, common goods are produced more effectively, efficiently and fairly through modalities based on networking through subsidiarity and solidarity, rather than ail outcomes depending upon the primacy of command and/or profit (as in *lib-lab* systems). Concrete instances are: fair trade, NGOs for health assistance in developing Countries, and the novel "epistemic communities", transferring knowledge and learning outside commercial circuits.

The main problem is represented by the political system, which is now incapable of representing and governing civil society at both the national and international levels. The latter enhances its developmental potentials far beyond the ruling and controlling abilities of political systems, be they local, national or supranational ones. In some cases, in fact, political systems are seen to be perverting civil society, because they introduce ideological and interest divisions characteristic of the political parties, rather than directing civil actors towards the promotion of the common good.

So far, the principles of the common good, subsidiarity and solidarity have been expressed in the context of the *political constitutions* of nation States, with supranational political systems — such as the EU — on the horizon. But the age dominated by the political constitutions of nation States is disappearing (it survives only in those areas which have yet to pass through it, such as the former Yugoslavia, the Balkans, and some geopolitical areas of Africa and Asia). Nation States cannot govern the global social context. Nor we can think of the UNO as a supranational State. To cope with globalization, new political configurations are necessary on a supranational and infra-national level, and it can be useful to draw on the principles of subsidiarity and solidarity in order to envisage them. These principles must be interpreted from a new perspective — no longer that of nation States, but rather of an emergent global civil society, which is not limited or bound to the frontiers of the nation States any longer.

The idea is growing that these principles can form the basis of action systems able to generate common goods and elaborate and promote the rights/duties of persons through the networks of civil society, which are now emerging from the processes summarized as globalization. This it is the theme of *civil constitutions.* It has to do with *charters* or *statutes* drawn up by civil bodies, rather than by the political apparatuses of nation States, ones which regulate the actions of the civil subjects who operate in a certain sector of activity. These activities may be economic, social, and cultural ones including the mass media. Some examples are found in the statutes of the ILO and WTO, internationally proscribing child

labour, or in the Charters of international organizations approved by journalists, forbidding the exploitation of children in TV advertising.

Civil constitutions are normatively binding and have the following features. i) They are `constitutional' because they concern the fundamental rights of the human person (e.g. bioethics, labour and consumption). ii) They are civil because the social subjects, to whom these constitutions are addressed in order to define a complex of rights and duties, have a civil, rather than a political character (they are not the expression of political parties or political coalitions, but of the associational world in the economy and in the non-profit sectors, e.g. WTO, NGOs, etc.). iii) They give shape to deliberative, rather than representative, forms of democracy, since the social subjects to whom civil constitutions are addressed (and applied) are, at the same time, the subjects that have to promote them through forms of social (`societarian') *governance* (based upon open co-ordination), rather than political *government* (based upon power directivity). In other words, the subjects of such constitutions are at the same time the bearers *(träger)* of rights and duties and the actors responsible for their implementation.

These civil constitutions are quite independent from territorial boundaries because they are elaborated and implemented by global networks, often international ones, made up of civil subjects. Thus, they place themselves alongside (not against) the classical political relation of citizenship (namely the relation between the individual citizen and the nation State), by assuming certain functions, particularly those concerning the advocacy and empowerment of the rights/duties of persons and of social bodies.

This is the new scenario that renders obsolete the old *liblab* configuration of society. Social sciences have coined several terms to capture this new reality. They talk of "connectivity", of a "society of networks" or "network society" (Manuel Castells), of "project-cities" (Luc Boltansky and Eve Chiapello), of "atopia" (that which does exist anywhere geo-locally), instead of utopia (that which exists nowhere) (Helmut Willke). We talk of a "relational society".

All those expressions point to the advent of a society that is a plural whole made up of different spheres, which are all now de-territorialized, where different criteria of justice (and ultimately of justification) are valid.

The "pluralization of spheres of justice" spreads without solving the problem of how to put the more and more differentiated spheres of justice in relation with one another (a problem actually left unsolved by Michael Walzer)[19]. To confront that problem requires a "relational reason"[20] that is capable of exercising "metareflexivity"[21].

From that point of view, the principles of the social doctrine that would configure a social system, capable of generating the common good, appear to be exactly what is needed in order to meet the new demands of a society that is "relational" in new ways.

The mix of subsidiarity and solidarity may lead to building up social practices that, on the one hand, are sensitive to basic human rights and, on the other, are able to generate those common goods that neither political command, nor the economic profit motive can realize.

There are many examples of social practices reflecting, or acting as pointers to such a new spirit of the new millennium: Lets (local exchange trading systems), the *économie solidaire,* the economy of communion, the local Alliances for the family boni in Germany and now widespread in the European Union member states, the Food Bank, Peer-to-Peer & other forms of electronic giving and sharing, NGOs like Médecins sans Frontières, microcredit run by non-profit entrepreneurs, ethical banks, time banks, and so forth.

It is essential to initiate a new process of reflection to examine whether, how far and in what ways those initiatives are sensitive to human rights and foster the emergence of new common goods through the conjoint operation of solidarity and subsidiarity — each of these

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[19] See M. Walzer (1983).
[20] On the concept of `relational reason' see P. Donati (2009).
[21] On the concept of `meta-reflexivity' see M.S. Archer (2007).

operating within its proper `sphere of justice'.

The task remains of analyzing the concrete examples, mentioned above, in the light of the theory summarized here. Such an analysis should show under which conditions these instances of seemingly "good practice" actually do produce new common goods or not. At the moment, it seems that good practices need a more precise and shared theoretical-practical framework that underlines how subsidiarity and solidarity cannot currently produce common goods if they do not operate as forms of recognition of the dignity and rights-duties *(munera)* of the human person, in the respective social spheres in which they work.

To pursue the common good in a generalized way, we need to widen the scope of reason, namely human thinking has to be able to embrace and to handle the properties of those action systems generating the common good.

In such systems, the subsidiarity-solidarity relation certainly has to play a central role. Nonetheless, there is no doubt that the most delicate and critical dimension concerns the recognition of the human rights, because there is the ever-present risk of ideological or reductive distortions of human dignity.

Contemporary Western culture urgently needs to elaborate a theory of the recognition of human rights, one that does not Jose, forfeit or sacrifice the peculiar quality of the human being. Certainly, modernity expressed strong ethical tensions when elaborating the different forms of recognition based on love (friendship), rights (legal relations) and solidarity (community normativity). Nevertheless, current exemplifications of de-humanization go far beyond the expectations of modemity. There is talk of the coming of a post-hurnan, trans-human, in-human, cyber-human era. There is also talk of the hybridization and metamorphosis of humankind. Those phenomena present such radical challenges as to need a new vision: we have to reconfigure human rights from the point of view of the common good, that is, to *conceive of human rights as common goods.*

A society wanting to pursue the common good in a progressive rather than a regressive (not to say ideological) way must reformulate the criteria of what is human through good practices, i.e. practices which can be called good' insofar as they combine four elements: *the gift of dignity conferred upon the human person, interdependency among people, acting so as to empower the Other, and caring for the relations among persons as goods in themselves* (the common good as a relational good). These elements are relational in themselves and relational to one another.

Each element is a relation endowed with its own 'value'[22] and, at the same time, has to realize itself in relations with others. Each has value in relation to the others, not according to a sequence of "dialectic overcoming" between a thesis and an antithesis that should "unite them while preserving their inner truth without any contradiction with each other" in a utopian "synthesis" (as *Aufhebung).* The common good is not like this. Rather, it is constituted by and constitutes relations (reciprocal actions!) combining to generate the common good in the various social spheres — which now endorse more and more differentiated and plural criteria of justice and worth.

7. Prospects: a new frontier for the subsidiarity principle.

Our globalizing societies need pointing to some process whose workings amplify *solidarity* and *subsidiarity* simultaneously, thus enabling the common good to be augmented. I suggest to find the key linking the two in the concept and practice of *reciprocity.*

Reciprocity cornes in to its own as a `starting mechanism'. In so doing, it solves a problem encountered in studies of participation in voluntary associations. It is regularly

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[22] Value here means its own criterion of assessment according to its own directive distinction, which is contained in the latency dimension of the social relation.

found that membership of them increases trust, of fellow members and in general, and trust is the common denominator of *solidarity*. Yet, where does the impetus corne from to develop voluntary associations in the first place?

The role of *reciprocity* as a 'starter motor' has long been recognised. Cicero wrote that 'There is no duty more indispensable than that of returning a kindness', and added that 'all men distrust one forgetful of a benefit'. However, *homo reciprocus* has often been and often is subject to a one sided accentuation (actually a distortion) of his contributions and their consequences.

For example, Marcel Mauss saw reciprocal gifts as underwriting exchange relationships and, thus, inexorably leading to the Market and its *ahuman* principles. Conversely, Alvin Gouldner viewed *reciprocity* as a generalised social norm, stabilised by a 'mutuality of gratifications' (a *'do ut des'* relationship) and socially stabilising in its turn. However, such 'mutuality' was always at the mercy of force which, in turn, undermined *reciprocity* and replaced it by relations of coercion. Note, that neither view can sustain an active view *of justice* (law working for the common good), for in the two cases Law would serve respectively to reinforce market relations and power relations.

Some notions, seemingly cognate to or substituting for *reciprocity,* actually break away in the same two directions — towards market relations or towards power relations. Thus, many reductionists interpretation of 'social capital' (mostly economic and political theories) tend to assume that even the most *Gemeinschaft-like* groups are based upon 'interese, whose advancement (or defence) involves exchanges with other forms of capital and thus entails a commodification of persons which is antithetic to *solidarity* and *subsidiarity* alike. Conversely, strict Communitarianism, as its liberal critics suggest, seeks to combine the virtues of fraternity with the vices of intolerance.

Reciprocity is linked to free-giving. *Reciprocity* can only be the key link between *solidarity* and *subsidiarity* provided that it retains its own linkage to free-giving — based upon affect, concern and involvement in the lives and well-being of others.

There appears to be sufficient impetus towards free-giving in our populations (for example, organ donors or blood donors) that fuels *reciprocity* as a process that is independent of a norm and expansionary rather than degenerative. Crucially, for our times, the free-giving, without search for material benefit or control, evidenced on the Internet — a neutral medium, also exploited for both other purposes — is a practical exemplification of (virtual) *solidarity* and effective *subsidiarity* that works *because* of *reciprocity* and could not work without it.

It is *reciprocity* that also results in an upward spiral, which reinforces *solidarity* because more and more of the human person, rather than just their labour power and intellectual skiils is invested in such agencies as voluntary associations — rendering their contributions ones that cannot be commodified or commandeered (e.g. dedicated child care, care of the aged, or living in an eco-friendly manner). It is an upward spiral because: (a) there is a development of mutual obligations and practices of mutual support; (b) there is an extension of friendship' (in the Aristotelian sense); (c) there is tendency for social identity increasingly to be invested in such associations.

Hence, the seeming paradox of the third millennium that *Gemeinschaft* can develop from *Gesellschaft —* as the solution to many problems that modernity could never solve, since they can be dealt with only through a combination of subsidiarity and solidarity (Donati 2011, ch. 7).

Justice should promote the common good. *Subsidiarity* requires both legal protection and mechanisms for just correction. Otherwise and regardless of being buttressed by internai *solidarity* it can be taken over by other forms of control and guiding principles or fragment through the crystallisation of sectional interests.

Thus, on the one hand, there is a need for protection by a form of justice differentiated for different spheres of society, according to criteria appropriate to them. Most obviously, the Third Sector' requires protection from incursions from the states, beyond those measures ensuring probity in the conduct of their affairs.

On the other hand, *subsidiarity* entails allocation, but of itself neither the `third sector' nor classical definitions of justice give sufficient guidance about what is due to each social subject or human group. Without the articulation of such a theory, grievances can accumulate and hierarchies with distinct material interests become dominant, such that no common good can really be achieved.

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